Comment on Fiona McCormack’s “Pecarity, indigeneity and the market in Māori fisheries”

Article · January 2020

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| **Abstract:** | This paper reviews the article by McCormack entitled ‘Precarity, indigeneity and the market for Māori fisheries.’ Precarity is a political concept used to describe the vulnerabilities and instability experienced particularly by displaced labour, which has capitalistic roots. McCormack unpacks the process of dispossession of Māori fisheries by reference to treaty settlements and the re-engagement of Māori in the business and activity of fishing. McCormack focuses on structural and historic objectivities rather than personal subjectivities, which can further dehumanise and disempower the precariat. McCormack, to a lesser extent, argues for precarity as a mobilising agent. This is evident in post-settlement Māori economic practice, such as hybridising customary and commercial harvest and reinstituting Māori relationships with the moana. The security of indigeneity in Māori fisheries is aided by McCormack’s analysis, but Māori self-determined development in the business, science and activity of fishing arguably offers a more durable root. |
| **Keywords:** | Precarity, indigeneity, Aotearoa New Zealand, Māori fisheries, Treaty of Waitangi, Māori marine economy |
| **Funding Information:** | Center for Infrastructure, Sustainable Transportation and Urban Planning (IN) (C01X1515)  
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Precarity, Indigeneity and the Market in Māori Fisheries: A Review


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Abstract

This paper reviews the article by McCormack entitled ‘Precarity, indigeneity and the market for Māori fisheries.’ Precarity is a political concept used to describe the vulnerabilities and instability experienced by displaced labour and others, which has capitalistic roots. McCormack successfully unpacks the cycle of possession-dispossession-repossession of Māori fisheries by reference to treaty settlements and the re-engagement of Māori in the business and activity of fishing. McCormack focuses on structural and historic objectivities rather than personal subjectivities, which can further dehumanise and disempower the precariat. McCormack, to a lesser extent, argues for precarity as a mobilising agent, which is evident in post-settlement Māori economic practice, such as hybridising customary and commercial harvest and re-instituting Māori relationships with the moana. The capacity for precarity to construct alternative conceptualisations of economy is not as strong as its ability to deconstruct institutional power imbalances and instability in Māori fisheries. The security of indigeneity in Māori fisheries is aided by McCormack’s analysis, but Māori self-determined development in the business, science and activity of fishing arguably offers a more durable root.

Keywords

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Precarity, indigeneity and the market in Māori fisheries: A review

A review of an article by Fiona McCormack, to be published in Public Anthropologist, Vol. 2, Issue 1 (February 2020) [version 3]

Fiona McCormack\(^1\) establishes Māori fisheries as a narrative representative of the possession-dispossession-repossession cycle of Māori rights over lands and waterways, which is to be found in every deed for the settlement of treaty claims in Aotearoa New Zealand. As an Indigenous people in full, exclusive and undisturbed possession of their lands, forests, fisheries and other properties, guaranteed to them under the Treaty of Waitangi of 1840, there ought not have been anything for Māori to worry about;\(^2\) but as McCormack\(^3\) demonstrates, there was indeed. A settler populace intent on acquiring previously unavailable means for their prosperity, a cadre of unscrupled European entrepreneurs profiting from Māori land sales and a complicit colonial government with an immediately contested claim to sovereignty, made the eventual dispossession of Māori fisheries inevitable.\(^4\)

The diabolical saga of Māori fisheries is lucidly recounted in the Waitangi Tribunal’s 1988 report on the Muriwhenua fishing claim.\(^5\) Importantly, the tribunal\(^6\) finds, among other things, that: (i) pre-contact Māori controlled New Zealand’s fisheries trade using customary

methods equal or superior to those introduced; (ii) under the treaty, Māori rights to fisheries were protected, unless Māori agreed to relinquish them; (iii) from 1866 onward the Crown implemented laws that removed Māori control over their fisheries, providing Māori with small fishing reserves that were never implemented; (iv) the Crown assisted non-Māori into the business of fishing, eventually making fishing an unlicensed activity from 1963, causing overfishing, which was to be addressed through quota as new property right. The tribunal concluded that the Crown had failed in its treaty obligation by awarding non-Māori fishing rights that were guaranteed to Māori under the Treaty of Waitangi.\(^7\) The quota management system (QMS) in effect maintained prejudicial assumptions of Māori fishing rights as noncommercial and inconsequential, dominant themes in colonial narrative and policy since 1866.\(^8\)

In June 1988, Māori and Crown representatives met in Wellington to discuss the implications of the tribunal’s findings, beginning a process of settlement negotiation.\(^9\) Māori commercial fisheries claims were finally settled in two main statutes.\(^10\) First, the Māori Fisheries Act 1989\(^11\) established the Māori Fisheries Commission whose role was threefold: (i) to facilitate Māori entry into the business and activity of fishing; (ii) to receive 10 per cent of commercial quota; and (iii) to administer $10 million in settlement cash.\(^12\) This was regarded as an interim settlement. Second, the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992\(^13\) implemented the deed of settlement for Māori fisheries claims (the ‘Sealord deal’) signed between Māori and the Crown on 23 September 1992.\(^14\) As part of this settlement, the

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\(^10\) Te Ohu Kaimoana. (2003). *He kawai amokura: This report represents the full particulars of a model for the allocation of the fisheries settlement assets.* Wellington, New Zealand: Author.


\(^12\) Te Ohu Kaimoana. (2003). *He kawai amokura*


Crown gave Māori $150 million to buy a 50 per cent share of Sealord Products (now Sealord Group) and allocated to Māori 20 per cent of new quota added to the QMS. In return, Māori agreed that all their commercial rights were settled, and in addition, they agreed to customary fishing regulations, to halt litigation and claims and to support the QMS. The allocation of these settlement rights and assets to Māori took somewhat longer, finally resolved by the Māori Fisheries Act 2004, which reconstituted Te Ohu Kaimoana to oversee the allocation process and Aotearoa Fisheries to manage Māori commercial fishing interests.

While Māori are just getting back into the business and activity of fishing, at the iwi and pan- iwi levels at least, four important points allude to the kind of precarity that McCormack discusses. First, as participants in the business of fishing, Māori are obliged, like other commercial operators, to seriously consider how they are going to be sustainable in their fishing activities given the effects of oceanic pollution, especially, for example, the insidious nature of micro-plastics and the risks of overfishing. Second, in an industry dominated by large-scale processors shielded by high entry costs, how are iwi (tribes) enabling whānau (families) and hapū (subtribes) to participate in the business of fishing? Third, how is mātauranga Māori (Māori knowledge) being integrated into Māori fisheries and in response to emerging science-based regimes like ecosystem-based management (EBM)? The fourth issue

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16 Te Ohu Kaimoana. (2003). He kawai amokura
relates to the vigilance required to guard against contemporary breaches of the treaty through, for example, decisions which attempt to usurp Māori marine-based property rights.\textsuperscript{24}

Case study evidence suggests Māori marine-based enterprises are incorporating oceanic sustainability into their strategies and activities, but the pace, scope and effect of this is mediated by the need to maintain viable enterprises.\textsuperscript{25} Some iwi are supportive of whānau and hapū-based enterprises and are contributing quota and other resources for this purpose, while others are less inclined or able to do so.\textsuperscript{26} The Māori marine economy remains dominated by a few large-scale pan-īwi and īwi enterprises with the quota and capacity to participate across the fisheries value chain.\textsuperscript{27} Collaboration among īwi, initially to collectively trade quota, is expanding, and in some instances, extending to the processing and marketing of fish in conjunction with established fishing enterprises.\textsuperscript{28} Collectivisation is helping alleviate the tyranny of capital constraints and active management by Māori of their fisheries resources is developing essential human capabilities. The Tangaroa Research programme within the Sustainable Seas National Science Challenge is contributing ‘new’ knowledge on how ‘old’ knowledge can and is shaping Māori participation in the business and activity of fishing and


blue economies generally. Reid, Rout, and Mika, for instance, present an institutional analysis on how power and control over Māori fisheries remains concentrated in the hands of officials and a web of governmental entities divorced from Māori communities. Clearly, any shift in marine policy toward ecosystem-based management must be commensurate with not only protecting, but upholding Māori marine property rights consistent with the Treaty of Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples.

Now returning to McCormack’s treatment. Precarity has evolved as a contemporary political concept to describe a sense of powerlessness and placelessness, particularly of displaced labour, but of other vulnerable groups as well, separated from states of institutional stability to an enforced existential contingency. Precarity in this sense is attributed to capitalistic exploitation and policies which reinforce its prevalence from which self-extraction is extremely difficult. Precarity is also associated with resistance of the precariat against

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socioeconomic disparity and structural disadvantage, including for example, the EuroMayDay
protests. While rarely associated with indigeneity, McCormack relates three forms of
precarity to Māori fisheries: (i) the precarity of ownership and dispossession as earlier
recounted; (ii) environmental precarity as viewed from Indigenous ecological knowledge and
experience; and (iii) the precarity of Māori labour, which has deep colonial and capitalist roots,
which according to McCormack, has overtones of personal and institutional racism.

McCormack uses precarity as an analytical device to reveal multiple discontinuities
in Māori fisheries, challenging assumptions about colonial dispossession as fait accompli, a
natural order of disempowerment for the good of a nascent settler state and postcolonial
repossession of Māori marine assets through treaty settlements as fair and just, full and final.
As McCormack points out: “[t]his distinction is critical if we are to resist the tendency of
precarity to dehistoricise and flatten inequalities, or otherwise divert attention away from the
structural causes of precarity towards subjective experiences.” Is it possible to fully appreciate
the causality and perpetuity of dispossession by studying the experience of the dispossessed?
Not according to McCormack, studying dispossession and the role of the dispossessor are
also necessary.

Thus, while precarity is usually stripped of its historical and structural antecedents,
McCormack averts this limitation to illustrate how the colonial ideology of replacing one
paradigm with another succeeded in Māori fisheries, not as a single shot-policy affecting a few
individuals over a confined space, but the entire country and all Māori and their fisheries.

Intimate relationships between Māori and their salt water resources regulated over preceding

centuries by an epistemology and ontology of ecological interdependency were supplanted by market-centred, state-led capitalism. Treaty rights were replaced by an assumption of marine and coastal spaces as common property, devoid of their indigeneity. This is evident in the separation between Māori as kaitiaki or human custodians and their kin—the fish as non-human actors in salt water spaces. McCormack urges care in avoiding reinforcing imprecise depictions of precarity, which mask egregious acts as irreversible and socioeconomic disparity as natural because there is no alternative.

In a post settlement era, McCormack argues that individual transferable quota (ITQ) systems “dichotomise nature and culture, facilitate capital accumulation and generate class inequality, which occurs irrespective of the decision of Māori leaders to act in capitalist or non-capitalist ways.” The precarity of indigeneity in Māori fisheries for McCormack is structural and ongoing; treaty settlement organisations are forced to separate customary and commercial take, focus on wealth generation even in the absence of Māori fishers and sustain the new institution of customary fisheries with unpaid labour. In order to restore their fishing rights, interests and knowledge systems, Māori must participate in a system that reinforces the precarity of their indigeneity.

Despite the rigidities of precarity, McCormack also sees the concept as a mobilising force for re-establishing an “affective and livelihood dimension of fishing” for Māori. This is exemplified through pātaka kai (food storehouse) systems for distributing fish caught by commercial means for customary purposes and the re-emergence of Indigenous knowledge systems, challenging dominant Euro-American assumptions of the oceans as disembodied

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economic resources available for unending (sustainable) exploitation within ecological limits.\textsuperscript{45} McCormack\textsuperscript{46} draws on a vast array of relationships (cultural, practical, commercial, communal, aesthetic, historic and contemporary) Māori have had and do have with their maritime spaces to highlight the need for change in structural (systemic and institutional) objectivities rather than personal subjectivities alone in responding to manifestations of precarity in the indigeneity of Māori fisheries.

While precarity might be apt to expose anomalies in our memories and assumptions about the goodness and rightness of capitalism, there is some doubt over its capacity to elucidate viable alternative conceptualisations of economy.\textsuperscript{47} However, McCormack\textsuperscript{48} successfully manages to show movement in this direction, through reference to post-settlement Māori economic practice as to how Māori are confronting precarity in fisheries. This includes actions to satiate consumptive needs of Māori for fish using hybrid systems of commercial and customary harvest, efforts to re-engage in the cultural and commercial activity of fishing as owners, managers and workers within Māori fishing enterprises, and restoring cultural, pragmatic and spiritual connectivity to the moana (seas) and cultural narratives of the moana. The case for precarity as a perceptive analytical tool within Māori fisheries is made, but the story of how precarity as a mobilising agent will play out in tension-filled post-settlement tribal economies under emerging scientific, economic and policy regimes for the management of marine environments is still unfolding.\textsuperscript{49}

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