



Controlled Wood Extended Company Risk assessment

DEVELOPED BASED ON THE STANDARD *FSC-STD-40-005 V3-1 Requirements for Sourcing FSC Controlled Wood*

Date of preparation:	19-07-2021
Date of the last review:	02-09-2022 - Version 0
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Responsible staff and email address: Entity developing risk assessment	Vakabuli Village Road, Drasa, Lautoka, Fiji Fiji Pine Limited - Vakabuli Village Road, Drasa, Lautoka, Fiji Tropik Wood Industries Limited - Vakabuli Village Road, Drasa, Lautoka, Fiji Tropik Wood Products Limited – Processing Site - Wairiki
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Area(s) under assessment:	Viti Levu & Vanua Levu

Extended company risk assessment performed for supply area(s) or part thereof not covered by an approved FSC™ risk assessment.

1. Extended company risk assessment

Area under assessment: Viti Levu & Vanua Levu

Country: Republic of Fiji

Geographic area covered by the assessment: Viti Levu & Vanua Levu

Are maps of the sourcing area provided? Yes No

Refer to the Pine Landowner Information System at Fiji Pine Limited

Risk designations in finalized Extended Company Risk Assessment Fiji Pine Group

Indicator	Risk designation (including functional scale when relevant)
Controlled wood category 1: Illegally harvested wood	
1.1	Low risk
1.2	Low risk
1.3	Low risk
1.4	Low risk
1.5	Low risk
1.6	Low risk
1.7	Specified Risk. Low risk for Plantation.
1.8	Low risk
1.9	Specified risk (related to protection of environment)
1.10	Low risk
1.11	Low risk
1.12	Specified risk (relates to labour rights and discrimination)
1.13	Low risk
1.14	Low risk
1.15	Low risk
1.16	Specified risk low risk for softwood plantation under license. (Relates to tax payments)
1.17	Specified Risk. (Relates to transport documents)
1.18	Low risk
1.19	Low risk
1.20	Specified risk, Low risk for plantations
1.21	Low risk
Controlled wood category 2: Wood harvested in violation of traditional and human rights	
2.1	Low risk
2.2	Specified Risk
2.3	Low risk
Controlled wood category 3: Wood from forests where high conservation values are threatened by management activities	

3.0	Specified risk. Adequate information is not available to establish the risk for all HCV categories. This means that all section 3 is Specified risk.
3.1	Specified risk
3.2	Specified risk
3.3	Specified risk
3.4	Specified risk
3.5	Specified risk
3.6	Specified risk
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use	
4.1	Low Risk
Controlled wood category 5: Wood from forests in which genetically modified trees are planted	
5.1	Low Risk

Indicator (applicable legality categories and sub-categories)	Sources of information ²⁵	Risk determination and specification <small>(if not low risk)</small> Provide numbers of thresholds ²⁶ that are met. JUSTIFY THE OUTCOME <small>(for each threshold).</small>	Functional scale ²⁷	Control measures
(1)	(2)	(3)	(4)	(5)

General	<p>Chatham House: http://www.illegal-logging.info/;</p> <p>(http://www.globalforestregistry.org/).</p> <p>https://fijisun.com.fj/2019/06/12/legislation-fix-set-to-curb-illegal-logging/</p> <p>https://www.fbcnews.com.fj/news/illegal-harvesting-adding-to-black-economy/</p>	<p>Chatham House runs an assessment, which began in 2006, covers 19 countries: nine tropical forest countries and 10 countries which are processors and consumers of tropical timber.</p> <p>These countries were selected on the basis of their importance in the world's forest sector as producers, processors and consumers of timber and paper products</p> <p>The assessment has no country specific information on Fiji.</p> <p>The Global Forest registry References laws governing Fiji's forestry industry being changed to curb illegal logging practices, which have been damaging forests and reducing revenue for resource owners. 2019</p>		
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	<p>Environmental Investigation Agency: http://www.eia-international.org;</p> <p>Forest Legality Alliance: http://www.forestlegality.org/;</p> <p>Royal Institute of International Affairs: http://www.illegal-logging.org</p> <p>World Bank Worldwide Governance Indicators: http://data.worldbank.org/data-catalog/worldwide-governance-indicators</p> <p>:</p> <p>https://www.cia.gov/library/publications/the-world-factbook</p> <p>https://carleton.ca/cifp/failed-fragile-states/</p>	<p>In an article related to native forestry 2019 it was noted:</p> <p>Much of the illegal harvesting, unsustainable practices and excessive logging in Fiji’s timber industry have not been recorded over the years.</p> <p>Permanent Secretary for Forestry Pene Baleinabuli says forestry makes significant contributions to the economy however much of this is not recorded legally.</p> <p>The Environmental Investigation Agency notes nil deforestation associated with Fiji.</p> <p>The Forest Legality Initiative is a multi-stakeholder project led by the World Resources Institute.</p> <p>Our goal is to reduce illegal logging through supporting the supply of legal forest products.</p> <p>For Fiji they notes:</p> <p>Log export ban in place since 1997. Certain wood and wood products are prohibited for export unless the specified requirements of the Prohibited import export regulations are met.</p> <p>Fiji is an ACP-FLEGT Country</p> <p>The Programme’s specific objective is to tackle illegal logging, promote trade in legal timber products and ultimately contribute to sustainable forest management (SFM) and poverty reduction.</p> <p>World Bank Worldwide Governance Indicators (WGI) project constructs aggregate indicators of six broad dimensions of governance:</p> <p>Voice and Accountability Political Stability and Absence of Violence/Terrorism Government Effectiveness Regulatory Quality Rule of Law Control of Corruption</p> <p>Estimate Estimate of governance (ranges from</p>		
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approximately -2.5 (weak) to 2.5 (strong) governance performance)
StdErr Standard error reflects variability around the point estimate of governance.

NumSrc Number of data sources on which estimate is based

Rank Percentile rank among all countries (ranges from 0 (lowest) to 100 (highest) rank)

Lower Lower bound of 90% confidence interval for governance, in percentile rank terms

Upper Upper bound of 90% confidence interval for governance, in percentile rank terms

Scores for Fiji are as follows.

2019 Voice and accountability

Estimate	StdErr	NumSrc	Rank	Lower	Upper
0.09	0.16	5.00	50.74	39.90	59.11

Political Stability and Absence of Violence/Terrorism

Estimate	StdErr	NumSrc	Rank	Lower	Upper
0.87	0.29	3.00	77.62	59.05	94.76

Government Effectiveness

Estimate	StdErr	NumSrc	Rank	Lower	Upper
0.20	0.35	2.00	61.06	38.46	75.00

Regulatory Quality

Estimate	StdErr	NumSrc	Rank	Lower	Upper
-0.22	0.29	3.00	45.67	24.52	63.46

Rule of Law

Estimate	StdErr	NumSrc	Rank	Lower	Upper
-0.03	0.30	4.00	52.88	32.21	66.83

Fiji is a party to and has ratified the following international agreements relevant to forest management: Convention on Biological Diversity, Ramsar, CITES, ITTA (1983 and 1994), Kyoto Protocol, United Nations Convention to Combat Desertification, and UNFCCC (Source: <https://www.cia.gov/library/publications/the-world-factbook>; accessed 17 – May – 2012).

		<p>Fiji is also a party to: UN Convention on World Culture and Natural Heritage – National Trust, Bern Convention on Intellectual Property Rights (traditional and environmental knowledge), Convention on Persistent Organic Pollutants, Convention on Conservation of Nature in the South Pacific, The Forest Principles (1992) under the United Nations Environment Programme, Rio Declaration on Environment and Development, Convention on Conservation of Natural Resources in the South Pacific (Apia Convention), and Convention on Protection of Natural Resources and Environment in the Pacific Region (Noumea Convention or SPREP Convention).</p> <p>Carleton University: Country Indicators for Foreign Policy: the Failed and Fragile States project of Carleton University examines state fragility using a combination of structural data and current event monitoring.</p> <p>Scale is based on a scale of 1 -9. Fiji is above the average and median for all categories.</p> <p>Fiji Pine Group also had Expert Engagements on the development and editing of the DDS and ECRA. Peer review of draft assessment against FSC-PRO-60-002a FSC National Risk Assessment.</p> <p>Local Expert engagements were done for 1.9 in regards to the confirmation to SIA/EIA and HCVF assessments and environmental laws in Fiji.</p>		
<p>1.1 Land tenure and management rights</p>	<p>Applicable laws and regulations:</p> <p>Forest Act</p> <p>iTaukei Land Trust Act 1940</p> <p>Sources:</p> <p>iTaukei Land Trust Board https://www.tltb.com.fj/Home</p> <p>Haniff Tuitoga Pacific Legal</p>	<p>In Fiji, since the independence in 1970, about 87% of country's land has been owned by Indigenous Fijians the government, 4 percent; and the remainder was freehold land held by private individuals or companies. Indigenous land rights have been protected under the constitution.</p> <p>There are indigenous groups called Yavusa/Mataqali which makes groups for ownership for a piece of land.</p> <p>Indigenous land Fiji is classed as iTaukei land and special rules apply in relation to dealings in iTaukei land which are primarily to protect indigenous Fijian's land rights.</p> <p>iTaukei land may only be leased or licensed with approval from the</p>	<p>Geographic Scale: Fiji, Vanua Levu,, Viti Levu Islands</p> <p>Functional Scale, Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>

	<p>Network: https://www.haniffuitoga.com.fj/single-post/itaukei-land-regime-in-fiji</p> <p>ITaukei Land Trust Act 1940 ss 4, 5 & 9 https://www.laws.gov.fj/Acts/DisplayAct/390</p>	<p>iTaukei Land Trust Board which legally control indigenous lands.</p> <p>Under the iTaukei Land Trust Act 1940 (Act) all iTaukei land rights are vested in the iTaukei Land Trust Board (Board) and rights in iTaukei land may not be leased, licensed or transferred without the consent from the Board.</p> <p>Under the Act, specific requirements for forest land are transferred to The Forest Act.</p> <p>Subject to the provisions of the below Acts</p> <ul style="list-style-type: none"> • Crown Acquisition of Lands Act, • The Forest Act, • The Petroleum (Exploration and Exploitation) Act • The Mining Act <p>No native land shall be sold, leased or otherwise disposed of and no licence in respect of native land shall be granted save under and in accordance with the provisions of this Act.</p> <p><i>(Cap. 135, Cap. 150, Cap. 148, Cap. 146.)</i></p> <p>The threshold for low risk has been met at the Geographical scale Fiji, Vanua Levu,, Viti Levu Islands and at the Pine Plantation functional scale.</p>		
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale²⁷ (4)	Control measures (5)
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<p>1.2 Concession licenses</p> <p><i>Legislation regulating procedures for issuing forest concession licenses, including the use of legal methods to obtain concession licenses. Bribery, corruption and nepotism are particularly well-known issues that are connected with concession licenses. (1.2)</i></p>	<p>Sources:</p> <p>Transparency International Transparency.org, (2018). Corruption Perceptions Index 2018 –Fiji.</p>	<p>The Department has the primary responsibility for conducting investigations on any alleged offences of corruption and bribery in accordance with the Act and Prevention of Bribery Act No.12 of 2007.</p> <p>Fiji Independent Commission Against Corruption (FICAC) is an independent anti-corruption watchdog.</p> <p>They report effective prosecutions and no evidence of corruption in the plantation concession licensing system.</p> <p>Corruption Index in Fiji is expected to reach 40.00 points by the end of 2020, according to Trading Economics global macro models and analysts' expectations.</p> <p>In the long-term, the Fiji Corruption Index is projected to trend around 40.00 points in 2021, according to our econometric models.</p> <p>For plantations established legally in Fiji there will be:</p> <ul style="list-style-type: none"> • Legal copy of the “Instrument of Tenancy” Agricultural Landlord and Tenant Act issued by iTLTB to FPL on behalf of the landowning units. Will include Lot information including description, province, area in hectares and iTLTB Reference no. • The lease agreements are for 50 years from date of signing. • Agreement is valid for 2 rotations of planting. <p>The threshold for low risk has been met at the Geographical scale: Viti Levu & Vanua Levu, and at the Pine Plantation functional scale.</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information ²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds ²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale ²⁷ (4)	Control measures (5)
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<p>1.3 Management & Harvesting Planning.</p> <p><i>Any national or sub-national legal requirements for Management Planning, including conducting forest inventories, having a forest Management Plan and related planning and monitoring, impact assessments, consultation with other entities, as well as approval of these by legally competent authorities.</i></p>	<p>Sources:</p> <p>Investment Fiji https://www.investmentfiji.org.fj/resources/uploads/embeds/file/Department%20of%20Forestry%20Harvesting%20(RL)%20Licence.pdf</p>	<p><i>The Fiji Forest Harvesting Code of Practice 2010/2013 (the 'Code') states that:</i></p> <ul style="list-style-type: none"> • The Code shall apply to all harvesting operations in the Viti Levu and Vanua Levu in conjunction with any wood-sales agreement between the owner(s) of wood resources, the buyer(s) and the licensing authority (Forestry Department). • The Code prescribes desirable practices aimed at protecting the forest environment, its assets and its users, while allowing the execution of economically viable operations within acceptable safety standards. • The provisions of the Code are legally binding on all parties and individuals involved in marking, felling, extracting, loading and hauling wood and wood products from all forests in Fiji. • The Code must be used in conjunction with the Harvesting License Procedures issued by the Forestry Department, which lists the processes involved in acquiring a Forest Harvesting License. <p><i>Legal Compliance</i></p> <p>All forest harvesting operations shall be conducted in accordance with the requirements of (or its successor):</p> <ol style="list-style-type: none"> 1. Forest Decree 1992 2. Fiji Pine Decree 1990 3. Fiji Mahogany Industry Development Decree 2010 4. Fiji Mahogany Act 2003 5. Environment Management Act 2005 	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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		<p>6. Endangered and Protected Species Act 2002</p> <p>7. Biosecurity Promulgation 2008</p> <p>8. Coconut Industry Development Authority Act 1998</p> <p>9. Fijian Affairs Act Cap 120</p> <p>10. Land Conservation and Improvement Act Cap 141</p> <p>11. Native Land Trust Act. Cap 134</p> <p>12. Land Development Act Cap 142</p> <p>13. Land Sales Act Cap 137</p> <p>14. State Lands Act Cap 132 and</p> <p>15. Surveyors Act Cap 260</p> <p>16. Property Law Act Cap 130</p> <p>17. Land Transport Authority Act 1998</p> <p>18. Health and Safety at Work Act 1996</p> <p>19. Factories Act Cap 99</p> <p>20. National Fire Service Authority Act 1994</p> <p>The Fiji Harvest Code of Practice is a legislated instrument requiring Management Planning which includes conducting forest inventories.</p> <p>Forest Harvest Management Plan (<i>ss 6: The license applicant will prepare and submit the Harvesting Plan with relevant documents for the subject area to a Forest Practices Officer for certification.</i></p> <p>The harvest management plan must include an inventory of the following:</p> <ul style="list-style-type: none"> • Plantation forest. Volume to be removed from each compartment. • Planning and monitoring: Monitoring (ss 17) • Responsibility for the supervision of the harvesting operation should be clearly stated. The Harvesting Supervisor should inspect operations on a regular basis, preferably at least 		
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		<p>weekly, to ensure that any problems are identified and that corrective action is taken in a timely manner.</p> <p>In addition, ss 18 outlines regulatory monitoring and evaluation programs that provide forest managers with information about the standards that are being achieved in the forest and how those standards can be improved.</p> <p>This includes considerations of impact assessments.</p> <p><i>Monitoring should be carried out by a Forest Practices Officer in accordance with the standard Monitoring Checklist issued by the Forestry Department, as follows:</i></p> <ul style="list-style-type: none"> • <i>Regular (monthly) inspections to assess compliance with the Harvesting Plan and Code.</i> • <i>Final monitoring inspection upon the completion of harvesting areas and prior to the closure of the coupe or license area. Final monitoring reports must be submitted to the Forestry Department and must include the following information:</i> <ol style="list-style-type: none"> 1. <i>Results of the monitoring inspection</i> 2. <i>Corrective actions that have been taken in relation to major non-compliances</i> 3. <i>Other recommended actions to improve the standards of compliance with the Harvesting Code of Practice.</i> <p>The Forestry Department will prepare an annual report on the results and outcomes of the monitoring and evaluation programs including impact assessments, consultation with other entities, and approval of these by legally competent authorities.</p> <p>The Harvest management plan under the Fiji Forest Harvesting Code of Practice is approved by License Procedures managed by the Forestry Department which lists the processes involved in acquiring a Forest Harvesting License.</p> <p>The threshold for low risk has been met at the Geographical scale: Viti Levu & Vanua Levu, and at the Pine Plantation functional scale.</p>		
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds ²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale²⁷ (4)	Control measures (5)
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1.4 Harvesting permits <i>National or sub-national laws and regulations regulating procedures for issuing of harvesting permits, licenses or other legal document required for specific harvesting operations. This includes the use of legal methods to obtain the permits. Corruption is a well-known issue that is connected with the issuing of harvesting permits.</i>	Sources: Investment Fiji https://www.investmentfiji.org.fj/resources/uploads/embeds/file/Department%20of%20Forestry%20Harvesting%20(RL)%20Licence.pdf	The Forest Decree 1992 Upon application in the prescribed form, a licensing officer may issue a license authorising the holder thereof to perform such of the following acts as may be specified in the license: <ul style="list-style-type: none"> • in a forest reserved • to fell or extract timber; • to take other forest produce; Fiji Forest Harvesting Code of Practice 2010/2013 The Code must be used in conjunction with the Harvesting License Procedures issued by the Forestry Department, which lists the processes involved in acquiring a Forest Harvesting License. The Harvest Management plan approval is under the Fiji Forest Harvesting Code of Practice. The plan is approved by License Procedures managed by the Forestry Department, which lists the processes involved in acquiring a Forest Harvesting License.	Geographical scale: Viti Levu & Vanua Levu, Functional Scale: Pine Plantation Forestry	Nil, Low risk.
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		<p>The TLBT who acts on behalf of resource owners has to be formally notified and approval granted before (RL) is issued.</p> <p>The Forestry Department is responsible to issue harvesting (RL) once relevant processes are compiled with.</p> <p>The Department of Labour (OHS) and Land Transport Authority (LTA) would also need prior consultation to verify machineries and equipment registration and certification.</p> <p>The threshold for low risk has been met at the Geographical scale: Viti Levu & Vanua Levu, and at the Pine Plantation functional scale.</p>		
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Indicator (applicable legality categories and sub-categories)	Sources of information ²⁵	Risk determination and specification (if not low risk) Provide numbers of thresholds ²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold).	Functional scale ²⁷	Control measures
(1)	(2)	(3)	(4)	(5)

<p>1.5 Payment of royalties and harvesting fees.</p> <p><i>Legislation covering payment of all legally required forest harvesting-specific fees such as royalties, stumpage fees and other volume- based fees. This includes payments of the fees based on the correct</i></p>	<p>Forest Act</p> <p>Food and Agriculture Organisation of the United Nations FAO Outline of Forest Charges in Fiji</p> <p>Food and Agriculture Organisation of the United Nations http://www.fao.org/3/af168e/af168</p>	<p>The harvesting and extraction of forest products in Fiji is controlled by a number of licensing requirements that fall under the control of the Forestry Department and NLTB. Specifically, the following legislation refers to licensing and the payment of fees:</p> <p>SS 25 Native owners to receive certain royalties and license fees.</p> <p><i>Royalties on forest produce on native land and fees for cultivation and grazing licences relating to native land shall, when received by the Conservator, be paid by him to the Native Land Trust Board to be distributed to the beneficial owners of such land.</i></p> <p>Sec. 33 - 1984 Native Land (Leases and Licences) Regulations, Cap 134:</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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<p>classification of quantities, qualities and species.</p> <p><i>Incorrect classification of forest products is a well-known issue that is often combined with bribery of officials in charge of controlling the classification.</i></p>	<p>e05.htm</p>	<p><i>Reg. 10 "The Board may, by licence, grant such rights in, on, under or over native land, for such purposes and subject to such terms, conditions and covenants as the Board shall determine."</i></p> <p>iTaukei Affairs Act Cap 120 - Any land rates payable under the iTaukei Affairs Act shall be paid by the itaukei owners</p> <p>Sec. 33 - Native Land (Forest) Regulations, Cap 134:</p> <p><i>Reg. 8(1) "All forest produce cut, sawn, converted, collected or removed under a licence in Forms 1 or 2 shall be liable to royalty at the rate laid down in the royalty rate list in the Second Schedule."</i></p> <p>Forest Decree, 1992:</p> <p><i>Sec. 16(1) "A licence shall be subject to the payment of such fees as may be prescribed."</i></p> <p><i>Sec. 38(2) "prescribe - (i) in the royalties due on produce cut or collected under licence on State land or on native land in forest reserves;</i></p> <p><i>(ii) the fees and any other charges due to the State on produce cut or collected under a licence on any land."</i></p> <p>Most land is iTaukei land.</p> <p>iTLTB is the authorizing body who looks after the welfare of Indigenous peoples' rights. All payments and special fees are paid through them.</p> <p>The Finance & Administration Department of the iTLTB is responsible for the management of finance, the collection of rents, royalties and fees from tenants and the distribution of these funds to various landowning units and individuals.</p> <p>Under the leadership of the Accountant Landowners Affairs (ALA) lease monies are handled by the Trust Section and the Senior Administration Officer looks after overall administration.</p> <p>The collection and distribution of forest charges is closely tied to the awarding of licences and the monitoring of forest operations by the Forestry Department.</p> <p>In order to harvest forest products, landowners must first apply for a licence from NLTB. This is relatively easy for native land outside</p>		
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		<p>reserves, but is quite difficult for native reserve land (where the applicant(s) must get the majority agreement of all of the relevant landowners). The licence from NLTB is awarded in the name of the applicant(s) (i.e. landowners), but the producer or “contractor” is usually specified on the licence. At the time that the licence is issued, NLTB collects the application or renewal fee and processing fee, plus an advance payment for royalties and premium (where applicable). These fees are normally paid by the producer.</p> <p>In addition to this, the producer must also obtain a Forestry Right License. This is awarded by the Forestry Department and is subject to the producer submitting a forest management or harvesting plan and abiding to all forestry regulations. The licence is free, but requires a map and the Forestry Department collects a small charge for this. The Forestry Department also usually collects an advance payment for some of the Scaling Fees that will be due.</p> <p>When production starts, the producer must obtain a permit to cut and remove the harvested forest products. Forestry Department staff visit production areas to record and mark production, usually in the presence of both the producer and a landowner’s representative. Permits are time-bound, so the frequency of inspections is dependent on the level of production and the times at which producers wish to take their products to the mill. This information is then entered into the Forestry Department’s management information system, which is used to record production and calculate the royalties and scaling fees due. The Forestry Department invoices producers for the Scaling Fees and sends the royalty information to NLTB. NLTB is now (since October 1996) responsible for the invoicing and collection of royalties and premiums.</p> <p>NLTB distribute 90 percent of the royalties collected in each Mataqali to the landowners registered in that Mataqali, according to a formula. NLTB are encouraging landowners to accept payments directly into bank accounts, otherwise NLTB have to visit landowners to pay them in cash. There was some debate about the length of time it took for NLTB to distribute this money, with some stakeholders complaining that it could take up to six months (or more) for money to be distributed.</p>		
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		<p>The other ten percent of the royalties collected is retained by NLTB to cover their administration costs. This proportion has fallen from 25 percent (and then 15 percent) in recent years. NLTB believe that the current figure is too low to cover all of their costs, which is why they have introduced higher application and processing fees. In contrast, discussions with the Forestry Department suggested that they believe that the Scaling Fees and Map Fees that they collect are sufficient to cover their costs of monitoring and administration.</p> <p>Commissions and goodwill payments are paid directly by producers to landowners (or their representatives) according to whatever they have agreed.</p> <p>Interviews with stakeholders suggested that these payments are preferred by landowners because this money is distributed far more quickly than the royalties are. For example, one landowner said that they got their commissions within one week of the logs leaving the forest. It should be noted that there are no rules governing the distribution of this money and it is unclear whether these payments benefit all landowners. However, one producer did say that they pay commission and goodwill into a community fund, which is controlled and used by the community for social projects.</p> <p>For Crown Land: 5% is collected as land rent through the Crown.</p> <p>For Freehold Land: 1% is collected as land rental made to the owner of Freehold land.</p> <p><i>*Note there is no commercial plantation forestry on freehold land</i></p> <p>The threshold for low risk has been met at the Geographical scale: Viti Levu & Vanua Levu, and at the Pine Plantation functional scale.</p>		
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<p>1.6 Value added taxes and other sales taxes</p> <p><i>Legislation covering different types of sales taxes which apply to the material being sold, including the sale of material as growing forest (standing stock sales).</i></p>	<p>Sources: Food and Agriculture Organisation of the United Nations FAO Outline of Forest Charges in Fiji</p>	<p>The system of collection of Tax and Royalties for different types of forest products is the same as in 1.5 above.</p> <p>Including Sawn and Cut timber and standing stock.</p> <p>Legislation species</p> <p>Sec. 33 - 1984 Native Land (Leases and Licences) Regulations, Cap 134:</p> <p><i>Reg. 10 "The Board may, by licence, grant such rights in, on, under or over native land, for such purposes and subject to such terms, conditions and covenants as the Board shall determine."</i></p> <p>Sec. 33 - Native Land (Forest) Regulations, Cap 134:</p> <p><i>Reg. 8(1) "All forest produce cut, sawn, converted, collected or removed under a licence in Forms 1 or 2 shall be liable to royalty at the rate laid down in the royalty rate list in the Second Schedule."</i></p> <p>Forest Decree, 1992:</p> <p><i>Sec. 16(1) "A licence shall be subject to the payment of such fees as may be prescribed."</i></p> <p><i>Sec. 38(2) "prescribe - (i) in the royalties due on produce cut or collected under licence on State land or on native land in forest reserves;</i></p> <p><i>(ii) the fees and any other charges due to the State on produce cut or collected under a licence on any land."</i></p> <p>As for 1.5 above.</p> <p>Most plantation forests remit payments and taxes at stumpage.</p> <p>The threshold for low risk has been met at the Geographical scale:</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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		Fiji, and at the Pine Plantation functional scale.		
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale²⁷ (4)	Control measures (5)
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<p>1.7 Income and Profit taxes</p> <p><i>What is the Legislation covering income and profit taxes related to profit derived from the sale of forest products and harvesting activities?</i></p> <p><i>NOTE: does not include other taxes generally applicable for companies and is not related to salary payments.</i></p>	<p>Income Tax Act Fiji</p> <p>http://www.fao.org/3/af168e/af168e00.htm</p> <p>Fiji Village</p> <p>https://www.fijivillage.com/feature/Low-compliance-of-tax-payments-in-the-forestry-sector-r58x4f/</p>	<p>Fiji Revenue and Customs Authority looks after the compliance.</p> <p>Their Role is to:</p> <ul style="list-style-type: none"> • Collect taxes and duties on behalf of government; • Provide quality advice on tax and customs matter to all our stakeholders; • Facilitate trade and travel; and • Protect the borders. <p>An FAO report notes:</p> <p>A REVIEW OF THE FOREST REVENUE SYSTEM AND TAXATION OF THE FORESTRY SECTOR IN FIJI Adrian Whiteman 2005.</p> <p>“On the whole, the procedures currently in place for monitoring production and collecting forest charges are excellent. However, it is debatable whether the Government recovers all of their administrative costs of implementing the system”</p> <p>There are concerns about non-payment of taxes, this is mainly focused on the native Logging sector.</p> <p>The threshold for low risk has not been met at the Geographical scale: Viti Levu & Vanua Levu, but is met at the Pine Plantation functional scale</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale²⁷ (4)	Control measures (5)
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<p>1.8 Timber harvesting regulations</p> <p><i>Any legal requirements for harvesting techniques and technology, including selective cutting, shelter wood regenerations, clear felling, transport of timber from the felling site, seasonal limitations, etc.</i></p> <p><i>Typically, this includes regulations on the size of felling areas, minimum age and/or diameter for felling activities, and elements that shall be preserved during felling, etc.</i></p> <p><i>Establishment of skidding or hauling trails, road construction, drainage systems and bridges, etc.,</i></p>	<p>Applicable laws and regulations:</p> <p>Forestry Decree 1992</p> <p>Source:</p> <p>Investment Fiji https://www.investmentfiji.org.fj/resources/uploads/embeds/file/Department%20of%20Forestry%20Harvesting%20(RL)%20Licence.pdf</p> <p>Fiji Government https://lrd.spc.int/ahp-publications/doc_download/1890-fiji-forest-harvesting-code-of-practice</p> <p>Food and Agriculture Organisation of the United Nations http://www.fao.org/3/W3646E/w3646e08.htm#environmental%20requirements</p>	<p>The Forestry Department issues Harvesting Right Licenses (RL) (Logging).</p> <p>The Code of Harvest Practice must be used in conjunction with the Harvesting Licence Procedures issued by the Forestry Department, which list the processes involved in acquiring a Forest Harvesting License.</p> <p>All harvesting operations must be licensed and therefore must comply with the relevant provisions of the Code. This includes any harvesting by portable sawmills, fuel wood collectors etc within the area covered by the Harvesting Plan.</p> <p>The Code outlines the application process:</p> <p>3. PRE-OPERATIONAL INSPECTION</p> <p>3.1 Meeting of Stakeholders</p> <ul style="list-style-type: none"> • A meeting of stakeholders must be held to decide the Licence conditions to be adopted. Stakeholders include representatives of the landowner, applicant, Native Land Trust Board, Lands Department (if applicable), nominated harvesting contractor, Provincial Office and the responsible Forest Practices Officer. • Proposals from the Applicant will be considered with regards to the prospective harvesting contractor, with a view to ensuring that the contractor has the capacity in terms of harvesting equipment and skills to fully comply with the requirements of the Harvesting Plan and the Code. <p>3.2 Field Inspection</p> <ul style="list-style-type: none"> • All relevant stakeholders should inspect the subject area to ensure that environmental, social and commercial factors are fully considered in determining whether harvesting is a viable 	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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<p><i>shall also be considered as well as the planning and monitoring of harvesting activities. Any legally binding codes for harvesting practices shall be considered. (3.1)</i></p>		<p>option.</p> <ul style="list-style-type: none"> • Important points to be considered during the field inspection include: • The identification of common boundaries; • The visual assessment of the species composition and volume distribution over the proposed harvesting area; • Existing and proposed forest roads, including access points to public roads; terrain conditions, including areas too steep or wet for harvesting; streams and potential crossing points; gravel deposits/quarries; landslides; and protected forests. • Special attention must be given to areas of biological and archaeological significance. The ultimate aim is to design a mutually acceptable and practical Harvesting Plan. <p>3.3 Liaison with Other Organizations</p> <ul style="list-style-type: none"> • In situations where major haulage roads serve other possible end uses, the relevant parties should clarify their respective roles and responsibilities for the use, maintenance and repair of the roads. The Forestry Department and the Native Land Trust Board should consider the interests of landowners and the forest industry as well as other road users. • Relevant authorities such as the Fiji Museum, National Heritage and the Department of Environment should be consulted in relation to areas containing significant natural or cultural values. <p>4. <i>PRE-HARVEST INVENTORY</i></p> <ul style="list-style-type: none"> • Pre-harvest inventory (PHI) is the responsibility of the license applicant and should be carried out after the determination of harvest boundaries, buffer strips and other protected areas. Landowners should be involved in PHI where possible. • PHI for indigenous forests must be carried out in accordance with the guidelines and statistical standards issued by the Forestry Department so as to provide reliable stand information (species composition, basal area, standing volume, log quality) for calculating the allowable harvest volume and information on the regeneration potential of the forest. • Figure 3.2 - A pre- operational field inspection must be undertaken to assess any sensitive or culturally significant sites • Prior to any harvesting operations, the contractor/ licence applicant shall submit a report containing PHI results and proposals for management requirements to the Forest Practices Officer for approval. The Forest Practices Officer may require 		
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		<p>other management prescriptions to be included in the Harvesting Plan.</p> <p><i>5. SILVICULTURE PRESCRIPTIONS</i></p> <ul style="list-style-type: none"> • In indigenous forests the allowable cut and silvicultural prescriptions shall be determined in advance, using PHI data and the Diameter Limit Table (DLT), in accordance with the guidelines issued by the Forestry Department. • The basic silviculture prescription is the strict application of the DLT. Rare species, fruit trees, seed trees and other tree species with value for non-timber forest products (NTFP) are not eligible for felling. • Forest owners should be involved in tree selection where possible to incorporate their local knowledge of tree locations and non-timber forest use. • Selected trees must be marked in advance in the field. The felling direction should be clearly indicated on the marked tree. <p>Exceptions from the strict application of the DLT:</p> <p>(1) Where approved by the forest owners, some tree species that have non timber use may be selected for felling according to the limits of the DLT.</p> <p>(2) To avoid excessive canopy openings, where 3 or more adjoining trees are eligible for felling under the DLT, the most vital tree (1 out of 4; regardless of species or diameter) should not be felled but retained for shelter and seed production.</p> <p>(3) Trees eligible for felling according to the DLT but with severe defects resulting in limited timber value should not be felled. Such trees should be retained as seed and habitat trees (e.g. for bats) and for other ecological functions.</p> <p>(4) Trees which lean to an extent that their felling direction cannot be sufficiently controlled, and which would fall into areas excluded from logging should be retained.</p> <p>(5) Where the PHI indicates insufficient or very dense regeneration the cutting limits of the respective species may be varied within the range of +/- 10 %.</p> <p><input type="checkbox"/> Further silviculture prescriptions proposed by the licence applicant or the Forest Authority must be contained within the Harvesting Plan.</p> <p><i>6. THE HARVESTING PLAN</i></p>		
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		<p>6.1 Preparation and Submission of the Harvesting Plan</p> <ul style="list-style-type: none"> • It is the responsibility of the licence applicant to prepare and submit the Harvesting Plan with relevant documents for the subject area to a Forest Practices Officer for certification. • A respective Forestry Officer will be available for advice on the preparation of the Harvesting Plan. <p>6.2 Requirements of the Harvesting Plan</p> <ul style="list-style-type: none"> • Coupe planning must be undertaken and the Harvesting Plan submitted to the certifying Forest Practices Officer for approval prior to the commencement of any harvesting operations, including road construction. • Coupe planning involves gaining good ground knowledge of the coupe/compartments to be logged to identify the location of the boundary, special management zones, stream crossings, roads and skid tracks and the starting point of the felling operations. • Coupe size should generally be in the range of 30 to 50 ha and should not exceed 100 ha unless approved by the Forest Practices Officer and good environmental and safety outcomes can be achieved. • The Harvesting Plan must contain details of the harvest area and the proposed operations, as shown in Table 6.2.1. • The features identified in the Harvesting Plan must be clearly demarcated and verified by the Forest Practices Officer in the field before harvesting and road construction machinery enter the forest area. Standard colours should be used for maps and field marking, in accordance with Table 6.2.2. • The Harvesting Plan must be certified by the Forest Practices Officer before the issuance of a Right Licence. • Where it becomes necessary to make a variation to a Harvesting Plan due to unforeseen circumstances, such variation must be endorsed by all relevant parties and submitted to a Forest Practices Officer for certification. The variation will only be certified where reasonable environmental outcomes can be achieved. Any certified variation must be attached to all copies of the Harvesting Plan. • All parties must at all times comply with the provisions of a certified Harvesting Plan and all certified variations. • The Harvesting Plan must be kept bound and up to date, including any certified variations. All relevant documentation must be held in a secure filing system. <p>The Harvest plan must include:</p>		
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		<ol style="list-style-type: none"> 1. A contour map of scale 1:10,000 or 5,000 showing the following features- <ul style="list-style-type: none"> • The license area boundary • The boundary of the harvesting coupe(s)/compartment • Buffer zones along designated streams, special management zones such as protection forests, catchments areas, reserves, historic and archaeological sites, etc.; any underground and overhead lines such as water, sewerage, electricity, and telecommunications • Locations of stream crossings • Haulage roads • Major arterial skid tracks • Loading locations or landings • Any other features required to be shown in accordance with an agreement between the resource owners and the harvesting contractor or conditions of the proposed licence 2. The method of harvesting extraction, loading and haulage in coupes/units/compartments. 3. The location of communities or indigenous populations that could be affected by harvesting or the transportation system associated with the harvesting operation. The Harvest Plan should identify the consultation that has occurred and the measures that will be taken to mitigate any adverse impacts. 4. Location and prescriptions relating to the camp (living) sites for loggers 5. An inventory of the following: <ul style="list-style-type: none"> • Indigenous forest – volume and species to be removed from each coupe • b. Plantation Forest – volume to be removed from each compartment. <p>Note: Separate maps showing trees marked for removal and felling direction should be prepared at a scale of 1:2,000 or 1:5,000.</p> <p>The threshold for low risk has been met at the Geographical scale: Viti Levu & Vanua Levu, and at the Pine Plantation functional scale.</p>		
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale²⁷ (4)	Control measures (5)
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<p>1.9 Protected sites and species.</p> <p><i>International, national, and sub-national treaties, laws, and regulations related to protected areas, allowable forest uses and activities, and/or rare, threatened, or endangered species, including their habitats and potential habitats. (3.2)</i></p>	<p>Forestry Decree 1992</p> <p>Rivers and Streams Act 1982</p> <p>National Rural Land Use Policy</p> <p>Environment Management Act 2005</p> <p>Fiji National Biodiversity Strategy and Action Plan</p> <p>Endangered and Protected Species Act 2002 and the Regulation (2003)</p> <p>Biosecurity Act</p> <p>Quarantine Act</p> <p>The Endangered and Protected Species Act 2002</p> <p>Fiji Promulgations and Decrees http://www.pacii.org/fj/promu/promu_dec/fd1992111/</p>	<p>The Forestry Department is the authorizing body.</p> <p>Protected Sites under the decree are preserved</p> <p>SS 6 Declaration of forest reserves and nature reserves SS 7 Management of forest reserve and nature reserve</p> <p>Under the Harvest Code of Practice the basic silviculture prescription is the strict application of the DLT. Rare species, fruit trees, seed trees and other tree species with value for non-timber forest products (NTFP) are not eligible for felling.</p> <p>The Endangered and Protected Species Act 2002 and the Regulation (2003) describes provisions for CITES compliance.</p> <p>The Endangered and Protected Species Act 2002 regulates trade in Endangered species.</p> <p>The Environment Management Act 2005 outlines regulated processes for environmental risk assessment and permits but is not specific to Forestry.</p> <p>The Fiji National Biodiversity Strategy and Action Plan outlines strategies for general protection of Biodiversity but is not specific to forestry.</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>For Controlled wood from other landowners Fiji Pine Group must do the harvest planning and use their own harvest crew.</p> <p>Fiji Pine Group must use the same HCV management system for controlled wood that they use for its own FSC™ certified plantations. This system must be independently audited as meeting FSC Forest management standards for Principle 9 HCV.</p> <p>9.1.1. The FME shall</p>
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	<p>Fiji Government http://www.paclii.org/fj/promu/promu_dec/fd1992111/</p>	<p>The lack of specificity of the national environmental and planning instruments with respect to forestry poses and an unacceptable risk of noncompliance both at the Geographical scale and at the Pine Plantation functional scale</p> <p>The threshold for low risk has not been met at the Geographical scale: Viti Levu & Vanua Levu, or at the Pine Plantation functional scale. The assessment is specified risk. hcvf</p>	<p>conduct an evaluation to identify High Conservation Values (HCV) attributes present in the FMU. This evaluation, at a minimum, shall include:</p> <ul style="list-style-type: none"> □ Consultation of regional or national conservation databases and maps; □ Consultation of the national HCVF toolkit, if it exists, or the first and third parts of the international toolkit for HCV presence (see HCVF Toolkit by WWF)1; □ Consideration of forest inventory data and observations from field workers, contractors or consultants of the FME; □ Interviews with biologist and scientific experts, local
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				<p>communities, and other stakeholders;</p> <ul style="list-style-type: none"><input type="checkbox"/> Identification and documentation of possible threats to HCVs <p>9.1.2. The FME shall:</p> <ul style="list-style-type: none"><input type="checkbox"/> Provide a written evaluation for HCVs that includes the elements of 9.1.1 and proposals to protect these HCVs;<input type="checkbox"/> Provide a technical explanation for the HCVs identified and the recommendations presented for the protection of these attributes; and<input type="checkbox"/> Demonstrate that actions are being taken to protect and/or reduce threats to HCVs that stem from the
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				<p>FME's management activities.</p> <p>9.1.3. The FME shall consult environmental stakeholders, databases, government officials or researchers to identify HCVs. If there are HVCs present, the FME shall take all reasonable action to protect these values and/or reduce threats to them.</p> <p>9.1.4. The FME shall consult the national/ regional HCVF toolkit if it exists, other relevant regional information to identify potential HCVs. If there is not national/ regional toolkit, the FME should consult the first and third parts of the</p>
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				<p>international toolkit for HCV presence (see footnote for large FMEs at 9.1.1).</p> <p>C9.2. The consultative portion of the certification process must place emphasis on the identified conservation attributes, and options for the maintenance thereof.</p> <p>C9.3. The management plan shall include and implement specific measures that ensure the maintenance and/or enhancement of the applicable conservation attributes consistent with the precautionary approach (if you can't guarantee protection you can't operate forestry in that area) . These measures shall be specifically</p>
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			<p>included in the publicly available management plan summary.</p> <p>C9.4. Annual monitoring shall be conducted to assess the effectiveness of the measures employed to maintain or enhance the applicable conservation attributes.</p> <p>Refer: The HCVF Management Plan for Fiji Pine Limited 2021</p> <p>Process Steps :</p> <p>Step 1 – Identifying HCVF sites When an unidentified high conservation v site is found in the Fiji Pine Forest Management Unit, there is</p>
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				<p>an immediate sign-in of site captured as well as a new identification tag/label is prescribed to the site(Example: VI 62 – whereby VI signifies the Viti Levu Island on which it is found , or VA – is the reference label for Vanua Levu,the number is the numerical sequence given to the site).(WL – Signifies the woodlot stand)</p> <p>There is an immediate call to notify Wood Supply coordinators and Environment Unit Staff to carry out on-site assessment. A field demarcation is immediately</p>
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				<p>carried out to quadrant off the site for protection purposes. GPS equipment is used to mark these sites with the GIS Department.</p> <p>Step 2 – Verification and Documentation of HCVF Sites A detailed site inspection report is carried out to compliment the identification of the new hcvf site. This is further completed in the creation of a seamless GIS layer of HCVF sites and updated accordingly with existing ones. A local expatriate/ consultant in ecology are independently hired for this</p>
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			<p>assessment and verifications.</p> <p>Step 3 - Utilisation of Demarcated Areas The seamless GIS layer of the HCVF sites is further overlaid with operation maps(that is Wood Supply Harvesting Maps) on a daily basis by Planning Officers to use as precaution before and after operation to enable minimum/no exposure of disturbance to be done on and around the established site.</p> <p>Step 4 – Community Consultation After preparation of HCVF documents are done, an</p>
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				<p>intensive community consultation is carried out to all resource stakeholders to inform and to educate about the existence of these sites in and around their locality, as well as collaboration in protective actions.</p> <p>Step 5 - Record Completed documentation of consultation is filed and kept for safe-keeping and given as and when required or requested.</p> <p>Review of the existing established sites and new sites are done on annually with updating of the map layers and records.</p>
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				Responsibility: All FPL staffs are to take on full responsibility of protection of these sites however, recording and establishment is done by Environment and Research Department of FPL.
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1.10 Environmental requirements <i>National and sub-national laws and regulations related to the identification and/or protection of environmental values including but not limited to those</i>	Forestry Decree 1992 Environment Management Act 2005 Forest Harvest Code of Practice.	Under the Forestry Decree 1992, Protected Sites are preserved. The Forestry Department is the authorizing body. Hazardous chemicals/pesticides are monitored by the Environment Department of Fiji. The environmental requirements are stipulated in the Forest Harvest Code of Practice. The Forestry Department issues Harvesting Right License (RL) (Logging). The Code of Harvest Practice must be used in conjunction with the	Geographical scale: Viti Levu & Vanua Levu, Functional Scale: Pine Plantation Forestry	Nil, Low risk.
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<p><i>relating to or affected by harvesting, acceptable levels for soil damage, establishment of buffer zones (e.g., along water courses, open areas and breeding sites), maintenance of retention trees on the felling site, seasonal limitations of harvesting time, environmental requirements for forest machineries, use of pesticides and other chemicals, biodiversity conservation, air quality, protection and restoration of water quality, operation of recreational equipment, development of non-forestry infrastructure, mineral exploration and extraction, etc. (3.3)</i></p>		<p>Harvesting Licence Procedures issued by the Forestry Department, which list the processes involved in acquiring a Forest Harvesting License</p> <p>5. SILVICULTURE PRESCRIPTIONS</p> <p>The Harvesting Plan must contain details of the harvest area and the proposed operations including:</p> <ol style="list-style-type: none"> 1. A contour map of scale 1:10,000 or 5,000 showing the following features- <ul style="list-style-type: none"> • The license area boundary • The boundary of the harvesting coupe(s) /compartment • Buffer zones along designated streams, special management zones such as protection forests, catchments areas, reserves, historic and archaeological sites, etc.; any underground and overhead lines such as water, sewerage, electricity, and telecommunications • Locations of stream crossings • Haulage roads • Major arterial skid tracks • Loading locations or landings <p>Any other features required to be shown in accordance with an agreement between the resource owners and</p> 2. The method of harvesting extraction, loading and haulage in coupes/units/compartments. 3. The location of communities or indigenous populations that could be affected by harvesting or the transportation system associated with the harvesting operation. The Harvest Plan should identify the consultation that has occurred and the measures that will be taken to mitigate any adverse impacts. 4. Location and prescriptions relating to the camp (living) sites for loggers 5. An inventory of the following: 		
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		<ul style="list-style-type: none"> Indigenous forest – volume and species to be removed from each coupe Plantation forest – volume to be removed from each compartment <p>Note: Separate maps showing trees marked for removal and felling direction should be prepared at a scale of 1:2,000 or 1:5,000.</p> <p>14.2 Temporary Crossings</p> <ul style="list-style-type: none"> Temporary crossings must be removed to allow unimpeded stream flow as soon as the use of the crossing is no longer required or prior to the commencement of the wet season if operations are not completed. The streambed and banks must be restored as near as possible to their natural condition. <p>The threshold for low risk has not been met at the Geographical scale: Viti Levu & Vanua Levu, but is met at the Pine Plantation functional scale</p>		
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Indicator <small>(applicable legality categories and sub-categories)</small> (1)	Sources of information²⁵ (2)	Risk determination and specification <small>(if not low risk)</small> Provide numbers of thresholds²⁶ that are met. JUSTIFY THE OUTCOME <small>(for each threshold).</small> (3)	Functional scale²⁷ (4)	Control measures (5)
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<p>1.11 Health and safety</p> <p><i>Legally required personal protection equipment for persons involved in harvesting activities, implementation of safe felling and transport practices, establishment of protection zones around harvesting sites, safety requirements for machinery used, and legally required safety requirements in relation to chemical usage. The health and safety requirements that shall be considered relevant to operations in the forest (not office work, or other activities not related to actual forest operations). (3.4)</i></p>	<p>Occupational Health and Safety 1996</p> <p><i>ILO Code of Practice: Safety and Health in Forestry Work</i></p> <p><i>Forest Harvest Code of Practice.</i></p> <p>Fiji National Overview of OHS standards and OHS services</p> <p>Fiji Trades Union https://ftuc.org.fj/world-day-for-safety-and-health-at-work-28th-april-2017-suva/</p>	<p>The Occupational Health and Safety Act 1996 outlines the general requirements.</p> <p>The system seems robust and has key support from the Fiji Trade Unions.</p> <p>A speech by FTUC Assistant National Secretary, Mr Rouhit Karan Singh (2017) stated:</p> <p><i>“The workers in Fiji are blessed especially those who are employed in the formal sector. The Health and Safety at Work 1996 protects all the workers.”</i></p> <p>To comply, FTUC urges all the workplace in Fiji to create safe and healthy environment with other enabling and supportive structures so that all stakeholders are at ease whilst performing their duties which has provisions, roles and responsibilities of all tripartite partners to fulfill.</p> <p>The law recognizes trade union movement’s to represent their members. This is the entry point for us to protect our workers’ rights.</p> <p>Having said that, there are Regulations made to effectively comply with the governing laws. This Regulation gives regulatory requirements for the establishment of Health and Safety Committee where an employer has more than 20 workers.</p> <p>The Forest Harvest Code of Practice outlines OHS requirements required as part of the harvest license conditions.</p> <p>16. HARVESTING MACHINE STANDARDS</p> <p>All harvesting operators must comply with relevant OH &S requirements, including the following:</p> <ul style="list-style-type: none"> • All chainsaws must have required safety features (e.g. chain-breaks) in working order. • All machines are to be fitted with seat belts, which must be worn during the operation of the machine. • All machines must be fitted with a fully charged fire extinguisher and a First Aid Kit. 	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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		<ul style="list-style-type: none">• All machines must be fitted with a safety cabin, which conforms to the standard of the Roll Over Protection Structure (R.O.P.S). The cabin of the machine must have a safe and securely mounted seat.• The machine cabin must not be modified, drilled, welded or altered in any way nor should any attempt be made to straighten any part of the frame or attached brackets which have suffered damage.• The Land Transport Authority must examine all damaged cab frames prior to further use.• No part of the main frame or safety cabin should be secured by fittings other than the specified high tensile nuts and bolts.• The machine must have an engine stopping device which is non-self-returning. It must be securely attached with clear instructions for use (e.g. Pull/Stop) and purpose. It should be readily accessible to the driver from the normal operating position.• If the machine is driven on public roads or forest roads it should be equipped with lights conforming to the statutory regulations.• The machine must be fitted with an efficient spark arrestor and this must be maintained in working order.• All pulleys, shafts, belts and fan blades must be securely guarded.• Machine operation should not commence before workers not engaged in the operation vacate the work area.• All machines must be registered with the Land Transport Authority.• Machines must not have any fuel or oil leaks.• For loaders and excavators, an appropriate grapple must be in place.		
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		<ul style="list-style-type: none"> • All skidding machines shall be fitted with a winch carrying not less than 40 metres of good wire rope. The winch must be operational at all times. • Any new machines apart from those mentioned in the code should be approved by Forestry Department e.g. Forwarder. • All lifting machines, including helicopter trials, must be first cleared by the appropriate authorities (such as CAAF and Department of Labour). <p>Annex 2 Outlines Personal protective equipment (PPE) appropriate for forestry operations</p> <p><i>(Sourced from the ILO Code of Practice: Safety and Health in Forestry Work)</i></p> <p>The threshold for low risk has been met at the Geographical scale: Viti Levu & Vanua Levu, and at the Pine Plantation functional scale.</p>		
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale²⁷ (4)	Control measures (5)
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<p>1.12 Legal employment</p> <p><i>Legal requirements for employment of personnel involved in harvesting activities including requirements for contracts and working permits, requirements for obligatory insurance, requirements for competence certificates and other training requirements, and payment of social and income taxes withheld by the employer. Also covered are the observance of minimum working age and minimum age for personnel involved in hazardous work, legislation against forced and compulsory labor, and discrimination and freedom of association. (3.5)</i></p>	<p>Employment Relations Act 2006</p> <p>Employment Relations Promulgation 2007</p> <p>Office of Attorney General (Fiji) https://www.laws.gov.fj/Acts/Display/Act/2910</p> <p>Fiji Government https://www.ilo.org/dyn/travail/docs/821/Employment%20Relations%20Promulgation%202007.pdf</p> <p>Fiji Government https://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158895/lang-en/index.htm</p> <p>Global People Strategist https://www.globalpeoplestrategist.com/fiji-employment-law-updates/</p> <p>Alliance 8.7 https://www.alliance87.org/pathfinder_countries/fiji-2/</p> <p>Know the Chain https://knowthechain.org/wp-content/uploads/KTC_forestry_b</p>	<p>Legal employment is regulated by the Employment Relations Act 2006 Plus later amendments, in particular the Employment Relations Promulgation 2007.</p> <p>Independent NGOs also note that Fiji is making amendments to legislation to improve workers' rights and employment conditions.</p> <p>The Code of Practice highlights harvesting operations must be well planned and supervised and that forest workers and land owners must have the right skills and knowledge to achieve good practice.</p> <p>TRAINING AND ACCREDITATION</p> <p>All landowners and contractors who undertake harvesting activities under the Harvesting Plan must successfully have completed a training course approved by the Department of Forestry.</p> <p>Powered harvesting equipment shall be operated only by personnel trained and certified for that specific equipment.</p> <p>All untrained harvesting workers shall attend a relevant training course (listed in Annex 3) and undertake to sit a skills test conducted by the Department of Forestry to attain a Certificate of Competency.</p> <p>All harvesting supervisors shall attend the approved training courses (listed in Annex 3) conducted by the Department of Forestry and attain a Harvesting Supervisor Certificate.</p> <p>Qualification requirements for chainsaw and harvesting machine operators are given in Table 7.</p> <p>Forced labour</p> <p>The Fijian Constitution provides for freedom from slavery, forced labour and Human Trafficking, right to education and rights of</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Fiji Pine Group must use the same management system for controlled wood that they use for its own FSC™ certified plantations. This system must be independently audited as meeting FSC™ Forest management standards for Principle 2:</p> <p>2.1 The Organization* shall* uphold* the principles and rights at work as defined in the ILO Declaration on Fundamental Principles and Rights at Work (1998) based on the eight ILO Core Labour Conventions</p>
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	<p>rief.pdf</p> <p>Freedom House https://freedomhouse.org/country/fiji/freedom-world/2020</p> <p>Fiji Government Report - Developing a Joint Roadmap for Fiji as a Pathfinder Country to Achieve SDG Target 8.</p> <p>US Department of State https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/fiji/</p> <p>Fiji Women's Rights Movement http://webcache.googleusercontent.com/search?q=cache:OuU5PRmMCY0J:www.fwrn.org.fj/images/fwrn2017/balance/Balance-Dec-2018-PRINT-1.pdf+&cd=11&hl=en&ct=clnk&gl=au</p>	<p>children among others.</p> <p>The Employment Relations Act 2007 guarantees fundamental principles and rights.</p> <p><i>Section 6.</i> (1) No person shall be required to perform forced labour. (2) No person shall discriminate against any worker or prospective worker on the grounds of ethnicity, gender, religion.... etc.)</p> <p>The Employment Relations Promulgation 2007</p> <p>FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK</p> <p>The objective of this is to state the entitlement to fair labour practices for all persons.</p> <p>The Ministry of Employment, Productivity and Industrial Relations through its Labour Standards Services, has conducted child / labour awareness and training programs for 93 students and 29 teachers in 2019.</p> <p>The Ministry in Partnership with the Cane Producers Association is conducting awareness training programs for cane farmers and cane cutters on issues related to child labour;</p> <p>Between January 2018 and May 2020, the Ministry has conducted 8237 labour and child labour inspections.</p> <p>Fiji is not highlighted as a country of concern in independent reports on Forced Labour in forestry.</p> <p>The Alliance 8.7 Agenda was agreed by the Fijian Government as part of Buenos Aires Declaration on 16th November 2019 in Argentina.</p> <p>Under this agenda Fiji is identified as one of the countries to be a pathfinder nation in the 2017 area of eliminating all forms of Child Labor, Forced Labor in Human Trafficking.</p> <p>Legislation in place in Fiji meets the requirements of C111 Discrimination (Employment and Occupation) Convention, 1958</p> <ul style="list-style-type: none"> • <i>The Employment Relations Act 2007</i> 	<p>2.2 The Organization* shall* promote gender equality* in employment practices, training opportunities, awarding of contracts, processes of engagement* and management activities.</p> <p>2.1.4 The Organization* shall* respect freedom of association and the right to collective bargaining. 2.1.4.1 Workers* are able to establish or join worker organizations* of their own choosing.</p> <p>2.1.4.2 The Organization* respects the rights of workers to engage in lawful activities related to forming, joining or assisting a workers' organization*, or to refrain from doing the same;</p>
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		<p>• <i>Guarantees fundamental principles and rights</i></p> <p>EMPLOYMENT RELATIONS PROMULGATION 2007</p> <p><i>Equal Employment Opportunities:</i></p> <p><i>Prohibited grounds of discrimination</i></p> <p>75. For the purposes of this Part, the prohibited grounds for discrimination whether direct or indirect are actual or supposed personal characteristics or circumstances, including: ethnic origin, colour, place of origin, gender, sexual orientation, birth, primary language, economic status, age, disability, HIV/AIDS status, social class, marital status (including living in a relationship in the nature of a marriage), employment status, family status, opinion, religion or belief.</p> <p><i>Discrimination in employment matters</i></p> <p>77.(1) If an applicant for employment or a worker is qualified for work of any description, an employer or a person acting or purporting to act on behalf of an employer must not—</p> <p>(a) refuse or omit to employ the applicant on work of that description which is available;</p> <p>(b) offer or afford the applicant or the worker less favourable terms of employment, conditions of work, or other fringe benefits, and opportunities for training, promotion, and transfer that are made available to applicants or workers of the same or substantially similar capabilities employed in the same or substantially similar circumstances on work of that description;</p> <p>(c) terminate the employment of the worker, or subject the worker to any detriment, in circumstances in which the employment of other workers employed on work of that description would not be terminated, or in which other workers employed on work of that description would not be subjected to such detriment; or</p> <p>(d) retire the worker, or to require or cause the worker to retire or resign, subject to any written law or employment contract imposing a retirement age, by reason of any of the prohibited grounds of discrimination set out in section 75 or by reason of the worker’s involvement in the activities of a union.</p> <p>(3) If a worker has been involved in the activities of a union within</p>		<p>and will not discriminate or punish workers for exercising these rights.</p> <p>2.1.4.3 The Organization* negotiates with lawfully established workers’ organizations* and/ or duly selected representatives in good faith* and with the best efforts to reach a collective bargaining* agreement.</p> <p>2.1.4.4</p> <p>Please refer to Group HR Policy & Procedure 2020</p> <p>Conformance: Pages 41 to 159</p>
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		<p>12 months before the action complained of, the employer must prove that any action falling within subsection (1)(a) or (1)(b) was not occasioned by reason of the worker's involvement in those activities.</p> <p>(4) For the purposes of this section, a representative of a union includes a person authorised or recognised, either expressly or impliedly, to represent the union or some of the members of a union, whether as a worker or otherwise.</p> <p><i>Unlawful discrimination in rates of remuneration</i> 78. An employer must not refuse or omit to offer or afford a person the same rates of remuneration as are made available for persons of the same or substantially similar qualifications employed in the same or substantially similar circumstances on work of that description for any reason including the gender of that person.</p> <p>Democratic elections were held in 2014 and 2018. There is not consensus on the effectiveness of anti-discrimination measures particularly in gender equality.</p> <p>There is also a history of discrimination against Trade Union membership in the forest sector.</p> <p>However, following a complaint to the Forest Stewardship Council the Fijian Government repealed the Essential National Industries decree, a piece of legislation that allegedly violated the ILO conventions.</p> <p>This resulted in Fiji's National Union of Workers being able to renegotiate a collective bargaining agreement with forest companies.</p> <p>While significant progress has been made with respect to labour law reform in Fiji, a lack of consensus as to the effectiveness of anti discrimination legislation, particularly as it applies to gender equality and a history of discrimination against trade unions leads to a determination that low risk has not been met at the Geographical scale: Viti Levu & Vanua Levu, or at the Pine Plantation functional scale. The assessment is specified risk.</p>		
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale²⁷ (4)	Control measures (5)
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<p>1.13 Customary rights</p> <p><i>Legislation covering customary rights relevant to forest harvesting activities, including requirements covering the sharing of benefits and indigenous rights. (4.1</i></p>	<p>Forest Decree 1992</p> <p>Native Land Trust Act. Cap 134 and Subsidiary Legislation</p> <p>Haniff Tuitoga Pacific Legal Network: https://www.haniffuitoga.com.fj/single-post/itaukei-land-regime-in-fiji</p> <p>iTaukei Land Trust Board https://www.tltb.com.fj/Home</p> <p>iTaukei Land Trust Act 1940 ss 4, 5 & 9. https://www.tltb.com.fj/Home</p>	<p>Since the independence of Fiji in 1970, approximately 87% of the country's land has been owned by Indigenous Fijians. The government holds 4 percent; and the remainder is freehold land held by private individuals or companies.</p> <p>Indigenous land rights have been protected under the constitution.</p> <p>There are indigenous groups called Yavusa/Mataqali which makes groups for ownership for a piece of land.</p> <p>Indigenous land in Fiji is classed as iTaukei land and special rules apply in relation to dealings in iTaukei land which are primarily to protect indigenous Fijian's land rights.</p> <p>iTaukei land may only be leased or licensed with approval from the iTaukei Land Trust Board which legally control indigenous lands.</p> <p>Under the iTaukei Land Trust Act 1940 (Act) all iTaukei land rights are vested in the iTaukei Land Trust Board (Board) and rights in iTaukei land may not be leased, licensed or transferred without the consent from the Board.</p> <p>By law all ethnic Fijians are automatically registered upon birth into an official register of native landowners, the Vola ni Kawa Bula. The register also verifies access for those listed in it to indigenous communally owned lands and confirms titleholders within indigenous communities.</p> <p>There are no Legal and Customary rights violation as everything is covered by the acts and legislations. If there are any issues, they are resolved within the iTaukei Land Trust Board.</p> <p>Under the Act, specific requirements for forest land are transferred to The Forest Act.</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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		<p><i>7. Subject to the provisions of the Crown Acquisition of Lands Act, the Forest Act, the Petroleum (Exploration and Exploitation) Act and the Mining Act: no native land shall be sold, leased or otherwise disposed of and no license in respect of native land shall be granted save under and in accordance with the provisions of this Act. (Cap. 135, Cap. 150, Cap. 148, Cap. 146.)</i></p> <p>The Forest Harvest Code of Practice also protects customary rights.</p> <p>3.1 Meeting of Stakeholders</p> <p>A meeting of stakeholders must be held to decide the License conditions to be adopted. Stakeholders include representatives of the landowner, applicant, Native Land Trust Board, Lands Department (if applicable), nominated harvesting contractor, Provincial Office and the responsible Forest Practices Officer.</p> <p>The harvest plan must include:</p> <ul style="list-style-type: none"> • The location of communities or indigenous populations that could be affected by harvesting or the transportation system associated with the harvesting operation. • The Harvest Plan should identify the consultation that has occurred and the measures that will be taken to mitigate any adverse impacts. <p>The threshold for low risk has been met at the Geographical scale: Viti Levu & Vanua Levu, and at the Pine Plantation functional scale.</p>		
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale²⁷ (4)	Control measures (5)
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<p>1.14 Free, Prior and Informed Consent</p> <p><i>Legislation covering 'free, prior and informed consent' in connection with the transfer of forest management rights, and customary rights to the organization in charge of the harvesting operation. (4.2)</i></p>	<p>TLTB Land Act https://www.tltb.com.fj/Home</p> <p>Ministry of iTaukei affairs</p> <p>iTaukei Land Trust Board https://www.tltb.com.fj/Home</p>	<p>Under the systems in 1.13 above, Indigenous land owners operate the systems for approvals and therefore control all aspects of Free, Prior and Informed Consent themselves.</p> <p>See also Indicator 2.3.</p> <p>The threshold for low risk has been met at the Geographical scale: Viti Levu & Vanua Levu, and at the Pine Plantation functional scale.</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale²⁷ (4)	Control measures (5)
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<p>1.15 Indigenous peoples' rights.</p> <p><i>Legislation that regulates the rights of indigenous people as far as it is related to forestry activities. Possible aspects to consider are land tenure, and rights to use certain forest related resources and practice traditional activities, which may involve forest lands. (4.3)</i></p>	<p>Ministry of iTaukei affairs</p> <p>iTaukei Land Trust Board https://www.tltb.com.fj/Home</p>	<p>Under the systems in 1.13 above, Indigenous land owners rights are reflected in Legislation and Native Land Trust Boards operate the systems for approvals and therefore control all aspects of the rights of indigenous peoples.</p> <p>See also Indicator 2.3.</p> <p>The threshold for low risk has been met at the Geographical scale: Viti Levu & Vanua Levu, and at the Pine Plantation functional scale.</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale²⁷ (4)	Control measures (5)
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<p>1.16 Classification of species, quantities and qualities</p> <p><i>Legislation regulating how harvested material is classified in terms of species, volumes and qualities in connection with trade and transport. Incorrect classification of harvested material is a well-known method to reduce or avoid payment of legally prescribed taxes and fees. (5.1)</i></p>	<p>Forestry Decree 1992</p> <p>Fiji Government https://www.fiji.gov.fj/Media-Centre/News/ILLEGAL-LOGGING-CONTINUE-TO-BE-A-CHALLENGE</p>	<p>The Ministry of Forests</p> <p>38.(1) The Minister may make regulations to carry out the purposes of this Decree.</p> <ul style="list-style-type: none"> regulate the manner in which licences may be issued, the terms and conditions of licences, and restrict or prohibit the issue of such licences in respect of classes or species of forest produce, or in respect of specified areas, or, on land within forest reserves in respect of peat, rock, sand, shells and soil other than minerals as defined in the Mining Act; The Minister may by notice in the Gazette prohibit the felling or removal of timber of a class, description or dimension specified in such notice in any area and for such period of time as specified in the notice. Such notice may specify that the felling or removal of such timber shall not be allowed in accordance with native custom. <p>Code of Practice</p> <p>The harvest plan must specify an inventory of the following:</p> <ul style="list-style-type: none"> b. Plantation Forest – volume to be removed from each compartment. <p>Note: Separate maps showing trees marked for removal and felling direction should be prepared at a scale of 1:2,000 or 1:5,000.</p> <p>For Plantation forestry the species is known but is not specified in the license.</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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		<p>The code also includes</p> <p>PRE-OPERATIONAL INSPECTION</p> <p>3.1 Meeting of Stakeholders</p> <p>3.2 Field Inspection</p> <p>These steps involve confirmation of the harvested material (plantation species) and inventory of the amount to be logged.</p> <p>Although illegal logging is reported in Fiji soft wood plantations are now implicated.</p> <p>The threshold for low risk has not been met at the Geographical scale: Viti Levu & Vanua Levu, but is met at the Pine Plantation functional scale</p>		
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale²⁷ (4)	Control measures (5)
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<p>1.17 Trade and transport.</p> <p><i>All required trading and transport permits shall exist as well as legally required transport documents which accompany the transport of wood from forest operations. (5.2)</i></p>	<p>Forestry Decree 1992</p>	<p>Offences under the Forestry Decree 1992 include:</p> <ul style="list-style-type: none"> counterfeits or issues any license or document purporting to be a license or document issued under the provisions of this Decree; <p>Powers of Officers include;</p> <ul style="list-style-type: none"> stop and inspect any log carrier or other vehicle which is carrying any forest produce or anything for which a transport document is required under this Decree or which he reasonably suspects has been obtained in contravention of this Decree. <p>There are no specified formats, trade and transport documents are specified by the company and approved in the issue of a License to harvest.</p> <p>The lack of any nationally recognised system of documentation and recognition in the Forestry Decree 1992 that fraud is a problem, leads to a determination that the threshold for low risk has not been met at the Geographical scale: Viti Levu & Vanua Levu or at the Pine Plantation functional scale. The assessment is specified risk</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Fiji Pine Group must use the same management system for controlled wood that they use for its own FSC™ certified plantations. This system must be independently audited as meeting FSC™ Forest management standards for Principle 2</p> <p>1.3 The Organization* shall* have legal* rights to operate in the Management Unit*, which fit the legal* status of The Organization* and of the</p>
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				<p>Management Unit*, and shall* comply with the associated legal* obligations in applicable national and local laws* and regulations and administrative requirements. The legal* rights shall* provide for harvest of products and/or supply of ecosystem services* from within the Management Unit*. The Organization* shall* pay the legally prescribed charges associated with such rights and obligations.</p> <p>IGI All required trading and transport permits shall* exist as well as legally required transport documents which</p>
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				<p>accompany the transport of wood from forest* operations.</p> <p>Valid Licence to harvest including approval of transport documents which accompany the transport of wood from forest operations</p> <p>Valid License to harvest including approval of transport documents which accompany the transport of wood from forest operations – this is present on all FPL log carting trucks. This is a legal pass obtained through Forestry Department</p>
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				<p>who authorizes logging operation in Fiji.</p> <p>FPL then uses its own log delivery docket from Forest to the Mill – which can be inspected in any point in time. This is also to avoid the log theft.</p> <p>FSC 100% docket are used for FPL plantations.</p> <p>Controlled/ Private woodlot docket will be used for the non FSC™ certified logs.</p>
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information ²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds ²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale ²⁷ (4)	Control measures (5)
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<p>1.18 Offshore trading and transfer pricing</p> <p><i>Legislation regulating offshore trading. Offshore trading with related companies placed in tax havens, combined with artificial transfer prices is a well-known way to avoid payment of legally prescribed taxes and fees to the country of harvest and is considered to be an important source of funds that can be used for payment of bribery to the forest operations and personnel involved in the harvesting operation. Many countries have established legislation covering transfer pricing and offshore trading. It should be noted that only transfer pricing and</i></p>	<p>Investment Fiji Act 2022</p> <p>Fiji Income Tax Act. (Refer to Income Tax (Transfer Pricing) Regulations 2012</p> <p>International Journal of Business and Social Research Volume 09, Issue 03, 2019: 01-20Article Received: 03-07-2019Accepted: 28-04-2019Available Online: 22-07-2019ISSN 2164-2540(Print), ISSN 2164-2559 (Online)DOI: http://dx.doi.org/10.18533/ijbsr.v9i3.1165</p> <p>Revenue & Customs Authority http://www.drtp.ca/wp-content/uploads/2015/02/Fiji_Transfer_Pricing_Guidelines.pdf</p>	<p>Fiji has liberalized and rationalized its foreign investment regime.</p> <p>Some activities, however are either reserved wholly for Fijian citizens. This includes Forestry which is therefore always Fijian owned and a subject to tax in Fiji.</p> <p>In Fiji, residents for tax purpose have to disclose income from all sources both from within and outside Fiji. Non-residents only have to disclose income derived from sources in Fiji.</p> <p>Fiji has a comprehensive tax system put in place with tax laws that continue to be amended to curb any loopholes in the system. This is to ensure that everyone pays their fair share of tax.</p> <p>Dollar resides in Fiji and not an offshore bank.</p> <p>The transfer pricing rules allow tax authorities discretion to adjust transfer prices for income tax purposes where there is either excess consideration paid, or inadequate consideration received by a taxpayer, in respect of an associated party cross border transaction.</p> <p>Key features of Fiji's Transfer pricing regulations:</p> <ul style="list-style-type: none"> • Fiji's transfer pricing regulations are OECD based and reflect the arm's length principle as stated in paragraph 1 of Article 9 of the OECD Model Tax Convention. • The Regulations are consistent with transfer pricing rules adopted by Fiji's major trading partners including Australia, New Zealand, UK, USA, China, India, Japan, Singapore, Malaysia, Korea, and PNG. • The scope is very wide in terms of whom the regulations apply to and relevant transactions e.g. refer to the definition of associated person which includes various relationships. • Regulations apply arm's length consideration to transfers involving; 	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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<p><i>offshore trading, as far as it is legally prohibited in the country, can be included here. (5.3)</i></p>		<p><i>Goods including;</i></p> <ul style="list-style-type: none"> • Equipment • Raw materials • Finished goods • Work in Progress and <p><i>Services including;</i></p> <ul style="list-style-type: none"> • Management Services • Loans • Guarantees • Computer, Technical Services • Commissions • Use of trademarks, • brand names • Information and technology transfers • Licenses and other transactions involving various Intellectual Property <ul style="list-style-type: none"> • The focus of Fiji's transfer pricing regulations is to ensure that the appropriate amount of income derived by a MNE carrying on business in Fiji is properly attributed to its Fiji operations. • Similarly, Fiji companies doing business with foreign associated entities should carry out transactions at arm's length thereby ensuring income is properly reported in Fiji. • Fiji has adopted the arm's length principle because it is considered the most reliable way to determine the amount of income properly attributable to an MNE's Fiji operations and, represents the international standard. • The 5 generally accepted transfer pricing methods recognized by the OECD are adopted using the most reliable method or a combination of methods. • The 5 transfer pricing methods are- <ul style="list-style-type: none"> (a) Comparable uncontrolled price method; (b) Resale price method; (c) Cost plus method; (d) Transactional net margin method; (e) Transactional profit split method. • There are provisions for the use of other methods; however, we do not envisage wide use of these. • There are documentation requirements to record in writing sufficient information to verify that controlled transactions are consistent with the arm's length principle. • Consistent with the move to self-assessment, the onus of proof remains with the taxpayer. 		
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		<ul style="list-style-type: none"> • Fiji's transfer pricing regulations apply equally to Branches (and other permanent establishments as defined in Article 5 of the OECD Convention Model Tax Convention). • There are provisions for corresponding adjustments to avoid double taxation in the case of adjustments by Competent Authorities of countries with which Fiji has concluded a Double Tax Agreement (DTA). • The regulations apply from 1 January 2012. <p>The threshold for low risk has been met at the Geographical scale: Viti Levu & Vanua Levu, and at the Pine Plantation functional scale.</p>		
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Indicator (applicable legality categories and sub-categories)	Sources of information ²⁵	Risk determination and specification <small>(if not low risk)</small> Provide numbers of thresholds ²⁶ that are met. JUSTIFY THE OUTCOME <small>(for each threshold).</small>	Functional scale ²⁷	Control measures
(1)	(2)	(3)	(4)	(5)

<p>1.19 Custom regulations</p> <p><i>Custom legislation covering areas such as export/import licenses and product classification (codes, quantities, qualities and species). (5.4)</i></p>	<p>Customs Regulations 1986</p> <p>Revenue and Customs Authority https://www.fracs.org.fj/wp-content/uploads/2012/10/Customs_Regulations-1986-Revise-1st-February-2013.pdf</p> <p>Seair Exim Solutions https://www.seair.co.in/fiji-hs-code.aspx</p>	<p>Fiji Revenue and Customs Authority manage export licenses under the Customs Regulations.</p> <p>Part 8A--Licensing of Secure Exports Scheme in Fiji Appointment of premises for secure exports scheme</p> <p>92A.--(1) The Comptroller may, in the approved Form No. C.28.D, issue an annual licence for any approved premises under the secure exports, subject to payment of the licence fees of \$1,794.</p> <p>(2) A licence issued under subsection (1) expires on 31 December in each year, subject to sub regulation (3).</p> <p>(3) A licence that has expired but not renewed by 31 December may continue to be in force until 7 January of the following year in order for the application for renewal to be determined, and the annual fees are paid.</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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		<p>(Entire Regulation inserted by Legal Notice No. 62 of 2007, r. 11, Legal Notice No.9 of 2012)</p> <p>Australia and New Zealand are the main markets for sawn timber representing 60 to 70 per cent of exports.</p> <p>Access to these markets would be lost if exporters failed to demonstrate that their timber had been legally sourced, in compliance with local laws and regulations.</p> <p>HS code 4707 covers wooden products of raw wood sawn or chipped.</p> <p>In the case of exotic Plantation species license do not require species.</p> <p>The threshold for low risk has been met at the Geographical scale: Viti Levu & Vanua Levu, and at the Pine Plantation functional scale.</p>		
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Indicator (applicable legality categories and sub-categories)	Sources of information ²⁵	Risk determination and specification <small>(if not low risk)</small> Provide numbers of thresholds ²⁶ that are met. JUSTIFY THE OUTCOME <small>(for each threshold).</small>	Functional scale ²⁷	Control measures
(1)	(2)	(3)	(4)	(5)

<p>1.20 CITES</p> <p><i>CITES permits (the Convention on International Trade in Endangered Species of Wild Fauna and Flora, also known as the Washington Convention). (5.5)</i></p>	<p>The Endangered and Protected Species Act 2002 and the Regulation (2003)</p> <p>rces:</p> <p>CITES https://cites.org/eng/parties/country-profiles/fj/compliance-status</p> <p>CITES https://cites.org/eng/app/appendices.php</p>	<p>Fiji Accession to the CITES convention was on 30 September 1997 with an implementation date of 29 December 1997.</p> <p>The Endangered and Protected Species Act 2002 and the Regulation (2003) describe provisions for CITES compliance.</p> <p>The Ministry of Waterways and Environment hold the chair of the national CITES committee. The Fiji Island CITES Management Authority (FICMA) is the responsible entity.</p> <p>Fijis compliance record according to CITES.org has reflected a recommendation for suspension die to trade in Plerogyra simplex: Bubble Coral.</p> <p>There is no record of illegal trade in wood.</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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	<p>CITES https://cites.org/sites/default/files/eng/com/sc/61/E61-56-06.pdf</p> <p>CITES Convention on International Trade in endangered species of wild fauna and flora</p> <p>CITES Fifty-seventh meeting of the Standing Committee</p> <p>CITES Geneva (Switzerland), 14-18 July 2008 Reports</p> <p>CITES Reports of regional representative OCEANIA</p>	<p>Plantation species in Fiji are not listed in CITES.</p> <p>While there is a history of non compliance with CITES with respect to Bubble Coral species. There are no issues with respect to softwood plantations. The threshold for low risk has not been met at the Geographical scale: Viti Levu & Vanua Levu, but is met at the Pine Plantation functional scale.</p>		
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale²⁷ (4)	Control measures (5)
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1.21 Legislation requiring due diligence/due care procedures. (6.1)		<p>There are no Forestry related legislation requiring due diligence.</p> <p>While there is no national forestry legislation requiring due diligence, softwood companies have their own due diligence systems. The threshold for low risk has not been met at the Geographical scale: Viti Levu & Vanua Levu, but is met at the Pine Plantation functional scale</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information ²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds ²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale ²⁷ (4)	Control measures (5)
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<p>Indicator 2.1.</p> <p>Armed Conflict</p> <p><i>The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.</i></p> <p>Conflict Timber</p> <p><i>Is the country a source of conflict timber?</i></p> <p><i>Is the conflict timber related to specific entities?</i></p>	<p>United Nations https://www.un.org/securitycouncil/sites/www.un.org.securitycouncil/files/subsidiary_organs_factsheets.pdf</p> <p>US Aid www.usaid.gov</p> <p>Compendium of United Nations Security Council Sanctions Lists: www.un.org</p> <p>Global Witness www.globalwitness.org</p> <p>US Aid www.usaid.gov</p> <p>Global Witness www.globalwitness.org/campaigns/environment/forests</p> <p>Human Rights Watch http://www.hrw.org/</p> <p>World Resources Institute: Governance of Forests Initiative Indicator Framework (Version 1) www.wri.org</p> <p>Profor http://www.profor.info/node/1998</p>	<p>There is no UN Security Council ban on timber exports from Fiji.</p> <p>There are no reports indicating any conflicts in Fiji.</p> <p>Fiji is not covered by any other international ban on timber export.</p> <p>There are no individuals or entities involved in the forest sector in Fiji that are facing UN sanctions.</p> <p>Conflict Timber is defined by US AID as:</p> <ul style="list-style-type: none"> • conflict financed or sustained through the harvest and sale of timber (Type 1), • conflict emerging as a result of competition over timber or other forest resources (Type 2) <p>Also check overlap with indicator 2.3</p> <p>No information on conflict timber in Fiji found.</p> <p>The World Bank Worldwide Governance Indicators report aggregate and individual governance indicators for 213 economies (most recently for 1996–2014), for six dimensions of governance:</p> <ul style="list-style-type: none"> • Voice and Accountability; • Political Stability and Absence of Violence; • Government Effectiveness; • Regulatory Quality; • Rule of Law; • Control of Corruption <p>Indicator 'Political stability and Absence of violence' is specific for indicator 2.1.</p> <p>In 2020 (latest available year) Fiji scores on the Political Stability and Absence of Violence/Terrorism indicator score 59.05 to 94.76 on the percentile ranking across all countries (ranges from 0</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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	<p>Amnesty International Amnesty International Annual Report:</p> <p>Amnesty International http://www.amnesty.org</p> <p>Worldbank http://info.worldbank.org/governance/wgi/index.aspx#home</p> <p>Worldbank http://info.worldbank.org/governance/wgi/index.aspx#reports</p> <p>Greenpeace www.greenpeace.org</p> <p>CIFOR http://www.cifor.org/</p>	<p>(lowest) to 100 (highest rank) with higher values corresponding to better outcomes).</p> <p>No evidence found that this rank has a relationship with conflict timber.</p> <p>.</p> <p>No information was found on Fiji as a source of conflict timber and the forest sector is not associated with any violent armed conflict. There is no UN security ban, other ban or UN sanction.</p> <p>The following low risk thresholds apply:</p> <p>(1) The area under assessment is not a source of conflict timber; AND</p> <p>(2) The country is not covered by a UN security ban on exporting timber; AND</p> <p>(3) The country is not covered by any other international ban on timber export; AND</p> <p>(4) Operators in the area under assessment are not involved in conflict timber supply/trade; AND</p> <p>Other available evidence does not challenge 'low risk' designation.</p> <p>The threshold for low risk has not been met at the Geographical scale: Viti Levu & Vanua Levu, but is met at the Pine Plantation functional scale</p>		
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale²⁷ (4)	Control measures (5)
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<p>Indicator 2.2 Labour rights are respected</p> <p><i>Including rights as specified in ILO Fundamental Principles and Rights at work. Are the social rights covered by the relevant legislation and enforced in the country or area concerned? (refer category 1)</i></p>	<p>International Labour Organisation http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO::</p> <p>International Labour Organisation https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103278</p> <p>Office of Attorney General https://www.laws.gov.fj/Acts/DisplayAct/2910</p> <p>International Labour Organisation https://www.ilo.org/dyn/travail/docs/821/Employment%20Relations%20Promulgation%202007.pdf</p> <p>Child Labor and Forced Labor Reports Fiji US department of Labour https://www.dol.gov/agencies/ilab/resources/reports/child-labor/fiji</p> <p>International Labour Organisation https://www.ilo.org/dyn/natlex/natlex4.listResults?p_lang=en&p_country=FJI&p_classification=04</p> <p>Human Rights Watch: http://www.hrw.org/;</p> <p>Doc https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsjuNjw8c</p>	<p>Status of ratification of fundamental ILO conventions:</p> <ul style="list-style-type: none"> • C29 Forced Labour Convention, 1930 C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 • C98 Right to Organise and Collective Bargaining Convention, 1949 • C100 Equal Remuneration Convention, 1951 • C105 Abolition of Forced Labour Convention, 1957 • C111 Discrimination (Employment and Occupation) Convention, 1958 • C138 Minimum Age Convention, 1973 C182 Worst Forms of Child Labour Convention, 1999 <p>Ratification as such should be checked under Category 1. In Cat. 2 we take that outcome into consideration. Refer to it.</p> <p>Fiji has ratified all 8 ILO core conventions. The status of all 8 core conventions is <i>'in force'</i>.</p> <p>NOTE The following have only recently been ratified (since 2002-2005)</p> <ul style="list-style-type: none"> • C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 • C100 Equal Remuneration Convention, 1951 • C111 Discrimination (Employment and Occupation) Convention, 1958 • C138 Minimum Age Convention, 1973 • C182 Worst Forms of Child Labour Convention, 1999 <p>All of the conventions are enacted by local legislation.</p> <p>These are covered by the Employment Relations Act 2006 plus later amendments, in particular the Employment Relations</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Specified risk</p> <p>Fiji Pine Group must use the same management system for controlled wood that they use for its own FSC™ certified plantations. This system must be independently audited as meeting FSC™ Forest management standards for Principle 2:</p> <p>2.1 The Organization* shall* uphold* the principles and rights at work as defined in the ILO Declaration on Fundamental Principles and Rights at Work (1998) based</p>
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Promulgation 2007.

This outlines the legislation used to meet ILO requirements under the core conventions.

CHILD LABOUR IN THE PLANTATION FORESTRY SECTOR

Local legislation meets international standards

- C138 Minimum Age Convention, 1973
- C182 Worst Forms of Child Labour Convention, 1999.

EMPLOYMENT RELATIONS PROMULGATION 2007

PART 10 — CHILDREN

Objects of this Part

90. *The objects of this Part are—*

- a. *to prohibit work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children;*
- b. *to establish the circumstances and ages at which children may work; and*
- c. *to confer certain rights on children and provide protection in view of their vulnerability to exploitation.*

Prohibition of worst forms of child labour

91. *The following forms of child labour are prohibited—*

- a. *all forms of labour slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and any form of forced or compulsory labour, including forced or compulsory recruitment of children in armed conflict;*
- b. *the use, procuring or offering of a child for illicit activities in particular for the production and trafficking of drugs as defined in relevant international treaties; or*
- c. *the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances, and a person who engages a child in such prohibited form of child labour commits an offence.*

Minimum age for employment

92. *The age of 15 years is the minimum age for employment of*

on the eight ILO Core Labour Conventions

2.2 The Organization* shall* promote gender equality* in employment practices, training opportunities, awarding of contracts, processes of engagement* and management activities.

2.1.4 The Organization* shall* respect freedom of association and the right to collective bargaining.
2.1.4.1 Workers* are able to establish or join worker organizations* of their own choosing.

2.1.4.2 The Organization* respects the rights of workers to engage in

		<p><i>children.</i></p> <p><i>Employment of children under 15 years</i></p> <p><i>93.(1) A child under the age of 15 years must not be employed in any capacity other than in accordance with subsection (2) and a person who contravenes this subsection commits an offence.</i></p> <p><i>(2) Subsection (1) does not apply to a child of 13 to 15 years of age engaged in employment or light work or in a workplace in which members of the same family or of communal or religious group are employed provided that-</i></p> <p style="padding-left: 40px;"><i>(a) the employment is not likely to be harmful to the health or development of the child; and</i></p> <p style="padding-left: 40px;"><i>(b) the employment is not such as to prejudice the child's attendance at school, participation in vocational orientation or training programmes approved by a competent authority or capacity of the child to benefit from the instruction received.</i></p> <p><i>Trade union rights</i></p> <p><i>94. A child who is 15 years or over has the right to join a trade union and to vote in a trade union elections where the child is a member.</i></p> <p><i>Certain restrictions on employment of children</i></p> <p><i>95. (1) A child must not be employed underground in a mine.</i></p> <p><i>(2) The Minister may, after consulting the National Occupational Health and Safety Advisory Board established under the Health and Safety at Work Act 1996 and by order in the Gazette, declare any employment or workplace to be a prohibited or restricted employment or workplace for the purposes of this Part on the ground that it is injurious to health or is hazardous, dangerous or unsuitable, including attendance on machinery, working with hazardous substances, driving motor vehicles, heavy physical labour, the care of children or work within security services.</i></p> <p><i>(3) An employer must not, after being served with a copy of an order made under subsection (2), continue to employ the child.</i></p> <p><i>(4) If a child's employment is discontinued under subsection (2),</i></p>	<p>lawful activities related to forming, joining or assisting a workers' organization*, or to refrain from doing the same; and will not discriminate or punish workers for exercising these rights.</p> <p>2.1.4.3 The Organization* negotiates with lawfully established workers' organizations* and/ or duly selected representatives in good faith* and with the best efforts to reach a collective bargaining* agreement.</p> <p>2.1.4.4</p> <p>Please refer to Group HR Policy & Procedure 2020</p> <p>Conformance : Pages 41 – 159</p>
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		<p><i>the child must be paid any outstanding wages or any other entitlement the child may have earned up to the date of the discontinuance under the terms of the contract of service.</i></p> <p><i>(5) An employer who—</i></p> <ul style="list-style-type: none"> <i>(a) employs a child underground in a mine or in an employment or workplace declared under subsection; or</i> <i>(b) contravenes subsection (3), commits an offence.</i> <p><i>Children not to be employed against the wishes of parent or guardian.</i></p> <p><i>96(1) An employer must not continue to employ a child after receiving notice, either orally or in writing, from the parent, guardian or Ministry, that the child is employed against the wishes of the parent or guardian.</i></p> <p><i>(2) An employer who contravenes subsection (1) commits an offence.</i></p> <p><i>Hours of work for children</i></p> <p><i>97.(1) A child must—</i></p> <ul style="list-style-type: none"> <i>(a) not be employed or permitted to be employed for more than 8 hours in a day; and</i> <i>(b) be given at least 30 minutes paid rest for every continuous 4 hours worked.</i> <p><i>(2) A child must not be employed or permitted to be employed during a period when the child is required to attend school or for a period which prejudices the child's educational participation.</i></p> <p><i>(3) Subsections (1) and (2) do not apply to a child employed under a contract of apprenticeship lawfully entered into under the provisions of any written law.</i></p> <p><i>(4) An employer who contravenes subsections (1) or (2) commits an offence.</i></p> <p><i>Conditions on night employment</i></p> <p><i>98. The Minister may, after consultation with the Board, by order in the Gazette, prescribe conditions for the employment of children between 6 o' clock in the afternoon of any day and 6 o' clock in the</i></p>		
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		<p><i>forenoon of the following day in a workplace.</i></p> <p><i>Employers of children to keep register</i></p> <p><i>99.(1) An employer of children in a workplace, or in an occupation which forms part of a workplace must</i></p> <p><i>(a) keep a register of all the children and the register must include particulars of their ages, the date of commencement and termination of their employment, the conditions and nature of their employment and any other prescribed particulars; and</i></p> <p><i>(b) must produce the register for inspection when required by a labour officer or labour inspector.</i></p> <p><i>(2) The register must be maintained separately and apart from any other register.</i></p> <p><i>(3) An employer who fails to keep a register as required by subsection (1) or who fails or refuses to produce a register when required to do so commits an offence.</i></p> <p>International review has recognized this legislation as meeting ILO convention.</p>		
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Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	15	Article 92 of the Employment Relations Promulgation (24)
Minimum Age for Hazardous Work	Yes	18	Article 40 of the Employment Relations (Administration) Regulations; Hazardous Occupations Prohibited to Children Under 18 Years of Age Order (25,26)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Hazardous Occupations Prohibited to Children Under 18 Years of Age Order (26)
Prohibition of Forced Labor	Yes		Articles 6 and 91 of the Employment Relations Promulgation; Articles 20–21 of the Immigration Act; Articles 102–103 and 111–121 of the Crimes Decree (24,27,28)
Prohibition of Child Trafficking	Yes		Article 91 of the Employment Relations Promulgation; Article 20 of the Immigration Act; Articles 111–121 of the Crimes Decree (24,27,28)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 91 of the Employment Relations Promulgation; Articles 225–227 of the Crimes Decree; Article 62A of the Juveniles (Amendment) Act (24,28,29)
Prohibition of Using Children in Illicit Activities	Yes		Article 91 of the Employment Relations Promulgation; Article 58 of the Juveniles Act (24,30)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Article 7 of the Royal Fiji Military Forces Act (31)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes*		Article 7 of the Royal Fiji Military Forces Act (31)
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	Yes	15	Compulsory Education Order; Compulsory Education Regulations (32)
Free Public Education	Yes		Article 31 of the Constitution of Fiji (54)

The government has established institutional mechanisms for the enforcement of laws and regulations on child labour.

Organization/Agency	Role
Ministry of Employment, Productivity, and Industrial Relations (MEPIR)	Lead agency responsible for enforcing laws related to child labor. Investigates places of employment and child labor law violations. Monitors compliance with the minimum age for employment requirements and the Employment Relations Promulgation. Oversees Divisional Labor Offices responsible for investigating cases of child labor and making appropriate referrals. Coordinates activities at the national, divisional, and district levels through the regional Inter-agency Committees on Child Abuse, including conducting trainings on child labor. Maintains a 24-hour phone line to accept reports of child labor and refers children to social services when appropriate. With the establishment of a Labor Inspection System on Child Labor, over 200 child labor cases have been investigated since 2011.
Ministry of Women, Children, and Poverty Alleviation (MWCPA)	Responsible for women and gender issues, including protecting women and children from abuses.
Employment Relations Tribunal	Adjudicates alleged violations of child labor provisions in the Employment Relations Promulgation.
Fiji Police Force	Investigates criminal violations regarding child labor, child trafficking, and commercial sexual exploitation. Enforces laws on child trafficking, commercial sexual exploitation, and illicit activities. Maintains a Human Trafficking Unit (HTU) and provides training to other police units focused on combating human trafficking. Collaborates with the Australian Federal Police to combat potential child sex tourism by Australian nationals, who comprise the largest tourist group visiting Fiji. In 2019, the Fiji Police Force formalized its HTU and employed seven officers responsible for enforcing criminal laws related to the worst forms of child labor.
Department of Immigration	Responsible for immigration services, refugee services, and efforts to combat human trafficking. Administers and enforces Immigration, Passport, and Citizenship Acts. Coordinates with the Fiji Police Force to investigate cases involving underage victims of commercial sexual exploitation and human trafficking, which are then tried in the criminal court system. (8)
Departments of Social Welfare and Public Prosecutions	Enforce laws on child trafficking. Operate four homes and provide social services for child trafficking victims.

Note that there is an issue with child sex trafficking in Fiji “children in Fiji engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in agriculture” However this is no recorded in the plantation forest industry.

See: [ILO Committee of Experts. Individual Observation concerning Worst Forms of Child Labour Convention, 1999 \(No. 182\) Fiji \(Ratification: 2002\). Published: 2017.](#)

<p>Know the Chain https://knowthechain.org/wp-content/uploads/KTC_forestry_brief.pdf</p> <p>Fiji Government Report - Developing a Joint Roadmap for Fiji as a Pathfinder Country to Achieve SDG Target 8.</p> <p>Human Rights at Sea In Their Own Words: The Killing of Fesaitu Raimkau (Jan 2019)</p> <p>Human Rights at Sea Salote Kaisuva, the Widow of Fijian Crewman Mesake, Who Worked on Taiwanese Longliners (March 2019)</p> <p>Human Rights at Sea The Story of Josaia and Virisila Cama (May 2019)</p> <p>Human Rights at Sea Testimony of Fijian Fishing Widows, Mother and Sister (July 2019),</p> <p>United Nations https://www.un.int/fiji/news/fiji-joins-un-%E2%80%9Caccelerating-realization-gender-equality-and-empowerment-women-and-girls%E2%80%9D</p> <p>Freedom House https://freedomhouse.org/country/fiji/freedom-world/2020</p> <p>Radio New Zealand</p>	<p>FORCED LABOUR IN THE PLANTATION FOREST SECTOR.</p> <p>The Fijian Constitution provides for freedom from slavery, forced labour and Human Trafficking, right to education, rights of children, among others.</p> <p>The Employment Relations Act 2007</p> <ul style="list-style-type: none"> • <i>Guarantees fundamental principles and rights</i> • <i>Section 6.1) No person shall be required to perform forced labour.(2) No person shall discriminate against any worker or prospective worker on the grounds of ethnicity, gender, religion.... etc.)</i> <p>The Employment Relations Promulgation 2007</p> <p><i>PART 2 — FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK</i></p> <p><i>Object of this Part</i></p> <p><i>5. The object of this Part is to state the entitlement to fair labour practices for all persons.</i></p> <p><i>6.1) No person shall be required to perform forced labour.</i></p> <p>Fiji is not highlighted as a country of concern in independent reports on Forces Labour in forestry.</p> <p>The Alliance 8.7 Agenda which was agreed by the Fijian Government as part of Buenos Aires Declaration on 16th November 2019 in Argentina. Under this agenda Fiji is identified as one of the countries to be a pathfinder nation in the 2017 area of eliminating all forms of Child Labor, Forced Labor in Human Trafficking.</p> <p>There is evidence of Fijian nationals in forced labour and Forced labour in Fijian owned fishing vessels but this is in the fishing industry not the forestry sector.</p> <p>EQUAL EMPLOYMENT OPPORTUNITIES</p> <p><i>Prohibited grounds of discrimination</i></p> <p>For the purposes of this Part, the prohibited grounds for discrimination whether direct or indirect are actual or supposed</p>			
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<https://www.rnz.co.nz/international/pacific-news/426956/fiji-govt-urged-to-walk-the-talk-on-gender-equality>

Amnesty International Annual Report:

<https://www.amnesty.org/en/documents/pol10/3202/2021/en/>

personal characteristics or circumstances, including: ethnic origin, colour, place of origin, gender, sexual orientation, birth, primary language, economic status, age, disability, HIV/AIDS status, social class, marital status (including living in a relationship in the nature of a marriage), employment status, family status, opinion, religion or belief.

Sexual harassment

76 (1) An employer is liable under this section, together with a worker who sexually harasses another worker if the employer fails to take the reasonable steps necessary to prevent sexual harassment of the employer's worker.

(2) An employer must develop and maintain a policy to prevent sexual harassment in his or her workplace, consistent with any national policy guidelines under subsection

(3) The Minister may direct the Board to develop a national policy guideline for preventing sexual harassment in workplaces.

(4) Where a complaint of sexual harassment has been made by a worker under this section, the worker's previous sexual experience or reputation must not be taken into account by the employer or a court or tribunal.

MATERNITY LEAVE

Object of this Part

100. The object of this Part is to protect women and to ensure that they are not disadvantaged when taking maternity leave.

Rights of women on maternity leave

101.(1) A woman employed in a workplace who expects to give birth is entitled to maternity leave and abstain from work for a period of 84 consecutive days subject to providing her employer with a certificate from a registered medical practitioner or registered nurse specifying the possible date of birth.

(2) A woman is entitled to paid maternity leave as follows—

(a) for the first 3 births, to the normal remuneration she would have received as if she had been at work; and

		<p>(b) for the 4th and subsequent births, to half the normal remuneration she would have received as if she had been at work.</p> <p>(3) The woman may proceed on maternity leave at any time before or after confinement provided that if she continues to work during the pre-confinement period she must produce a medical certificate certifying that she is fit to work during that period.</p> <p>(4) If at any time during the 3 months immediately before the birth of her child, a woman was employed for a period of, or periods amounting in the aggregate to, not less than 150 days during the 9 months before the birth of her child, the woman is entitled to paid maternity leave as set out in subsection (2).</p> <p>(5) If there is more than one employer from whom the woman would be entitled to claim wages under this section, the Permanent Secretary, labour officer or labour inspector must determine the amount of wages that must be paid by each employer.</p> <p>(6) For the purposes of this section, if a woman is absent from work for a period of more than 84 consecutive days she is not entitled to wages in respect of the days in excess of 84 days.</p> <p>(7) A woman who returns to her employment after maternity leave— (a) must be appointed to the same or equivalent position held prior to proceedings on maternity leave, without any loss of salary, wages, benefits and seniority; or (b) may be appointed to a higher position.</p> <p><i>Payment of wages on death of woman</i></p> <p>102. If a woman dies from any cause before the expected birth or after the day of the birth of her child and before any wages to which she is entitled have been paid to her, the employer or any of her employers is liable to pay wages.</p> <p><i>Payment of wages to nominee</i></p> <p>103. Subject to section 46, any outstanding wages may be paid on behalf of a woman— (a) to a person authorised in writing by the woman; or (b) for a deceased woman, to the Permanent Secretary if there is no authorised person.</p>		
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Restriction on termination

104. (1) No woman must be terminated from employment on the ground of pregnancy.

(2) Where a termination occurs while a woman is pregnant, the burden of disproving that the termination was related to that condition rests with the employer.

(3) If, after three months from the expiration of her maternity leave, a woman remains absent from work, as a result of illness (certified by a registered medical practitioner) arising out of her pregnancy or the birth of her child rendering her unfit for work, her employer may give her notice of termination.

(4) If a woman is terminated under subsection (3) she is deemed to have been employed up to and including her period of maternity leave for the purpose of computing her period of employment under this Part.

Determination of equal pay

80. (1) If an instrument in force at the commencement of this Promulgation—

(a) provides separate provisions for the remuneration of workers based on the gender of workers; or

(b) provides for the remuneration of female workers only, the parties must, within 12 months of the coming into force of this Promulgation, review the instrument to implement equal pay, by determining—

(i) the classifications of the work performed by the female workers in relation to work performed by male workers, those classifications being determined in accordance with the criteria set out in section 79; and

(ii) the rates of remuneration that would represent equal pay for each such classification, those rates being determined in accordance with the criteria set out in section 79.

Although Fiji made very recent commitments to The United Nations to improve gender equality and empowerment and women and girls there is not consensus on the effectiveness of anti-discrimination measures particularly in gender equality..

		<p>There is a disparity of women on corporate Boards and representative in Government.</p> <p>Amnesty international report 2020/21: the state of the world's human rights Notes women and girls continued to experience high rates of gender-based violence. The adoption of fiji's UPR outcome in march exposed gaps in human rights protection, including the need to pass a comprehensive anti-discrimination law, protect the right to freedom of expression, and take further action to address gender inequality</p> <p>Human Rights Watch notes both progress and concerns in gender equality in Fiji.</p> <p>The threshold for low risk has not been met at the Geographical scale: Viti Levu & Vanua Levu, or at the Pine Plantation functional scale. The assessment is specified risk.</p>		
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale²⁷ (4)	Control measures (5)
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Indicator 2.3 The rights of Indigenous and Traditional Peoples are upheld.	<p>ILO Core Conventions Database https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103278</p> <p>Haniff Tuitoga https://www.haniffuitoga.com.fj/singlet-post/itaukei-land-regime-in-fiji</p> <p>iTaukei Land Trust Board https://www.tltb.com.fj/Home</p> <p>Source ITaukei Land Trust Act 1940 ss 4, 5 & 9.</p> <p>Settle land dispute: https://www.fijitimes.com/unit-to-settle-land-dispute/</p> <p>DISPUTE RESOLUTION FOR CUSTOMARY LANDS: SOME LESSONS FROM FIJI https://minerva-access.unimelb.edu.au/bitstreams/d8d08d1-4405-5f01-81fe-bb768ea1f997/download</p>	<p>Fiji has ratified C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)</p> <p>In Fiji, since the independence in 1970, about 87% of country's land has been owned by Indigenous Fijians the government, 4 percent; and the remainder was freehold land held by private individuals or companies. Indigenous land rights have been protected under the constitution.</p> <p>There are indigenous groups called Yavusa/Mataqali which makes groups for ownership for a piece of land.</p> <p>Indigenous land Fiji is classed as iTaukei land and special rules apply in relation to dealings in iTaukei land which are primarily to protect indigenous Fijian's land rights.</p> <p>iTaukei land may only be leased or licensed with approval from the iTaukei Land Trust Board which legally control indigenous lands.</p> <p>Under the iTaukei Land Trust Act 1940 (Act) all iTaukei land rights are vested in the iTaukei Land Trust Board (Board) and rights in iTaukei land may not be leased, licensed or transferred without the consent from the Board.</p> <p>By law all ethnic Fijians are automatically registered upon birth into an official register of native landowners, the Vola ni Kawa Bula. The register also verifies access for those in it to indigenous communally owned lands and confirms titleholders within indigenous communities.</p> <p>There are no Legal and Customary rights violation because everything is covered by the acts and legislations and if there are any issues it is solved within ITaukei Land Trust Board.</p> <p>Example: if there are any land considered dispute and issues mainly</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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		<p>on the boundaries and double leasing. The issues are first solved traditionally and if it is not sorted then the iTLTB is notified to settle the issue.</p> <p>Under the Act, specific requirements for forest land are transferred to the Forest Act.</p> <p><i>7. Subject to the provisions of the Crown Acquisition of Lands Act, the Forest Act, the Petroleum (Exploration and Exploitation) Act and the Mining Act, no native land shall be sold, leased or otherwise disposed of and no licence in respect of native land shall be granted save under and in accordance with the provisions of this Act. (Cap. 135, Cap. 150, Cap. 148, Cap. 146.)</i></p> <p>Under the Forest Act, Fees and royalties to be a charge on forest produce.</p> <p>26. (1) When any royalty or fee is due and payable for, or in respect of, any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by the Conservator or by any forest officer authorised either specially or generally, by the Conservator in writing in that behalf and may be retained by him until such amount has been paid.</p> <p>(2) If such amount is not paid within one month of such seizure, such forest officer may sell the said produce by public action and the proceeds of sale shall be applied in the first instance in payment of the amount due and of any expenses incurred in the seizure and sale.</p> <p>(3) The surplus, if any, if not claimed within two months of the sale by the person entitled thereto shall be forfeited to the Crown.</p> <p>The threshold for low risk has been met at the Geographical scale: Viti Levu & Vanua Levu, and at the Pine Plantation functional scale.</p>		
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information ²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds ²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale ²⁷ (4)	Control measures (5)
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Category 3: High Conservation Values

<p>Indicator 3.0</p> <p>Data available are sufficient for:</p> <p>a) determination of HCV presence for each HCV, and</p> <p>b) the assessment of the threats to HCVs from forest management activities.</p>	<p>Knoema https://knoema.com/atlas/Fiji/topics/Environment/Biodiversity-and-Protected-Areas/Threatened-plant-species</p> <p>https://www.iucnredlist.org/search?query=Fiji&searchType=species</p> <p>Nature Fiji https://naturefiji.org/endangered-species-of-fiji/</p> <p>Nature Fiji https://naturefiji.org/category/endangered-species/</p> <p>Global Trees https://globaltrees.org/projects/saving-fijis-threatened-trees/</p> <p>Secretariat of the Pacific Regional Environment Programme http://www.sprep.org/att/IRC/eCOPIES/Countries/Fiji/103.pdf</p> <p>The Fiji National Biodiversity Strategy and Action Plan 2020–2025</p>	<p>For HCV 1 and 3</p> <p>Threatened species are the number of species classified by the IUCN as endangered, vulnerable, rare, indeterminate, out of danger, or insufficiently known.</p> <p><i>2018 data.</i></p> <p>Threatened Plant Species: 78 number Threatened bird species: 14 number Threatened fish species: 20 number Threatened mammal species: 7 number</p> <p>Specific information is limited. In 2008, Nature Fiji-Mareqeti/Viti launched Fiji’s first Endangered Species Compendium. Developed under the ‘Endangered Species of Fiji’ project the objective of this initiative is to offer information to the public, particularly high school students, tertiary level students and teachers on 50 of Fiji’s endangered species.</p> <p>Global Trees Campaign (GTC) stated in a 2021 report ‘Saving Fiji’s threatened trees’ that:</p> <p><i>“much of Fiji’s endemic flora is not well known, especially with respect to its endemic trees”.</i></p> <p>Fiji Summary of species on the 2008 IUCN Red List noted.</p> <p>The 2008 Red List provides the most up-to-date collated information for Fiji. However, this analysis indicates that our knowledge and information on the biodiversity of Fiji and the Pacific islands as a whole, is generally either limited in accuracy and scope, out of date, or poorly documented.</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Specified risk for 3.0 gives a default classification of Specified risk for each of the categories 3.1 – 3.6.</p> <p>Control Measures apply at each of those HCV categories.</p>
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	<p>Fiji Government- Department of Environment https://www.cbd.int/doc/world/fj/fj-nr-05-en.pdf</p> <p>Index Mundi Country Facts https://www.indexmundi.com/</p> <p>Mongabay https://rainforests.mongabay.com/deforestation/2000/Fiji.htm</p> <p>https://www.globalforestwatch.org/dashboards/country/FJIXgi</p> <p>Soils Manaaki Whenua Landcare Research https://fijipsp.landcareresearch.co.nz/resources/soil-surveys-and-maps/</p> <p>Australian National University https://openresearch-repository.anu.edu.au/handle/1885/186347</p> <p>European Soil Data Centre https://esdac.jrc.ec.europa.eu/content/geological-map-fiji</p> <p>Water Pacific Water http://www.pacificwater.org/resources/article/files/fiji.pdf</p> <p>SOPAC.2007.Report Integrated Water Resource Management Diagnostic Report Fiji Islands. Paul Taylor, Draft SOPAC Miscellaneous Report 637. SOPAC</p>	<p>The Fiji National Biodiversity Strategy and Action Plan 2020–2025 recognizes that undertaking Fiji’s Natural Resources Inventory and State of the Environment report as a priority but this is not yet completed.</p> <p>Fiji’s Fifth National Report to the CBD notes that there are 23 existing terrestrial protected areas in Fiji, covering 50,000 ha. Approximately 35,000 ha of this is on Viti Levu and the remaining 15,000 ha on Vanua Levu and Taveuni.</p> <p>In total, this accounts for just 2.7% of Fiji’s land mass and protects less than 19% of the country’s terrestrial ecosystems and falls —short of Fiji’s protection targets for the main vegetation types in Fijill (GoF, 2014a).</p> <p>Management plans for many of the Protected Areas are being developed although the National Trust is piloting management plans for Sigatoka Sand Dunes National Park and Sovi Basin Protected Area.</p> <p>Due to lack of specific data the threshold for low risk cannot be demonstrated.</p> <p>For HCV 2</p> <p>Global Forest Watch notes: From 2002 to 2020, Fiji lost 6.21kha of humid primary forest, making up 14% of its total tree cover loss in the same time period. Total area of humid primary forest in Fiji decreased by 1.2% in this time period.</p> <p>The Monga Bay ‘Tropical Rainforests: Deforestation rates tables and chart; states:</p> <p><i>55.5% or about 1,014,000 ha of Fiji is forested, according to the FAO. Of this, 44.3% (449,000) is classified as primary forest, the most biodiverse and carbon-dense form of forest. Fiji had 177,000 ha of planted forest.</i></p> <p>The Ministry of Forests Fiji, conducts a National Forestry Inventory (NFI) assessment regularly to take stock of the existing forests, both natural and planted, and is done through the systematic collection data collection of forest information.</p>		
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	<p>Secretariat, Suva.</p> <p>The Ministry of Fisheries & Forests for the Fiji Islands http://webcache.googleusercontent.com/search?q=cache:nA0WY107-30J:faolex.fao.org/docs/pdf/fij152521.pdf+&cd=3&hl=en&ct=clnk&gl=au</p> <p>Conservation International https://www.cepf.net/sites/default/files/ci_cepf_biodiversity_conservation_lessons-14-fijian-forests.pdf</p>	<p>There is ample and UpToDate Soil and geological mapping including slope and potential for erosion.</p> <p>According to www.pacificwater.org, Water catchments are well mapped and described including flow rates, impacts of climatic conditions and flood.</p> <p>There is a national Integrated Water Resources Management (IWRM) plan in the Fiji Islands.</p> <p>For HCV 5</p> <p>The Fiji Forest Policy Statement November 2007 includes a commitment to preserve forest areas fundamental to meeting basic needs of local communities.</p> <p>Fijians for Fijian Forests – Supporting Community driven Protected Area Establishment in Fiji – Conservation International</p> <p>However, there is inadequate information:</p> <p>5.1 Unique/main sources of water fundamental* for drinking and other daily uses required</p> <p>5.2 Unique/main sources of water fundamental* for the irrigation of subsistence food crops required</p> <p>5.3 Food and medicines fundamental* for local traditional Indigenous* uses</p> <p>Specified risk for information on forest areas fundamental to meeting basic needs of local communities.</p> <p>HCV 6</p> <p>As noted in Indicator 2.3</p> <p>Indigenous land Fiji is classed as iTaukei land and special rules apply in relation to dealings in iTaukei land which are primarily to protect indigenous Fijian's land rights.</p> <p>iTaukei land may only be leased or licensed with approval from the iTaukei Land Trust Board which legally control indigenous lands.</p>		
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		<p>Control of HCV 6 Values is inherent in the lease and license arrangements as dictated by the iTaukei Land Trust Board which legally control indigenous lands.</p> <p>Risk conclusion for indicator 3.0:</p> <p><i>Data available are not sufficient for determining HCV presence within the area under assessment for all HCV classes.</i></p> <p>The threshold for low risk has not been met at the Geographical scale: Viti Levu & Vanua Levu, or at the Pine Plantation functional scale. The assessment is specified risk.</p>		
		<p>Specified risk for all HCV -Since in 3.0 we have determined that not enough data exists for some HCV classes (but not all) specified risk applies across the board for an HCV classes</p>	<p>Geographical scale: Viti Levu & Vanua Levu,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Specified Risk</p> <p>For Controlled wood from other landowners Fiji Pine Group must do the harvest planning and use their own harvest crew.</p> <p>Fiji Pine Group must use the same HCV management system for controlled wood that they use for its own FSC™ certified plantations. This system must be independently</p>

			<p>audited as meeting FSC™ Forest management standards for Principle 9 HCV.</p> <p>9.1.1. The FME shall conduct an evaluation to identify High Conservation Values (HCV) attributes present in the FMU. This evaluation, at a minimum, shall include:</p> <ul style="list-style-type: none"> □ Consultation of regional or national conservation databases and maps; □ Consultation of the national HCVF toolkit, if it exists, or the first and third parts of the international toolkit for HCV presence (see HCVF Toolkit by WWF)1; □ Consideration of forest inventory data
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			<p>and observations from field workers, contractors or consultants of the FME;</p> <ul style="list-style-type: none"> <input type="checkbox"/> Interviews with biologist and scientific experts, local communities, and other stakeholders; <input type="checkbox"/> Identification and documentation of possible threats to HCVs <p>9.1.2. The FME shall:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide a written evaluation for HCVs that includes the elements of 9.1.1 and proposals to protect these HCVs; <input type="checkbox"/> Provide a technical explanation for the HCVs identified and the recommendations
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			<p>presented for the protection of these attributes; and</p> <p><input type="checkbox"/> Demonstrate that actions are being taken to protect and/or reduce threats to HCVs that stem from the FME's management activities.</p> <p>9.1.3. The FME shall consult environmental stakeholders, databases, government officials or researchers to identify HCVs. If there are HVCs present, the FME shall take all reasonable action to protect these values and/or reduce threats to them.</p> <p>9.1.4. The FME shall consult the national/</p>
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				<p>regional HCVF toolkit if it exists, other relevant regional information to identify potential HCVs. If there is not national/ regional toolkit, the FME should consult the first and third parts of the international toolkit for HCV presence (see footnote for large FMEs at 9.1.1).</p> <p>C9.2. The consultative portion of the certification process must place emphasis on the identified conservation attributes, and options for the maintenance thereof.</p> <p>C9.3. The management plan shall include and implement specific</p>
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				<p>measures that ensure the maintenance and/or enhancement of the applicable conservation attributes consistent with the precautionary approach (if you can't guarantee protection you can't operate forestry in that area) . These measures shall be specifically included in the publicly available management plan summary.</p> <p>C9.4. Annual monitoring shall be conducted to assess the effectiveness of the measures employed to maintain or enhance the applicable conservation attributes.</p>
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				<p>The HCVF Management Plan for Fiji Pine Limited looks into the approach of nurturing and protecting essential natural forest ecosystem; conserving areas of high traditional and cultural significance and to reduce the risk of degradation and fragmentation.</p> <p>Given how plantation forest and its management has evolved over the years, current and existing forest conditions have diverged from natural pre-</p>
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				<p>settlement condition, the proposed High Conservation Value Forest Management Plan, is in principal an ecological restoration program. However, this will be needed to be implemented to fully facilitate its impact in the long-term.</p> <p>FPL uses WWF toolkit to identify its HCVF spots in their plantation forest and since the plantation is on grasslands, there is very low ecological concentration spots, however,</p>
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			<p>the traditional and cultural spots are in high concentrations throughout the estate.</p> <p><u>Stakeholders</u></p> <ul style="list-style-type: none"> ▪ and owners ▪ haulage contractors ▪ freight carriers ▪ local councils and road authorities ▪ Department of Forestry ▪ Department of Environment ▪ taukei Land Trust Board ▪ General Public <p><u>Primar</u></p>
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				<p><u>y Legislations:</u></p> <ul style="list-style-type: none"> ▪ Environment Management Act 2005 ▪ Environment Regulations 2007 ▪ Forest Decree 1992 ▪ Rivers and Streams Act 1985 ▪ Fiji Forest Harvesting Code of Practice 2nd Edition 2013 ▪ Fiji's Endangered and Protected Species Act 2002 <p><u>Supporting Legal Instruments/Documents:</u></p> <ul style="list-style-type: none"> ▪
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				<p>ational Sustainable Development Strategy</p> <ul style="list-style-type: none"> ▪ <p>ational Environment Strategy,</p> <ul style="list-style-type: none"> ▪ <p>iji Biodiversity Strategy and Action Plan,</p> <ul style="list-style-type: none"> ▪ <p>ational Forest Policy Statement</p> <ul style="list-style-type: none"> ▪ <p>ural Land Use Policy</p> <ul style="list-style-type: none"> ▪ <p>ITES Manual for Fiji Islands CITES Authorities and Border Control Officers</p> <p><u>Perfor</u> <u>mance</u> <u>Objective:</u></p> <p>To provide specific management</p>
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				<p>direction to ensure the ecological sustainability and economic viability of present resources.</p> <ul style="list-style-type: none">▪ restoring forest structure and functions▪ restoring diversity of plant and animal habitats and communities▪ protection of indigenous cultural sites as well as natural ecosystems that serve as food source to local communities▪ <u>Management Strategies:</u>
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				<p>Performance objective will be achieved by the following:</p> <ul style="list-style-type: none"> ▪ Fiji Pine Limited HCVF Standard Operating Procedures of identification and field demarcation ▪ selectively felling ▪ conduct prescribed inventory of existing and new high conservation value forest areas within Fiji Pine estate forest resources ▪ provide periodical community
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				<p>consultation with resources owners</p> <p><u>Tasks:</u></p> <ul style="list-style-type: none"> ▪ awareness training to be included as part of work programme ▪ management enforcement to be maintained ▪ public and community awareness/participation ▪ consistent liaison with Department of Forestry, Environment and other relevant stakeholders to consolidate standing/existing resources within Fiji
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				<p>Pine's lease boundaries</p> <p><u>Responsibility:</u> Responsibility of Fiji Pine Ltd, under the Environment - Enforcement & Research Department</p> <p><u>Performance Indicators:</u></p> <ul style="list-style-type: none"> ▪ Regular inspections for any operations(of any nature) within Fiji Pine Lease Boundaries ▪ Harvest Schedules <p><u>Monitoring and Reporting:</u></p> <ul style="list-style-type: none"> ▪
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				<p>ny complaints will be directed to Manager FSC™ and Environment, and copied to all Section Heads, Department of Environment as soon as possible</p> <ul style="list-style-type: none">▪ omplaints and any actions arising from a complaint will be recorded in a Complaints Register to be maintained by site management.▪ onsistent Field visits to sites that require urgent attention <p><u>Corrective Actions:</u></p> <ul style="list-style-type: none">▪ mmediately
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				<p>address any complaints from public and civil community</p> <ul style="list-style-type: none">▪ maintain EM action system following proper procedural performance▪ identify, demarcate and protect all areas of HCV within Fiji Pine forests. <p>Please refer to FPL HCVF Procedure 2021</p>
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		<p>native forests together with the drivers for native forest conversion. Plantation species do not arise from conversion of native forests. There is no evidence of the conversion of native forests to plantation.</p> <p>The threshold for low risk has not been met at the Geographical scale: Fiji, but is met at the Pine Plantation functional scale</p>	<p>why FPL overplant areas are dealt with differently to other woodlots because the overplant areas were planted by FPL itself and FPL knows the history and origin of the trees and that it was not planted on any converted areas hence on grasslands only.</p> <p>Whereas the other private woodlots planted by the land owners themselves – do not know the history of the areas and the plant origins.</p>
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Indicator (applicable legality categories and sub-categories) (1)	Sources of information ²⁵ (2)	Risk determination and specification (if not low risk) Provide numbers of thresholds ²⁶ that are met. JUSTIFY THE OUTCOME (for each threshold). (3)	Functional scale ²⁷ (4)	Control measures (5)
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<p>Indicator 5.1. There is no commercial use of genetically modified trees.</p>	<p>http://www.genewatch.org/sub-569314</p> <p>Report: Wang, H. (2004). "The state of genetically modified forest trees in China" (PDF). Preliminary Review of Biotechnology in Forestry, Including Genetic Modification, Forest Genetic Resources Working Paper Forest Resources Development Service, Forest Resources Division. Rome, Italy. FAO: 96</p> <p>Report: Sedjo, R.A. (2005). "Will Developing Countries be the Early Adopters of Genetically Engineered Forests?" (PDF). AgBioForum. 8 (4): 205.</p> <p>Report: "Brazil approves transgenic eucalyptus". Nature Biotechnology. 33 (6): 577. 9 June 2015. doi:10.1038/nbt0615-577c. PMID 26057961.</p> <p>Report: Fiji National Progress Report Submitted to the Third Series of Sub-regional Workshops (2003/2004):</p>	<p>Worldwide GM crops are only approved for commercial use in China and Brazil.</p> <p>According to Genewatch.org Most genetically modified (GM) trees are not grown commercially, but experimental trials have taken place in the US, Canada, Europe and Brazil.</p> <p>There are currently no specific regulations on GMOs in Fijian legal text.</p> <p>Fiji has however, ratified the Cartagena Protocol, a 'focal point' from the Environment Ministry in charge of the implementation of this protocol in the context of the 'Biosafety Clearing House' (BCH).</p> <p>In their report to the protocol Fiji stated:</p> <p><i>"GMOs are not accepted in Fiji and all goods must be accepted by a GMO-free certification. However this applies across all imported goods but mainly for foods and microorganisms under a system controlled by the Biosecurity Authority of Fiji (BAF)."</i></p> <p>Fiji's Biosafety Framework states it objective is:</p> <p><i>"To actively participate in international and regional for a such as the Convention on Biological Diversity, Pacific Invasive Partnership (PIP) and regional discussions in areas such as Genetically Modified Organisms, debates on risk of pests and diseases, as well as lessons learning for improved practice and policy lessons in invasive alien species and biosecurity."</i></p> <p>3.9.2 Biosecurity Promulgation (No. 28) (2008)</p>	<p>Geographical scale: Viti Levu & Vanua Levu Islands,</p> <p>Functional Scale: Pine Plantation Forestry</p>	<p>Nil, Low risk.</p>
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	<p>National Biosafety Framework. Available at: http://www.unep.ch/biosafety/old_site/development/countryreports/FJprogressrep.pdf;</p> <p>Interim Government of the Republic of the Fiji Islands Biosecurity Promulgation (2008) http://www.biosecurityfiji.com/docs/Biosecurity-Promulgation.pdf</p> <p><u>Grace, L.J., Charity, J.A., Gresham, B., Kay, N. & Walter, C. 2005. Insect-resistant transgenic Pinus radiata. Plant Cell Reports, 24: 103–111.</u></p> <p>http://www.fao.org/3/i1699e/i1699e00.htm</p> <p>https://fsc.org/en/document-centre/documents/resource/156</p>	<p>Biosafety is integrated into the biosecurity promulgation which has been developed with particular emphasis on border control. Under the law biosecurity has been defined to covers food safety, zoonoses, the introduction of animal and plant diseases and pests, the introduction and release of living modified organisms (LMOs) and their products (e.g. GMOs), and the introduction and management of invasive alien species.</p> <p>The law aims to prevent the entry of animal and plant pests and diseases into the Fiji islands; to control their establishment and spread in the Fiji islands; to regulate the movement of animal and plant pests and diseases and of animals and plants and their products; to facilitate international cooperation in respect of animal and plant diseases.</p> <p>This Promulgation is in addition to the requirements relating to the specified imports and exports and do not displace any other statutory requirements relating to imports and exports, trade in endangered species, biosafety, biodiversity or environmental laws.</p> <p>There is no evidence of unauthorized use of GMO in Fiji.</p> <p>According to FAO The only Pinus species with a GMO (experimental License) world wide is Pinus radiata.</p> <p>Species in the functional scale are Pinus caribaea and Pinus elliottii. Most are with FSC™ certified forest management units. FSC Policy is that GMO trees cannot be certified.</p> <p>The threshold for low risk has been met at the Geographical scale: Viti Levu & Vanua Levu, and at the Pine Plantation functional scale.</p>		
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