

Making sure that regulation rhymes with appropriation

All too often, there is a gulf between biodiversity regulations and the actual practices of local people. As we look to move beyond this rift, recent experiments in New Caledonia offer an instructive example.



Workshop with young people in Lifou, New Caledonia.

Establishing a clear policy for managing natural spaces and species is all well and good. But what's more important is to ensure that this policy is appropriated and applied by local people. The three provinces of New Caledonia are currently experimenting with a variety of approaches to creating environmental policies which are more relevant to the social and ecological challenges they face.

The environmental codes in place in the North (2008) and South (2009) provinces include special dispensations for the catching of certain protected species for use in “customary ceremonies.” These dispensations recognise the values and practices associated with certain species by local people, including the green turtle *Chelonia mydas*. Nevertheless, implementing this law is no easy matter either for the customary authorities responsible for processing the requests, or for the technical agents in the provinces who are responsible for assessing them. How do we define what constitutes a customary ceremony? How many individual animals should they be allowed to take? Who has the authority to make such requests?

In order to provide legitimate answers to these questions, researchers must be capable of precisely describing and analysing the environmental values at stake, allowing for an informed discussion. In the Southern province, for example, before the process of local consultations was launched a team of anthropologists and geographers conducted a study

... In New Caledonia, new approaches are being pioneered based on dialogue between researchers and key stakeholders such as the provincial institutions, customary councils and local people. Their goal is to regulate the use of environmental resources, on land and at sea. ...



Fishermen with nets in Belep, New Caledonia.

based on lengthy, semi-directive interviews with local residents and provincial agents. This study allowed the researchers to establish precisely which events required one or more turtles and why, and to grapple with the factors which have caused these practices to change over time. The study also provided an insight into the diverse array of potential misunderstandings and mix-ups liable to lead to conflict. The presentation of this study to local residents – in conjunction with a study led by a biologist which highlighted the imbalance in the local turtle population – paved the way for a subsequent consultation between the provincial and customary authorities focused on the fine details of the regulations and criteria for the size of individual turtles to be caught.

Loyalty Islands Province has adopted an even more innovative approach, making Kanak culture and lifestyles the basis of the province's environmental code. To achieve this, the province turned to specialists in environmental law and a broad array of scientists, working to reconcile existing local practices with constitutional and international standards.

Taking local knowledge and know-how on board and co-constructing regulations in a negotiated manner can help us to make more sustainable choices, achieving consensus rather than compromise, and ensuring that environmental rules are appropriated and integrated into the lives of local people.

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