

## SECTION 5

# NATURAL RESOURCE ISSUES

### 12. ENVIRONMENTAL LAW ISSUES IN THE SOUTH PACIFIC AND THE QUEST FOR SUSTAINABLE DEVELOPMENT AND GOOD GOVERNANCE

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### 13. LEGAL DEVELOPMENTS IN THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY AND STRADDLING FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN

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*Consideration of natural resource issues in relation to law in the Pacific islands has tended to focus on land tenure issues. This is unsurprising, given the unique natures of many land tenure systems within the region. These systems, which draw upon custom and, sometimes, blend with introduced systems of land management, provide an area of interest and challenge for legal theorists and policy makers. The central importance of land within Pacific island cultures also means that people from other disciplines such as anthropology, sociology and political science take a keen interest in Pacific land tenure systems and have contributed to the literature on the subject.*

*This body of literature has resulted in a general awareness of the sensitivity and importance of land issues in the Pacific island region. However the Pacific islands also face a number of pressing issues to do with the use and management of other natural resources that are, maybe, less widely discussed in academic literature. This section aims to introduce readers to some of the natural resource issues other than land tenure that Pacific island societies and legal systems currently have to address.*

*The first chapter provides an overview of the most common and pressing natural resource issues that are being faced by the countries in the region. This overview particularly focuses on areas in which domestic legal interventions can be used to ensure that natural resources are not squandered. Current 'best practice' approaches to addressing these issues that incorporate the concept of good governance are also described and examples of various legal interventions are provided. An interesting point to note here is that the good governance agenda, which is possibly most commonly linked to combatting corruption, can be seen to be equally relevant in a different setting, that of environmental protection.*

*The second chapter analyses the particular issue of tuna fishing. As well as providing detailed information on management of tuna resources in this region this analysis provides us with a different angle from which to view resource issues. It focuses our attention on the interplay between international law and domestic responses and stresses the importance of cooperation at both international and regional level in order for many natural resources issues to be addressed.*

*Together these two chapters indicate the range of legal and social issues and responses relating to natural resource management in the Pacific islands today. Micro level interventions that maybe affect only single communities or areas, national law and policy and international law and policy, particularly at the level of regional cooperation are all shown, indicating the number of different layers of law and policy that have an impact upon natural resource management.*