

**A**

young man in Tokelau sits at the feet of an elder learning how to make a special kind of stick for catching octopus.

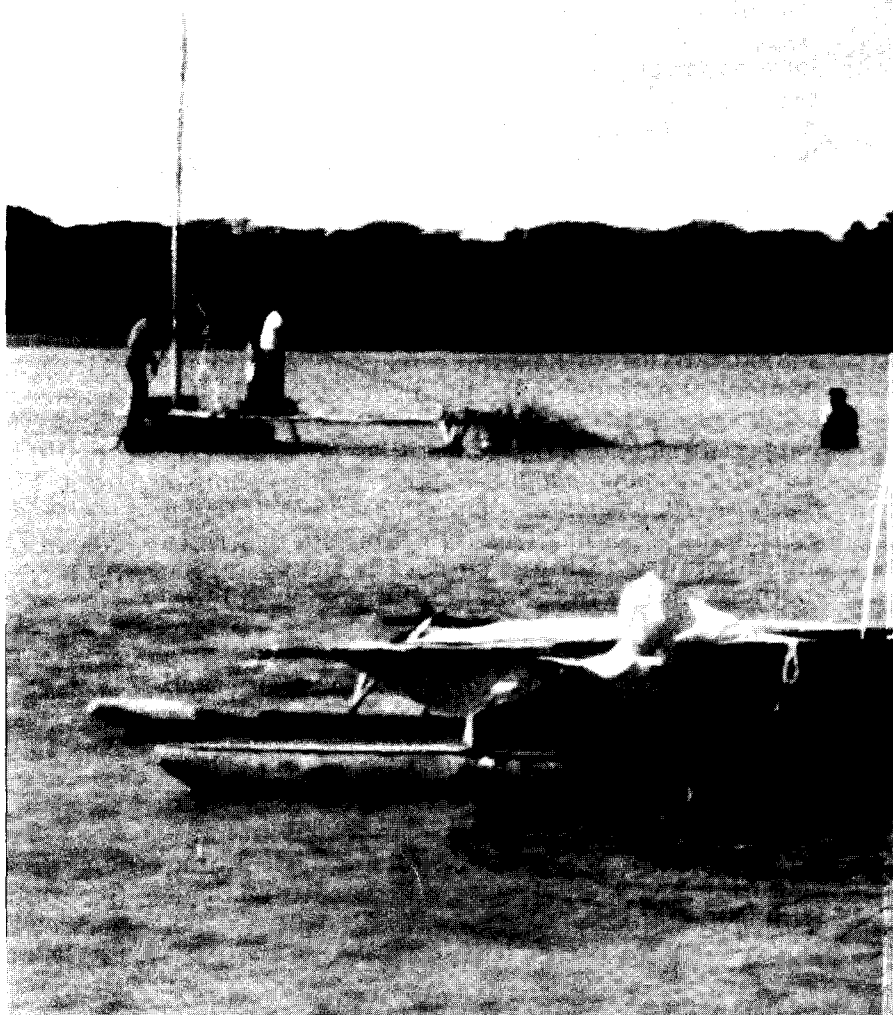
A chief in Yap prohibits any kind of fishing on a particular reef area for the next 12 months.

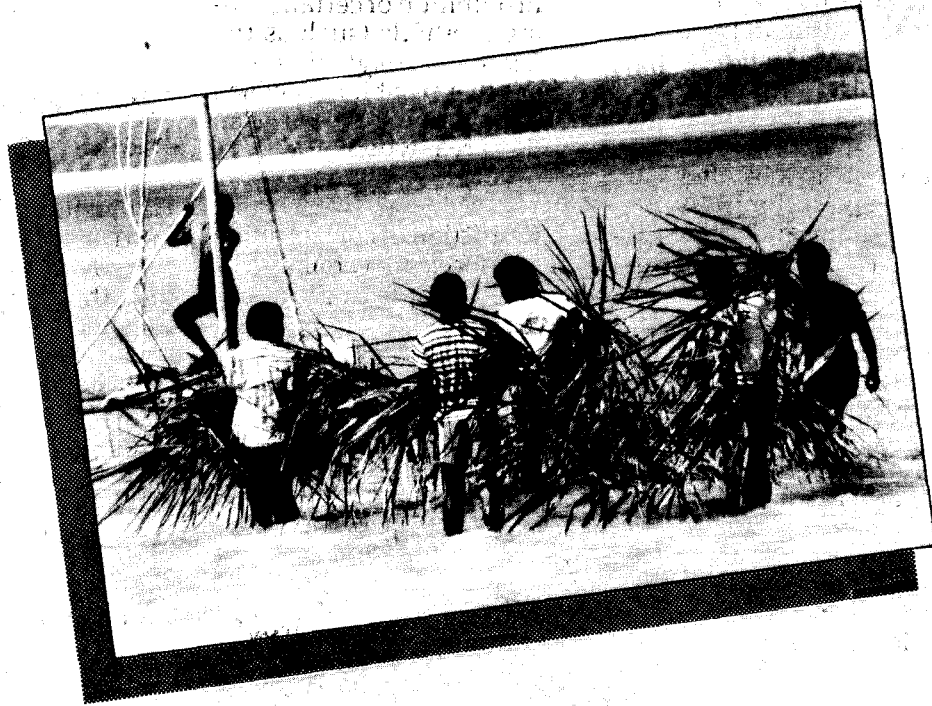
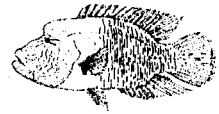
Turtles caught at Port Resolution on Tanna Island, Vanuatu, are not eaten till many days later, after being carried alive from village to village, with special food offered to their carriers. When they reach their final destination, their killing, cooking and consumption follow a ritual procedure laid down countless years ago.

Are traditional practices such as these still valid today? Are they still used? Can they be incorporated into western-style law? Does traditional land tenure (which in most Pacific Islands extends out to sea) hinder or help commercial artisanal fisheries? How can the detailed knowledge of marine life which Pacific Islanders have accumulated over hundreds of years be safeguarded and passed on to young people undergoing a western style of education?

Questions such as these were the theme of a one-day Workshop on People, Society and Pacific Islands Fisheries Development and Management held during SPC's annual Regional Technical Meeting on Fisheries this year.

# FISHERIES AND CUSTOM





## Looking after resources

Before the advent of commercial fishing, which led ultimately to official recognition of the pressing need for wise and long-term resource management, local fishermen and traditional landowners already knew how to look after the sea and the not-so-limitless bounty that fed them and their families every day.

This traditional management of marine resources, as it is now commonly called, ensured that a delicate balance was maintained and that the every-day food supply of the community was not endangered. In other words, adequate supply had to be maintained for the present and future needs of the community (to ensure, as present day fisheries managers would put it, 'sustainable yield').

Traditional management was also a way of preparing for exceptionally large harvests required for special occasions such as the death or installation of a chief or a major customary exchange with another community.

Although fish was sometimes marketed (especially on the larger Melanesian islands, where coastal communities exchanged their fish for inland commodities such as taro), management for commercial purposes was not the main aim of the traditional fisheries manager.

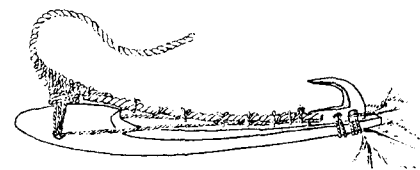
Traditional management methods included:

- Complete prohibitions on catching particular species during certain periods or certain seasons of the year;
- Prohibition on consumption of certain species by certain groups (such as clans claiming descent from a particular fish or animal, or pregnant women);

- Closed areas, where no fishing whatsoever was permitted;
- Prohibition of certain fishing methods (such as the use of *Barringtonia* seeds or other plant toxins which poison living creatures in the area where they are used);
- Restriction of consumption of a species to certain privileged people or groups.



These measures were enforced by the chiefs, elders, the owners of the reefs or specific authorities responsible for fisheries. Penalties were severe, and in extreme cases could include banishment or death. However, because traditional management measures applied only to individual communities, were designed for the benefit of everyone in the community, and because people were less mobile, it is likely that contraventions were not numerous, except in cases where the managers turned their powers to benefit themselves, as was sometimes the case.

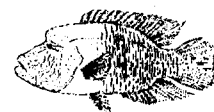


## Do traditional rights have legal value?

In most Pacific islands, the land and the sea (particularly the reefs) were regarded as a single entity and the people who controlled the land also controlled the adjacent reefs. Some Pacific Island constitutions provide for these rights to be maintained today. The Yap State Constitution, for example, recognises traditional rights and ownership of natural resources within the marine space of the State, within and beyond 12 miles from island baselines (Yap State Code, Title 18, Section 27).

The Vanuatu Constitution (Articles 71 and 72) provides that all land (which also includes the reefs adjacent to the land) belongs to the indigenous custom owners and their descendants and that the rules of custom shall form the basis of ownership and use of land.





## Who has control today?

Some countries such as Fiji are fortunate in that the customary ownership of land is clearly defined today. In others, the situation is not so clear. Movements of people, often instigated by colonial governments or churches which grouped their adherents into larger, more accessible communities for ease of worship, have

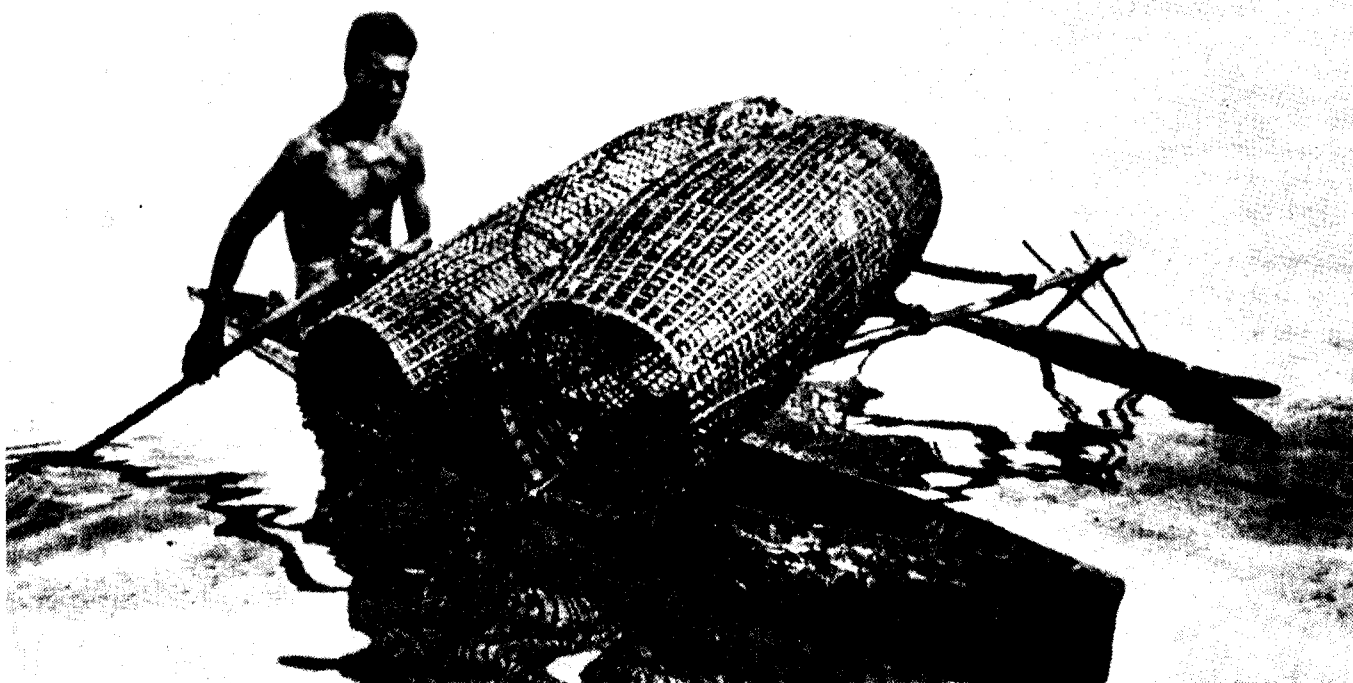
refusing him access to the resource, either out of a desire to ensure that it is not over-exploited, or for less laudable reasons such as jealousy.

In addition, conflict can sometimes arise between traditional owners and governments or with commercial fishing boats and companies, when the definition and legal recognition of rights is not very clear. It is worth noting, for instance, that the Yap State Constitution, mentioned before,

this sort of situation, as local fishermen/landowners feel that their fragile resources are being endangered by outside commercial fishing concerns and that they have the right to protect, by force if necessary, what is traditionally, if not legally, theirs.

## Law versus tradition

Is there still a role for customary management practices and



brought inland dwellers down to the coast. This has led to arguments over control and ownership of land and resources which are often extremely difficult, if not impossible, to resolve.

Conflict can sometimes arise with the desire of some members of the community to control resources in order to make money, for while the land was traditionally controlled by an entire clan, money-making projects are often 'owned' by a single individual: other, less enterprising members of the clan may seek to block his project by

also specifies that no action may be taken to impair traditional rights and ownership of natural marine resources, except that the State Government may provide for conservation and protection within the marine space of the State within 12 miles from the island baselines.

Not all countries are in the same situation and in some recent cases (as in Tiga, New Caledonia), local traditional landowners have come into brutal conflict with commercial companies that have come to fish in their waters. There does not seem to be an easy solution to

knowledge? The workshop held during the technical meeting dealt with this question at length.

Traditional management practices are not always equipped to cope with today's needs, particularly when commercial exploitation of marine life is involved. However, when both government and traditional owners act wisely to protect resources whilst allowing rational exploitation, conflict does not normally arise. In fact, some of the modern management practices are not dissimilar to those practised traditionally; they are now

becoming increasingly common. They include the creation of marine reserves, closed seasons, size limits for crustaceans and shellfish, prohibition of certain fishing methods and provision of advice based on scientific knowledge.

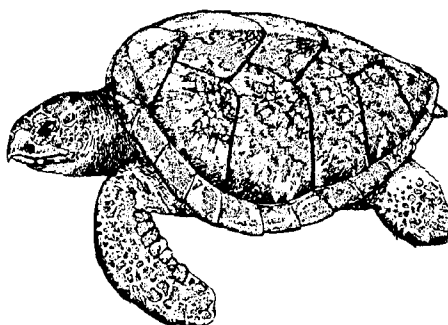
## Working hand in hand

These very similarities can lead to management practices which combine aspects of both customary and western-style law. It is often extremely difficult for hard-pressed fisheries officers to enforce provisions on such matters as size limits of trochus or prohibitions on taking lobsters with eggs. If enforcement were conducted at community level by the authorities traditionally responsible for maintaining law and order in the village, it might be more effective. A paper on traditional marine conservation in Tokelau presented at the workshop suggested that a local person with training in fisheries biology act as technical adviser to the Tokelau elders. This could be extremely valuable not only for enforcement of government legislation, but also for proper management of artisanal fisheries such as those for which the SPC Deep Sea Fisheries Development Project provides technical training.

## The modern value of tradition

To some extent, particularly in those countries where the Constitution enshrines the rights of traditional landowners, customary management principles could sometimes be incorporated into individual documents drawn up in accordance with government law. Thus in some leases on the island of Santo in Vanuatu, the traditional landowners have insisted on the inclusion of provisions relating to use of the reef adjacent to land leased for com-

mercial agriculture. These have included complete prohibition of the capture of dugongs and turtles, restriction of fishing to catches for personal consumption (no sales allowed) and restrictions on the types of fishing gear used. Similarly, following consultation with the landowners, the lease of Namenala Island in Fiji for development of a small tourist resort stipulates that the owner is responsible for protection of the reefs adjoining the island, and in particular for ensuring that no live shellfish or turtles are collected.



Probably the most important aspect of all this is the need for government authorities to consult with the people traditionally responsible for management and enforcement. Traditional custom was never fixed in stone. It was flexible — it had to be, to adapt to changing circumstances caused by such uncontrollable events as cyclones. Through consultation, managers with scientific training could assist the traditional authorities to adapt both to the changing pressures of modern life, and to scientific knowledge which is different from, but just as applicable to their communities, as their own.

## The loss of traditional management practices

Regrettably, traditional management practices are being lost or neglected. Younger people, edu-

cated in schools at which they spend most of their daylight hours — sometimes far away from their home islands — often have neither the time nor the interest to acquire traditional knowledge. Indeed, they may feel that their knowledge is superior, and this leads not only to a loss of traditional knowledge but to a weakening of traditional authority.

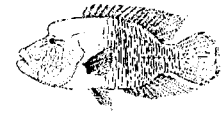
While it is important for the elders to appreciate the value of western scientific knowledge, it is equally important for the younger people to learn and respect the lore of their forefathers. How? And when?

The brightest young Islanders today tend to spend the major part of their lives out of the traditional context. They are at high schools in the capital, at universities in Fiji, Papua New Guinea, France or New Zealand. And they are there at exactly the same period of their lives when they would normally be absorbing customary knowledge. The paper presented to the Workshop by the Tokelau delegation highlighted the need for traditional knowledge to be introduced into the formal school system. Here the information collected by surveys could be extremely useful. Alternatively, people with the traditional skills and knowledge could be asked to come into the schools and impart what they know.

The way is not easy. As the Tokelau paper noted, 'There is a perception of the superiority of the western curriculum and that the educated elite might lose some status when having to rely on formally uneducated masterfishermen'. There is also the problem that traditionally, knowledge was passed on only to certain selected people.

However, if a wealth of knowledge is not to be lost or to remain buried without practical effect among a heap of dusty papers, the attempt should be made.





## Knowledge, the key to management



The combination of the elders' lore and authority with western scientific knowledge is likely to be far more effective than any attempt to include customary management practices in legislation and therein seems to lie the solution. Indeed, in the larger Melanesian countries in particular, it would be quite impossible to incorporate custom into law in any detail at all, because of the immense variety of custom tenures and management practices that exist.

The workshop drew attention to the great diversity of customary tenure systems in the SPC region and the way in which they operate, and recommended that the SPC Inshore Fisheries Research project assist in the design and use of questionnaires to discover more about them. These questionnaires, it suggested, should build on the experience of Solomon Islands, where 43 different marine tenure systems have recently been surveyed. It also recommended the establishment of a Special Interest Group which would be the focus for collection, discussion and dissemination of information on traditional marine resource management.

An immense quantity of information on marine tenure and customary resource management already exists in writing, buried in scientific and anthropological reports going back to the days of the first European explorers. A

similarly immense quantity of knowledge also exists among coastal Pacific Islanders today. Women, who are the main harvesters of the reef and who are also responsible for cleaning and cooking the fish caught further afield by the men, are a particularly valuable and hitherto too often neglected storehouse of knowledge.

## The future

The recommendations of the Workshop focus upon the collection of knowledge and its dissemination. They do not, however, go into the question of who is to collect the knowledge, who will be on the receiving end, or what use will be made of it after dissemination, and by whom. These essential questions will need to be addressed in the near future.

Most professional fisheries workers tend to have a scientific background, which may not fully fit them for eliciting information from others. Professional ethnologists,

on the other hand, often have a deeper interest in such esoteric matters as cross-cousin marriage, to the detriment of enquiries into the more practical matters of everyday life. In addition, people are often unwilling to divulge their knowledge to 'outsiders', be they people from overseas or from a neighbouring island or village.

Perhaps the solution would be to make use of senior high school students, who could be trained in the use of the questionnaire and fill it out by sitting at the feet of their elders, as they might have done in the past. This would have the added advantage of instilling into the students some respect for their elders' knowledge and skills.

Information and knowledge are the key to the future and the Pacific Islanders are determined to work together and find a way of preserving their resources whilst developing their economies.

The solution, everyone agrees, lies in a harmonious balance between tradition and the modern world, so that marine resources are managed and protected in such a way as to ensure rational development of the islands and their people.

