

ORIGINAL: FRENCH

SOUTH PACIFIC COMMISSION

SPC/FAA WORKSHOP ON THE MANAGEMENT OF
SOUTH PACIFIC INSHORE FISHERIES
(Noumea, New Caledonia 26 June-7 July 1995)

COUNTRY STATEMENT - NEW CALEDONIA

The division of responsibilities and administrative organisation

In New Caledonia, the various responsibilities for inshore fishery resource management are shared between a range of administrative authorities.

In the institutional situation prevailing as at 31 December 1994, the French national government holds the authority to administer public maritime areas and can issue permits to use this zone, aquaculture concessions for example (Maritime Affairs Department).

Prior to the beginning of 1995, it was the Territorial Merchant Marine and Maritime Fisheries Service, on behalf of the Territory, which proposed regulations covering sea fisheries for all of New Caledonia.

In February 1995, a change in New Caledonia's institutional framework modified the distribution of responsibilities by giving the Provinces the power to regulate sea fisheries within their respective jurisdictions.

The Provincial Administrations have thus found themselves responsible for creating and managing marine reserves, which are more environmental conservation areas than methods for the management of marine resources.

The Provinces also have the authority to issue commercial fishing authorisations and, in this way, have a means of monitoring this activity.

As no form of hierarchy exists between the various administrations in New Caledonia, each is free to administer its jurisdiction as it sees fit.

As coordination often proves necessary, there is a special Territorial Committee, i.e., the Marine Resources Committee composed of representatives from concerned authorities and scientific agencies, which allows different points of view to be aired. This Committee can be consulted for any matters related to marine resources.

Informal quarterly meetings between the technical departments with responsibility for maritime fisheries provide an opportunity to discuss ways of better managing inshore resources and to make proposals to the responsible authorities.

Regulations : Implementation and enforcement

A regularly updated review of maritime fisheries regulations in New Caledonia is published each year (please see attached document). For many years now, the Administration has tried wherever possible to base these regulations on the results of scientific studies which allow the biological parameters of the resources involved to be determined.

Monitoring and enforcement of regulations concerning maritime fisheries is conducted by sworn officers, e.g. detachments of the maritime or land *gendarmeries* or local administrations (the Provinces for matters concerning marine reserves).

The role of custom in the management of inshore fisheries

The existence of customary law has been recognised by the Government of France but incompatibilities have arisen between the principle of the freedom of movement in maritime waters and the establishment of customary fishing reserves which form the basis of marine resource management by clans.

The lack of a written form of customary law is delaying the recognition of the right to manage marine resources through the creation of customary reserves, with access limited to certain people. In reality, this often results in a privatisation of resources, contrary to French law.

Until now, most disputes involving customary fishing areas have been settled by negotiation, often by relying on people's common sense in order to avoid communication breakdowns or even confrontations, but the problem of conflicting viewpoints has not yet been resolved.

Inshore resource management policies

The management option selected for any specific resource principally depends on its intended use. The beauty of the New Caledonian lagoon is a major asset for tourism and its protection through conservation measures such as marine reserves is essential.

Nevertheless, some resources show worthwhile potential for exploitation and sustainable economic development, which requires that these activities be regulated. In New Caledonia, the Provinces, which have responsibility for economic development, issue commercial fishing authorisations when the projects submitted offer demonstrable viability. This viability is determined according to technical, financial and resource-availability criteria.

Difficulties linked to inshore resource management

The issue of resource availability is obviously of primary importance and two different situations tend to occur:

- the resource is still untouched and a preliminary scientific study should be done in order to estimate optimum exploitation levels;
- the resource is already being exploited and an exploitation level compatible with stock renewal must be set. To do so, the fishing effort must be known.

It must be noted that obtaining statistics on stock exploitation is not easy and that sometimes the data are too segmented or vague to provide reliable information. In such cases, the only recourse is a study which is expensive and sometimes difficult to carry out when responsibility is shared between a variety of administrations.

At the same time, such studies should yield a better understanding of how the producer-to-consumer chain should be structured.

During such studies, it is useful to seek the opinions of fishermen about the regulations already in force.

Criticisms are often voiced about the way the regulations are enforced. It is also regrettable that enforcement is practically non-existent outside urban areas. In such cases, the "swearing-in" of local people for enforcement duties could be difficult and is not the ideal answers.

Finally, lobbying by professional groups sometimes proves to be prejudicial to the implementation of appropriate regulations.

The future

In the coming months, due to the new division of responsibilities in New Caledonia, the problem of the geographic scope of Provincial legislation on maritime fisheries will arise.

In reality, no marine demarcation line has been drawn between the Provinces. In addition, some measures, particularly those concerned with marketing catches, could cause difficulties in the event of inspection, due to the fact that in New Caledonia there is only one large market for fish and sea food, i.e. Noumea, which is located in the Southern Province.
