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### ► To cite this version:

Caroline Lejars, Séverine Bouard, Nils Ferrand. Shared water policy in New Caledonia: Feedback on a mechanism for policy co-construction and co-planning. Emeline Hassenforder; Nils Ferrand. Transformative participation for socio-ecological sustainability: Around the CoOPLAGE pathways, Quae, pp.230-240, 2024, ISBN 978-2-7592-3919-1. hal-04772593

**HAL Id: hal-04772593**

**<https://hal.science/hal-04772593v1>**

Submitted on 8 Nov 2024

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# TRANSFORMATIVE PARTICIPATION FOR SOCIO-ECOLOGICAL SUSTAINABILITY

Around the CoOPLAGE pathways

Emeline Hassenforder and Nils Ferrand, eds



## Shared Water Policy in New Caledonia: Feedback on a mechanism for policy co-construction and co-planning

*Caroline Lejars, Séverine Bouard and Nils Ferrand*

In March 2019, the government of New Caledonia approved the framework for the country's first water management policy. Called the "Shared Water Policy" (PEP<sup>1</sup>), it is the result of a broad consultation involving approximately one in six hundred New Caledonians. This chapter presents a retrospective of the consultation mechanism put in place for the development of this policy. It focuses in particular on the process and the planning support tools used, partly inspired by the CoOPLAN mechanism.

### ►► Public consultation on water policy in New Caledonia: the stakes

The atypical organisation of institutions in New Caledonia has led to a patchy and uncompleted regulatory framework for water governance that is somewhat out of step with local uses and practices. The 1998 Nouméa Agreement organised the "decolonisation" of the archipelago, notably through the progressive transfer of competences from the French State to New Caledonia, the organisation of a referendum on self-determination and the development of "New Caledonian citizenship". The organic law of 1999 characterises the territorial and social specificity of New Caledonia, granting it *sui generis* status and proper institutions (congress, government, customary senate, economic, social and environmental council, and customary councils). This status gives rise to a dual system:

- provinces and communes form the basis of New Caledonian democracy, their assemblies and municipal councils are elected by direct universal suffrage;
- Kanak social organisation (clans and chiefdoms) within the eight customary areas of New Caledonia is based on custom and oral tradition, without nonetheless excluding recourse to written formalisation (country law no. 2006-15 of 15 January 2007 on customary acts).

On this basis, the management of water and aquatic environments has been divided amongst four different authorities:

- New Caledonia, which manages the public river domain located outside customary lands;

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1. Politique de l'eau partagée.

- Customary authorities, which manage water resources located on customary lands;
- Provinces, the environmental jurisdiction of which encompasses aquatic environments, and which for the North and South have requested and obtained, as permitted by the organic law, the delegation of jurisdiction for the management of authorisations on the abstraction and the maintenance of watercourses;
- Municipalities (or their groupings), which are responsible for supplying the population with drinking water when water distribution is in place, as well as for wastewater treatment. The mayor is responsible for municipal policing, particularly in terms of public health.

The segmentation of competences, notably according to the designated type of land, makes water management at the country level very complex. Customary lands over which chiefdoms and clans exercise sovereignty represent 27% of New Caledonia's surface area and host 52% of the territory's drinking water catchments (Davar, 2018). This sharing of responsibilities, coupled with regulatory shortcomings (Massenavette, 2011), makes the coordination of interventions on the ground more complex and creates a context conducive to indecision.

Although water is not a scarce resource in New Caledonia overall, its sharing and management are subject to a growing number of tensions and disorders. Conflicts are beginning to appear, particularly around the payment of water bills and the over-consumption of drinking water (Davar, 2018), around pollution, particularly from mining (Bouard *et al.*, 2016; 2020), and on customary land, around “sacred” water (certain springs or water holes being forbidden or taboo). Furthermore, given the distribution of competences according to land status, water and associated infrastructures could become the object of claims and conflicts on customary lands (Trépiéd, 2011; Lejars *et al.*, 2020).

In this context, the need for a strategic framework including public stakeholder consultation gradually became apparent.

## ► Construction of the “Shared Water Policy” (PEP) in New Caledonia: primary consultation phases

### Political and technical support for the process

The initiative for a “Shared Water Policy” (PEP) was launched in January 2018 led by the two political leaders in charge of agriculture and of customary affairs. A consultant specialised in public policy support was then commissioned to first organise a water forum and then to support the co-construction of the policy.

The consultants coordinated with the actors of the MISE<sup>2</sup> inter-services mission for water. The MISE was set up in 2017 to coordinate the technical activities of public stakeholders but was only mandated in April 2018 to build this policy. This inter-institutional grouping brings together stakeholders from the three provinces, the Davar (Directorate of Veterinary, Food and Rural Affairs), which is in charge of the project, the DASS (Directorate of Health and Social Affairs), the DIMENC (Directorate of Industry, Mines and Energy). As the “kingpin” for process construction, the MISE stakeholders took part in the water policy working group in addition to their daily workloads.

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2. Mission interservices de l'eau.

The political steering committee responsible for guiding and validating MISE proposals was formalised by the Congress of New Caledonia in February 2019 (deliberation no. 395 of 20 February 2019), under the title of “water committee”.

Its organisation took form gradually and combines the mobilisation of technical actors and the involvement of decision-makers.

## The primary phases of the consultation

The PEP is the result of a wide-ranging consultation involving about one in six hundred New Caledonians. The PEP participatory construction process was concentrated over nine months. Launched in January 2018, the first public presentation of the strategic framework was held on 17 October 2018, a fortnight before the first referendum on accession to full sovereignty. In just a few months, the consultation process resulted in a document of almost two hundred pages which sets out the strategic objectives of the PEP and proposes seven hundred actions to be implemented.

Key moments of this construction process (figure 18.1) include:

- an initial diagnostic phase, with the production and synthesis of existing data (hydrology, consumption, quality) by the various implicated services and by groups of stakeholders;
- a diagnostic sharing phase and the collection of proposals for action from a wide range of stakeholders during the Water Forum, followed by six regional meetings;
- work on the strategic framework, the action plan and public presentations.

The strategic framework (Government of New Caledonia, 2019) was unanimously approved by Congress in March 2019. On the basis of the strategic plan, the MISE began effectively implementing actions as of 2019.

## ►► Consultation process and tools

### Process and principles of the consultation process

The overall consultation process was based on classic principles: the production and sharing of a diagnostic of the water situation in New Caledonia, ranked proposals for orientations aimed at responding to the major issues identified, and the construction of an action plan designed to give concrete form to these different orientations.

In reality, however, the consultation and construction process were not linear. Political leaders had initially mandated the consultancy firm to organise a water forum, with the support of the water services. It was only after the forum, and given the success of the forum, that the MISE was given the official mandate to continue constructing the PEP and that the consultancy firm contracted its support for the second phase of the process until March 2019. The extension and financing to continue the consultation process, to notably include the organisation of local workshops, was also only decided following the forum. Similarly, the creation of the water committee was only voted in February 2019, after the first public presentation of the PEP strategic framework. The 2018 Water Forum was thus a key and pivotal moment in setting up the process.

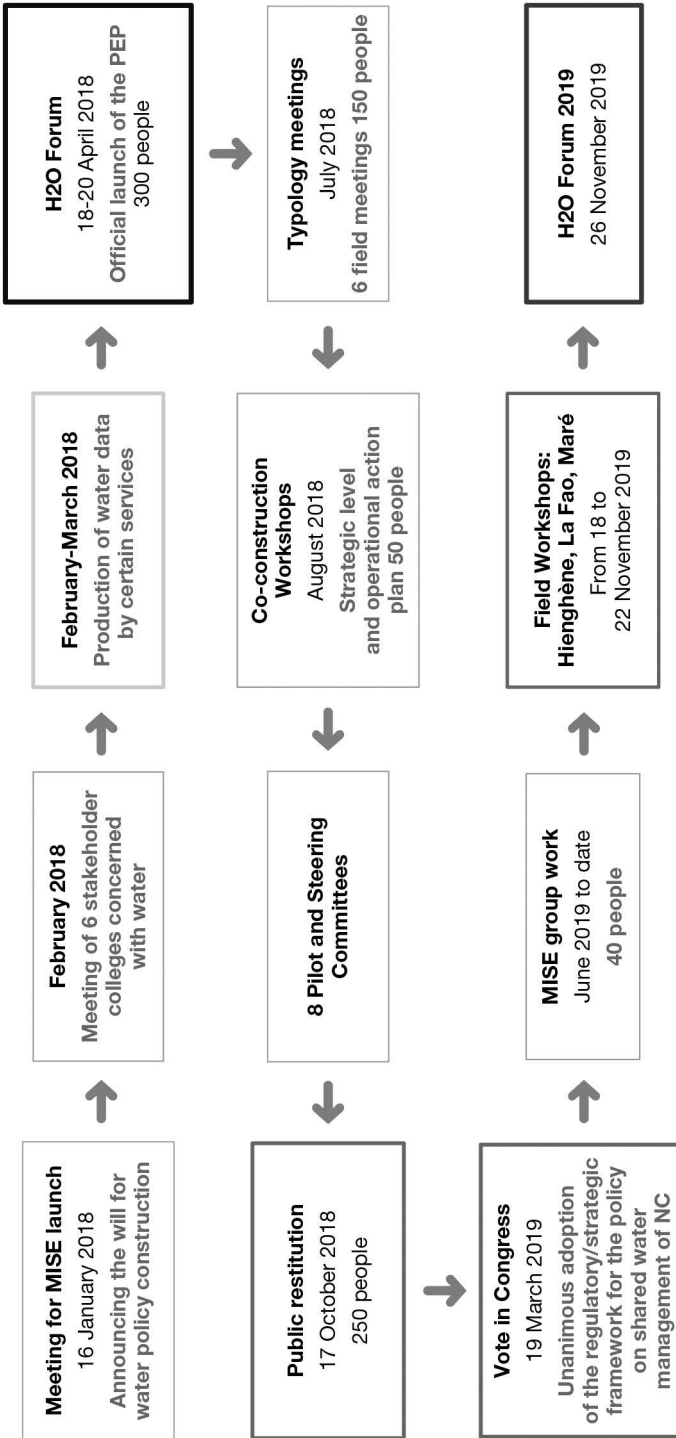


Figure 18.1. Stages in the construction of the “Shared Water Policy” (PEP)

## Support tools inspired by the CoOPLAN approach

Although this was not explicitly indicated to the forum organisers, the approach and the tools used to facilitate the forum were inspired by the CoOPLAN mechanism. CoOPLAN is part of a set of tools designed to support participatory processes and was developed as part of the CoOPLAGE approach (“Coupling open and participatory tools to let stakeholders adapt for water management”). CoOPLAGE is an integrated suite of participatory tools and protocols designed to accompany and empower groups of stakeholders at all levels towards real discussion and engagement in strategies for social and environmental change (see chapter 2). Within CoOPLAGE, CoOPLAN is a device dedicated to the co-construction of action plans. In a rather classical approach, individuals or small groups first come up with actions that could be implemented; then all suggested actions are classified and prioritised so as to organise them into a planning table. Each action is then planned or set-up with someone responsible for the action; a timetable, monitoring indicators and a provisional budget are also associated with each action.

Between 2015 and 2017, a certain number of New Caledonian water service agents were trained in this approach and these tools (Pizette, 2020). The CoOPLAN device, in its classic format, had already been implemented within the management committee’s scope for the VKP (Voh Kone Pouembout, in northern New Caledonia) zone (Bouteloup, 2016), as described in figure 18.2. With the support of researchers, water service agents previously trained in the approach or who were involved in the VKP water management committee, remobilised these tools as part of the PEP construction.

The CoOPLAN tools complemented the approach and process carried out and coordinated by the consultancy firm, which itself has experience in public policy construction, having notably piloted the construction of the shared agricultural policy of the Southern Province of New Caledonia. Thus, within the scope of the PEP construction process, only the facilitation and collective brainstorming tools from the CoOPLAN device were remobilised and adapted (e.g. action sheets).

## Adapting tools for the water forum

The water forum took place over three days. Eight hundred people were invited, covering all stakeholders from the water sector. Three hundred and fifty people actually attended. Of the three days, one and a half days were devoted to plenary discussions and feedback from foreign countries (Israel, Australia, Polynesia, France). The other three half days were dedicated to participatory workshops. Each workshop lasted two hours, with a participation rate of thirty to eighty people. On each half-day, eight two-hour workshops, conducted in parallel, were set up around four different themes. A team of twenty-four facilitators supported the process.

Each thematic workshop was organised in the same manner: a summary of the diagnostic carried out before the forum was shared (in the form of a presentation-discussion), work on “results to be achieved” was carried out in sub-groups (based on the sheet shown in figure 18.3), and proposals from each sub-group were shared. At the end of the workshop, the participants ranked the outcomes using stickers to prioritise the most important ones. Rather than having the participants work on proposals for action (as in the classic CoOPLAN scheme shown in figure 18.2), the groups worked on the results

COOPLAN approach implemented by the VKP water management committee (Voh Kone Pouembout)



1. Sharing of a common diagnosis (participatory simulation).

Echelle d'impact	Financement		Législation	Besoins		Réaliser les investissements nécessaires à assurer la qualité du service		Effets		Qui devrait faire?		
	Elevé	+++		Temps de réalisation	Expertise	Description des étapes de mise en œuvre	Domestique	Social/	Environnement		Développement	Gouvernance/
VKP	Elevé	+++		5 ans	+++	Améliorer la desserte / projets d'adduction	Essentiel ++	Structurant ++	Si traitement des rejets +	Important +++	Financement +++	SIVOM VKP, province Nord
VKP	Elevé	+++		5 ans	+++	Réparer les fuites AEP - Renouveler les réseaux anciens	Confiance +		Moins de pertes ++		Financement +++	SIVOM, Etat (Contrat de développement)
VKP	Elevé	+++		5 à 10 ans	+++	Investir dans le traitement de l'eau : MES, Fer, Manganèse...	Satisfaction - santé ++		Attention dans le traitement des déchets -	SI qualité eau ++ +	Financement +++	SIVOM Europe

2. Drafting of the water scheme, by identifying the needs and effects for each action.

Figure 18.2. CoOPLAN tools used within the Voh Kone Pouembout (VKP) water management committee



to be achieved (figure 18.3). Each group, of three to seven people depending on the workshop, thus proposed a result to be achieved for water policy in New Caledonia. For each result to be achieved, the group defined a timetable (short, medium or long term) and who could be in charge to achieve it (government, provinces, etc.). Each group also reflected on the prerequisites necessary to achieve the result, in terms of skills, technical tools, regulations and funding. The impacts on health, the economy, the environment and in terms of land use planning were considered. Each group then presented its findings to the workshop participants, who were then asked to prioritise the proposals by placing a sticker on those they considered to be the most important for the territory. A summary of the forms used by the sub-groups was produced by MISE members on the evening of the workshops and was used to report in the forum the following day.

Figure 18.3. Form used for the proposal of results to be achieved during the forum

Finally, after the forum, six additional workshops were held in six major localities in New Caledonia (called “typological meetings” in figure 18.1). These local workshops allowed for requests specific to geographical regions to be integrated and added to the proposals from the forum.

All of these proposed outcomes then formed the basis of the Shared Water Policy (PEP) framework and associated planning document.

### Building the action plan

Based on the proposed results to be achieved, the MISE actors defined the actions to be taken to achieve these results. Actions were grouped around major objectives. Taking up the proposals made by the participants, the actions were prioritised and an initial schedule was set out (short, medium and long term). Several MISE meetings were held internally to define the carriers of each action, the monitoring indicators and the associated budgets.

This work allowed for the strategic framework for the PEP (Shared Water Policy, 2019) to be defined, as well as a services roadmap including very precise actions to be drafted (shared online document), with resource needs, impacts assessment and budget evaluation. The Excel roadmap is highly inspired by the action plan used by

the VKP water management committee (figure 18.2). It allows the MISE services to monitor the effective implementation of the strategic framework. This file is also used to evaluate the costs related to PEP implementation.

## ► Results and feedback on the tools and process

At the end of 2019, an evaluation of the consultation process was carried out (Pizette, 2020). Surveys were conducted among the MISE facilitators and agents, among participants in the forum and typological workshops, as well as in two municipalities (Hienghène and Maré) among people who were unable to participate in the process.

### Feedback from facilitators, water service agents and MISE

Some of the MISE facilitators and staff had already received training in participation, while for others it was their first experience in a consultative process.

Several people interviewed expressed a sense of pride in having participated in a large-scale event such as the forum and in having been involved in the construction of the country's water policy. *"There is a sense of pride in being part of the group that participated in this success"* (one of the forum facilitators interviewed by Pizette). For the majority of water service agents, their participation in the construction of the water policy provided renewed legitimacy to their work, gave it value, and helped redefine water as an important issue. Facilitating this consultation process has also impacted them by improving their understanding and knowledge of local issues through exchanges with participants. Participation allowed for open debate and dialogue, on top of the collection of data useful for their work. The tools facilitated and regulated this dialogue and also facilitated the running of the workshops. They provided a clear framework for facilitation, even for staff who were not trained in facilitation.

Some agents and facilitators had a much more measured view. *"I have the impression that the work was done three times: during the preparatory meetings where a grid had already been proposed, then at the time of the forum where the actions were rediscussed and then during the territorial meetings"* (forum facilitator). The fact that the process was set up and financed in stages created a feeling of repetition. At the start of the process, the facilitators did not have a general view of the method that would be implemented, on the one hand because the water forum was only organised in a truly participatory manner at a late stage, and on the other hand because the workshops on the six typological regions were financed only after the forum.

Participation requires a relatively long time frame for implementation. The first step is getting organised, then involving participants, finding the time to meet and allow people to express themselves, debate, agree, find compromises, etc. This approach requires some back and forth, time for co-learning, as well as significant human and financial resources to bring the consultation to a successful conclusion. In the case of the PEP, the MISE actors were involved in the construction of a policy in addition to their daily workload. Ideally, this process should have had additional human resources or been conducted over a longer time frame. The budget allocated to consultation in the whole construction process was too small. A large part was dedicated to organising the forum and to communication, but few additional resources were made available for the pre- and post-forum phases.

## Feedback from participants in the process

The feedback from participants in the forum and field workshops was generally very positive.

At the end of the forum, several participants reported a “*feeling of sharing*”. The two political leaders in charge of PEP spoke of “*a success*”, “*a method that has been acclaimed*” (speech by N. Metzdorf, closing of the H<sub>2</sub>O forum). The process was perceived by some participants as a “*real exercise in participatory democracy*”. “*This is the first time I have taken part in a real exercise in citizen consultation and, I dare say, in participatory democracy*” (WWF Director, closing of the H<sub>2</sub>O forum).

Figure 18.4 summarises the reactions of 105 forum participants: 98% appreciated having exchanged with people they did not know; 90% of respondents thought the process was useful, interesting and participatory. 85% of respondents said they were able to express their point of view and appreciated that it was taken into account. The tools used to support the process were considered relevant by 80% of participants. At the end of the process, 90% of people said they had a better understanding of water issues and 50% of forum participants said they felt more involved in water issues. According to the latter, the implemented participatory process strengthened their desire to be involved in the search for answers to the emerging water issues in New Caledonia. For example, one proposal that was repeatedly put forward was “the sanctuarisation of strategic water resources”. In one workshop, this proposal was promoted by a group with representatives of mining companies, despite the fact that such a proposal could make mining impossible in certain nickel-rich areas. In several groups, there was a consensus on proposals even though they could potentially put different interests under strain.

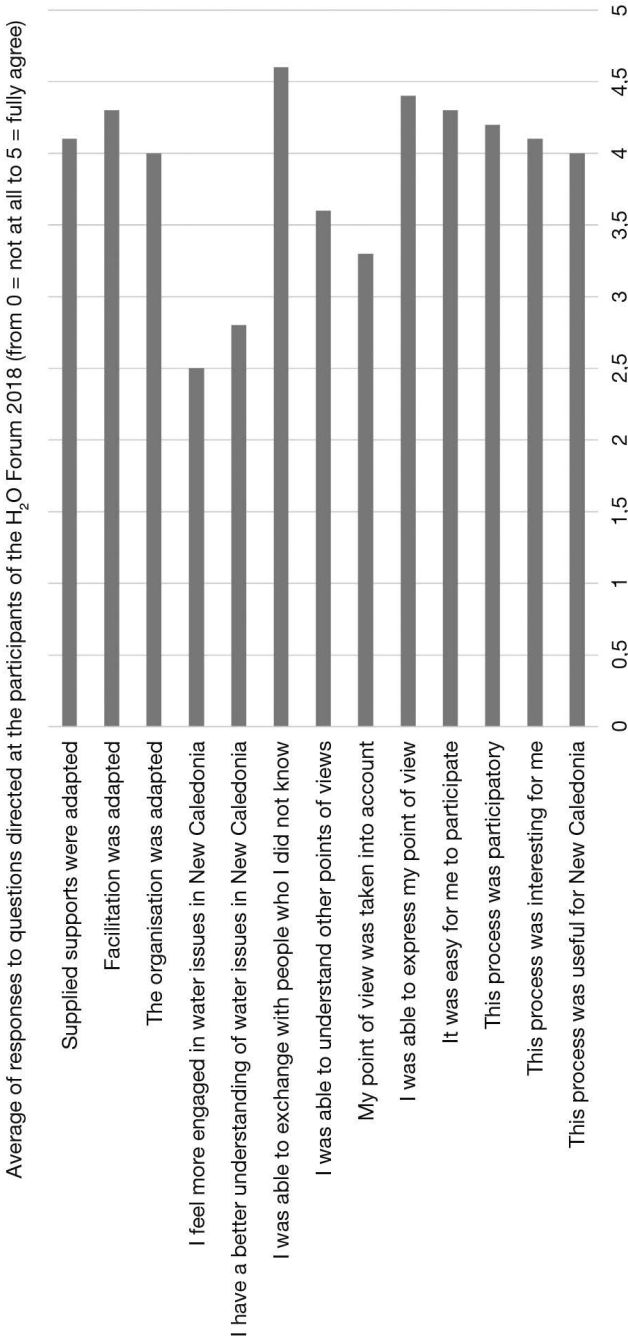
Some very innovative proposals were also put forward. These include proposals for a water statute that would define water as a living legal personality (based on the Whanganui River model in New Zealand) or new governance systems that would give a large place to experts independent of political agendas.

## Feedback from people who did not participate

Local surveys were conducted in two municipalities with people who had not participated and provided feedback on the resulting strategic framework. The objectives of the PEP policy framework were presented to them and some were given the document to read.

In general, the reactions were positive: “*It’s complete*”, “*It’s interesting*”, “*Everything is said*”. The objectives of the PEP take into account the various issues encountered by the people interviewed. They are consistent with the expectations of those interviewed. Several people noted the strong consideration given to environmental issues and the protection of resources.

However, in the words of one interviewee, “*The PEP is good, but it’s a bit too much of a dream*” (interview in Maré by Pizette). For several interviewees, the number of actions is far too great and require further prioritisation. As it stands, these people more specifically question the financial feasibility of the action plan.



**Figure 18.4.** Participants' feedback on the process

## ►► Conclusion

This chapter presents a retrospective of the consultation process set up for the creation of the “Shared Water Policy” in New Caledonia. This consultation process was inspired by tools from the CoOPLAN planning mechanism. In a consultation process initiated by the government and carried out by a consulting firm mandated for this purpose and by agents of the MISE services, these tools were inspired by researchers involved in the process. They were adapted with the support of water service agents who had been trained in the CoOPLAGE approach, had applied it or had participated in a similar process on a smaller scale at the level of a management committee. This example thus illustrates how the CoOPLAGE approach is “open” and how the toolset can be effectively used in a large-scale consultation process. Currently, other tools from the CoOPLAGE set are being used, notably in Maré, on the basis of the serious game WAG, with the aim of communicating and raising awareness of the PEP.

Finally, the consultation process described in this chapter has enabled innovative proposals to emerge and be discussed, particularly with regard to the status of water, the sanctuarisation of strategic water resources and the establishment of governance systems.

The consultation process has contributed to co-learning on water management on the diagnostic side as well as on the feasibility of actions. In this case, this type of approach allowed a consensus to be reached for the PEP, which was unanimously adopted by Congress.

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