

Management of marine resources by Kanak fishermen in New Caledonia: towards what evolution?

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The research work summarised by this title is presently under way in the North Province of New Caledonia* and has three principal objectives:

1. Analysis of the potential application of "Kanak maritime law" for resource management

The expression "Kanak maritime law" refers to the specific usage rights claimed by a particular clan as a result of its historical association with a portion of the maritime territory. Marine territories — which are precisely delimited — are just like the rest of the land, under the jurisdiction of a clan which, in the local languages, is said to be the "master of the sea" or "the eyes of the sea". The arrival of Europeans has not made these rights disappear — the "master of the sea" clans are still perfectly well known among the Kanaks, as are the limits of the marine territories of each country or chiefdom.

The exploitation of the resources — in the ocean just as in rivers or on the land — was limited and codified by a certain number of rules. Since everybody was conscious of the risks they ran by transgressing the rules (suffering sickness or misfortune, which could happen to the transgressors or to members of their families), the control of these maritime territories — some of which were limited in extent and observable with the naked eye — was often fairly easy.

Exploitation of these resources generally took two forms: either by coastal dwellers for their daily subsistence needs, which was regular but of limited quantity (and within which also operated a sexual division of activity); or, less frequently but more intensively in connection with customary ceremonies (funerals, births, etc), to support the needs of a group and its allies. In these cases, the members of the clans that organised the ceremony requested the person in charge in the "sea master" clan to be responsible for the fishing, since only he had the right and the power — written in his history — to carry out and to succeed in the harvest. To maintain and justify their role of guardians of the maritime territory, the members of the clan concerned, and especially the person in charge of that task, were expected to know perfectly the species that frequented the lagoon in that area and which were of significance to the life of the

community. Furthermore, certain species which the clan was expected to provide at the times of customary ceremonies were "maintained" — in other words, to ensure their presence, the person responsible fed them regularly (the same thing also happened for hunting). As a result of this knowledge, the fishing techniques used were also very well mastered and adapted.

As a tool, maritime law had to be efficient among the Kanak clans that managed it, because it was connected with their survival — as much alimentary as social. One of the objectives of this study is to describe the knowledge of the species and of the fishing techniques held by these "masters of the sea" inside a specific territory, mainly for two reasons:

- first, to show clearly the advantages and the disadvantages of a management system which combines the social control of territory and men with the knowledge, and even control, of the resource and of fishing techniques;
- secondly, so that those rules connected to the conservation of the resource that are applied by the "masters of the sea" clans because of their knowledge could be advertised to and, hopefully, respected by other fishermen, preventing them from spoiling the maritime environment.

2. Study the effect of the superimposition of French maritime law on Kanak maritime law

Consequences on the control of the maritime territory:

The intervention of the "master of the sea" clans to provide fish during social events is still normal practice today. But, because of the arrival of Europeans, the associated population movements, the introduction of new laws giving open access to the sea, and the development of commercial fishing by Kanaks themselves, fishermen are now more numerous and more diversified than before. Controlling maritime territories in the same way that it was done before is very often impossible nowadays. Nevertheless, fishing cooperatives or Economic Interest Groups (GIE) still cannot be established among Kanak fishermen without the

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approval of the clan in charge of the marine territory. Part of the present study is to find out how the system of control of their territories and their resources practiced by these clans works in a situation of increasingly commercialised fishing.

Social and ecological consequences of increasing numbers of fishermen and fishing effort:

These changes have brought about many conflicts, either between local fishermen coming from neighbouring areas but who belong to different "territories", or between local fishermen and professionals from outside the area. In addition, the unsystematic leisure-time exploitation of the resource by local residents — whether European public servants or Kanak people belonging to clans from the interior of the country — who don't know enough about the marine environment — is problematic, even if in that case it's not possible to speak of "conflicts". But, whatever the case, the local fishermen insist on the necessity of protecting the resource. The present project aims to analyse the different types of problem occurring among the fishing communities of the North Province as they

attempt to manage their marine territories and resources, and to study the solutions proposed by the fishermen themselves.

3. Analyse the present-day administrative evolution of marine tenure rights in New Caledonia, especially in the North Province.

The Matignon Accords have modified the competencies of the three Provinces which administer New Caledonia. Will they use that opportunity to give more responsibility for the control of the resource to the local population because of their knowledge? What elements of Kanak maritime law could be absorbed into the resource development plans of each Province? How will the administrations manage to integrate the specific features and characteristics of each community without preventing the development of a coherent global fisheries development strategy for each Province and the whole territory? These topics will also be studied in this project, and will be compared, in as far as literature and personal contacts allow, with contrasting situations in other Pacific countries.

Members of the SPC Traditional Marine Resource Management and Knowledge Special Interest Group

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We had received completed questionnaires from the individuals listed below at 22/7/92. If you are on the list and your name and address is wrong, please send us a correction. If you are not on the list and want to be, fill in the form enclosed with this bulletin or write us for a new form.

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