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

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Abstract:	<p>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 reinstating 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.</p>
Keywords:	Precarity, indigeneity, Aotearoa New Zealand, Māori fisheries, Treaty of Waitangi, Māori marine economy
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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).

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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 reinstating 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

Precarity, indigeneity, Aotearoa New Zealand, Māori fisheries, Treaty of Waitangi, Māori marine economy

PRECARITY, INDIGENEITY AND THE MARKET IN MĀORI FISHERIES: A REVIEW

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Fiona McCormack¹ 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 McCormack³ 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 tribunal⁶ finds, among other things, that: (i) pre-contact Māori controlled New Zealand's fisheries trade using customary

¹ McCormack, F. (forthcoming, 2020). Precarity, indigeneity and the market in Māori fisheries. *Public Anthropologist*, 2(1), 1-24.

² Kawharu, I. H. (Ed.) (1989). *Waitangi: Maori and Pakeha perspectives of the Treaty of Waitangi*. Auckland, New Zealand: Oxford University Press.

³ McCormack, F. (forthcoming, 2020). Precarity, indigeneity and the market in Māori fisheries.

⁴ Butterworth, G. V. (1990). *Maori affairs*. Wellington, New Zealand: Iwi Transition Agency and GP Books; Moon, P. (1998). The creation of the Sealord deal. *Journal of the Polynesian Society*, 107(2), 145-174; Orange, C. (1987). *The Treaty of Waitangi*. Wellington, New Zealand: Allen & Unwin; Walker, R. (2004). *Ka whawhai tonu matou: Struggle without end* (Second ed.). Auckland, New Zealand: Penguin.

⁵ Waitangi Tribunal. (1988). *Report of the Waitangi Tribunal on the Muriwhenua Fisheries Claim: Wai 22*. Wellington, New Zealand: Author. Retrieved from <http://www.waitangi-tribunal.govt.nz/scripts/reports/reports/22/796C25F5-7F61-4F4F-8C50-EED0218276F3.pdf>

⁶ Waitangi Tribunal. (1988). *Report of the Waitangi Tribunal on the Muriwhenua Fisheries Claim*.

1 methods equal or superior to those introduced; (ii) under the treaty, Māori rights to fisheries
2 were protected, unless Māori agreed to relenquish them; (iii) from 1866 onward the Crown
3 implemented laws that removed Māori control over their fisheries, providing Māori with small
4 fishing reserves that were never implemented; (iv) the Crown assisted non-Māori into the
5 business of fishing, eventually making fishing an unlicenced activity from 1963, causing over-
6 fishing, which was to be addressed through quota as new property right. The tribunal concluded
7 that the Crown had failed in its treaty obligation by awarding non-Māori fishing rights that
8 were guaranteed to Māori under the Treaty of Waitangi.⁷ The quota management system
9 (QMS) in effect maintained prejudicial assumptions of Māori fishing rights as noncommercial
10 and inconsequential, dominant themes in colonial narrative and policy since 1866.⁸

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25 In June 1988, Māori and Crown representatives met in Wellington to discuss the
26 implications of the tribunal’s findings, beginning a process of settlement negotiation.⁹ Māori
27 commercial fisheries claims were finally settled in two main statutes.¹⁰ First, the Māori
28 Fisheries Act 1989¹¹ established the Māori Fisheries Commission whose role was threefold: (i)
29 to facilitate Māori entry into the business and activity of fishing; (ii) to receive 10 per cent of
30 commercial quota; and (iii) to administer \$10 million in settlement cash.¹² This was regarded
31 as an interim settlement. Second, the Treaty of Waitangi (Fisheries Claims) Settlement Act
32 1992¹³ implemented the deed of settlement for Māori fisheries claims (the ‘Sealord deal’)
33 signed between Māori and the Crown on 23 September 1992.¹⁴ As part of this settlement, the
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48 ⁷ Waitangi Tribunal. (1988). *Report of the Waitangi Tribunal on the Muriwhenua Fisheries Claim*.

49 ⁸ Bodwitch, H. (2017). Challenges for New Zealand's individual transferable quota system: Processor
50 consolidation, fisher exclusion, & Māori quota rights. *Marine Policy*, 88-95(June), 88-95.
51 <http://dx.doi.org/10.1016/j.marpol.2016.11.030>

52 ⁹ Bargh, B. (2016). *The struggle for Maori fishing rights: Te Ika a Maori*. Wellington, New Zealand: Huia
53 Publishers; Mika, J. P. (2013). *Tūtara Kauika: A brief history of the Tūhoe Fisheries Charitable Trust*.
54 Tāneatua, New Zealand: Tūhoe Fisheries Charitable Trust.

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

57 ¹¹ For a copy of the act, see: <http://www.legislation.govt.nz/act/public/2004/0078/latest/DLM311466.html>

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

59 ¹³ For a copy of the act, see: <http://www.legislation.govt.nz/act/public/1992/0121/latest/DLM281433.html>

60 ¹⁴ Mika, J. P. (2013). *Tūtara Kauika*.

1 Crown gave Māori \$150 million to buy a 50 per cent share of Sealord Products (now Sealord
2 Group) and allocated to Māori 20 per cent of new quota added to the QMS.¹⁵ In return, Māori
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4 agreed that all their commercial rights were settled, and in addition, they agreed to customary
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6 fishing regulations, to halt litigation and claims and to support the QMS.¹⁶ The allocation of
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8 these settlement rights and assets to Māori took somewhat longer, finally resolved by the Māori
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10 Fisheries Act 2004, which reconstituted Te Ohu Kaimoana to oversee the allocation process
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12 and Aotearoa Fisheries to manage Māori commercial fishing interests.¹⁷
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18 While Māori are just getting back into the business and activity of fishing, at the iwi
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20 and pan-iwi levels at least, four important points allude to the kind of precarity that
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22 McCormack¹⁸ discusses. First, as participants in the business of fishing, Māori are obliged, like
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24 other commercial operators, to seriously consider how they are going to be sustainable in their
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26 fishing activities given the effects of oceanic pollution, especially, for example, the insidious
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28 nature of micro-plastics¹⁹ and the risks of overfishing.²⁰ Second, in an industry dominated by
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30 large-scale processors shielded by high entry costs,²¹ how are iwi (tribes) enabling whānau
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32 (families) and hapū (subtribes) to participate in the business of fishing?²² Third, how is
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34 mātauranga Māori (Māori knowledge) being integrated into Māori fisheries and in response to
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36 emerging science-based regimes like ecosystem-based management (EBM)?²³ The fourth issue
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44 ¹⁵ Moon, P. (1998). The creation of the Sealord deal.

45 ¹⁶ Te Ohu Kaimoana. (2003). *He kawai amokura*

46 ¹⁷ Mahuika, M. (2006). Māori fishing. In M. Mulholland (Ed.), *State of the Māori nation: Twenty-first-century issues in Aotearoa* (pp. 237-245). Auckland, New Zealand: Reed.

47 ¹⁸ McCormack, F. (forthcoming, 2020). Precarity, indigeneity and the market in Māori fisheries.

48 ¹⁹ Ngata, T. (2019). *Mana moana, mana tangata*. Paper presented at the Māori Fisheries Conference, 27
49 March 2019, Novotel, Auckland Airport.

50 ²⁰ Simmons, G., Robertson, B., Whittaker, D. H., Slooten, E., McCormack, F., Bremner, G., . . . Dawson, S.
51 (2017, 4 September). New Zealand's fisheries quota management system: On an undeserved pedestal. *The*
52 *Conversation*. Retrieved from <https://theconversation.com/new-zealands-fisheries-quota-management-system-on-an-undeserved-pedestal-82210>

53 ²¹ Bodwitch, H. (2017). Challenges for New Zealand's individual transferable quota system: Processor
54 consolidation, fisher exclusion, & Māori quota rights.

55 ²² Reid, J., & Rout, M. (2016). Māori tribal economy: Rethinking the original economic institutions. In T. L.
56 Anderson (Ed.), *Unlocking the wealth of tribal nations* (pp. 84-103). Lanham, MD: Lexington Books.

57 ²³ Sustainable Seas National Science Challenge. (2018a). *Sustainable Seas - Ko ngā moana whakauka: Research book 2018*. Wellington, New Zealand: Author.

1 relates to the vigilance required to guard against contemporary breaches of the treaty through,
2 for example, decisions which attempt to usurp Māori marine-based property rights.²⁴
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5 Case study evidence suggests Māori marine-based enterprises are incorporating oceanic
6 sustainability into their strategies and activities, but the pace, scope and effect of this is
7 mediated by the need to maintain viable enterprises.²⁵ Some iwi are supportive of whānau and
8 hapū-based enterprises and are contributing quota and other resources for this purpose, while
9 others are less inclined or able to do so.²⁶ The Māori marine economy remains dominated by a
10 few large-scale pan-iwi and iwi enterprises with the quota and capacity to participate across
11 the fisheries value chain.²⁷ Collaboration among iwi, initially to collectively trade quota, is
12 expanding, and in some instances, extending to the processing and marketing of fish in
13 conjunction with established fishing enterprises.²⁸ Collectivisation is helping alleviate the
14 tyranny of capital constraints and active management by Māori of their fisheries resources is
15 developing essential human capabilities. The Tangaroa Research programme within the
16 Sustainable Seas National Science Challenge is contributing ‘new’ knowledge on how ‘old’
17 knowledge can and is shaping Māori participation in the business and activity of fishing and
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24 Pullar-Strecker, T. (2016, 20 March). Maori fisheries trust takes Crown to High Court over Kermadec ocean sanctuary. *Stuff*. Retrieved from <https://www.stuff.co.nz/environment/78060924/maori-fisheries-trust-takes-crown-to-high-court-over-kermadec-ocean-sanctuary>

25 Rout, M., Lythberg, B., Mika, J. P., Gillies, A., Bodwitch, H., Hikuroa, D., . . . Reid, J. (2019). *Kaitiaki-centred business models: Case studies of Māori marine-based enterprises in Aotearoa New Zealand*. Wellington, New Zealand: Sustainable Seas National Science Challenge.

26 Rout, M., Lythberg, B., Mika, J. P., Gillies, A., Bodwitch, H., Hikuroa, D., . . . Reid, J. (2019). *Kaitiaki-centred business models*.

27 Reid, J., Rout, M., & Mika, J. P. (2019). *Mapping the Māori marine economy: Whai rawa, whai mana, whai oranga—Creating a world-leading Indigenous blue marine economy*. Wellington, New Zealand: Sustainable Seas National Science Challenge.

28 Rout, M., Lythberg, B., Mika, J. P., Gillies, A., Bodwitch, H., Hikuroa, D., . . . Reid, J. (2019). *Kaitiaki-centred business models*.

1 blue economies generally.²⁹ Reid, Rout, and Mika,³⁰ for instance, present an institutional
2 analysis on how power and control over Māori fisheries remains concentrated in the hands of
3 officials and a web of governmental entities divorced from Māori communities. Clearly, any
4 shift in marine policy toward ecosystem-based management must be commensurate with not
5 only protecting, but upholding Māori marine property rights consistent with the Treaty of
6 Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples.³¹

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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.³² Precarity in this sense is attributed to capitalistic exploitation and policies which reinforce its prevalence from which self-extrication is extremely difficult.³³ Precarity is also associated with resistance of the precariat against

²⁹ See for example: Jackson, A.-M., Mita, N., & Hakopa, H. (2017). *Hui-te-ana-nui: Understanding kaitiakitanga in our marine environment*. Retrieved from <http://sustainableseaschallenge.co.nz/sites/default/files/2017-12/SusSeas%2C%20Hui-te-ana-nui%20-%20Understanding%20kaitiakitanga%20in%20our%20marine%20environment%2C%20July%202017%20FINAL.pdf>; Joseph, R., Rakena, M., Jones, M. T. K., Sterling, R., & Rakena, C. (2018). *The Treaty, Tikanga Māori, ecosystem-based management, mainstream law and power sharing for environmental integrity in Aotearoa New Zealand – Possible ways forward*. Wellington, New Zealand: Sustainable Seas National Science Challenge; Rout, M., Reid, J., Bodwitch, H., Gillies, A., Lythberg, B., Hikuroa, D., . . . Davies, K. (2018). *Māori marine economy: A review of literature concerning the historical and contemporary structure of the Māori marine economy* (First ed.). Palmerston North, New Zealand: Massey University; Sustainable Seas National Science Challenge. (2018a). *Sustainable Seas - Ko ngā moana whakauka: Research book 2018*. Wellington, New Zealand: Author; Sustainable Seas National Science Challenge. (2018b). *Sustainable seas strategy for phase II (2019-2024)*. Retrieved from <https://sustainableseaschallenge.co.nz/sites/default/files/2018-07/Sustainable%20Seas%20Strategy%202019%E2%80%932024.pdf>; Taylor, L., Whenua, T. T., & Hatami, B. (2018). *How current legislative frameworks enable customary management & ecosystem-based management in Aotearoa New Zealand – the contemporary practice of rāhui*. Wellington, New Zealand: Sustainable Seas National Science Challenge.

³⁰ Reid, J., Rout, M., & Mika, J. P. (2019). *Mapping the Māori marine economy: Whai rawa, whai mana, whai oranga—Creating a world-leading Indigenous blue marine economy*. Wellington, New Zealand: Sustainable Seas National Science Challenge.

³¹ Mika, J. P. (2018). The role of the United Nations Declaration of the Rights of Indigenous Peoples in building indigenous enterprises and economies. In S. Katene (Ed.), *Conversations about indigenous rights: The UN Declaration of the Rights of Indigenous People in Aotearoa New Zealand* (pp. 156-175). Wellington, New Zealand: Massey University Press.

³² Standing, G. (2011). *The precariat: The new dangerous class*. London, UK: Bloomsbury.

³³ Neilson, B., & Rossiter, N. (2008). Precarity as a political concept, or, Fordism as exception. *Theory, Culture & Society*, 25(7-8), 51-72. 10.1177/0263276408097796

1 socioeconomic disparity and structural disadvantage, including for example, the EuroMayDay
2 protests.³⁴ While rarely associated with indigeneity, McCormack³⁵ relates three forms of
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4 precarity to Māori fisheries: (i) the precarity of ownership and dispossession as earlier
5 recounted; (ii) environmental precarity as viewed from Indigenous ecological knowledge and
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7 experience; and (iii) the precarity of Māori labour, which has deep colonial and capitalist roots,
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9 which according to McCormack, has overtones of personal and institutional racism.
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15 McCormack³⁶ uses precarity as an analytical device to reveal multiple discontinuities
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17 in Māori fisheries, challenging assumptions about colonial dispossession as *fait accompli*, a
18 natural order of disempowerment for the good of a nascent settler state and postcolonial
19 repossession of Māori marine assets through treaty settlements as fair and just, full and final.
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21 As McCormack³⁷ points out: “[t]his distinction is critical if we are to resist the tendency of
22 precarity to dehistoricise and flatten inequalities, or otherwise divert attention away from the
23 structural causes of precarity towards subjective experiences.” Is it possible to fully appreciate
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25 the causality and perpetuity of dispossession by studying the experience of the dispossessed?
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27 Not according to McCormack,³⁸ studying dispossession and the role of the dispossessor are
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29 also necessary.
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40 Thus, while precarity is usually stripped of its historical and structural antecedents,
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42 McCormack³⁹ averts this limitation to illustrate how the colonial ideology of replacing one
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44 paradigm with another succeeded in Māori fisheries, not as a single shot-policy affecting a few
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46 individuals over a confined space, but the entire country and all Māori and their fisheries.
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48 Intimate relationships between Māori and their salt water resources regulated over preceding
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55 ³⁴ Neilson, B., & Rossiter, N. (2008). Precarity as a political concept.

56 ³⁵ McCormack, F. (forthcoming, 2020). Precarity, indigeneity and the market in Māori fisheries.

57 ³⁶ McCormack, F. (forthcoming, 2020). Precarity, indigeneity and the market in Māori fisheries.

58 ³⁷ McCormack, F. (forthcoming, 2020). Precarity, indigeneity and the market in Māori fisheries, p. 10.

59 ³⁸ McCormack, F. (forthcoming, 2020). Precarity, indigeneity and the market in Māori fisheries.

60 ³⁹ McCormack, F. (forthcoming, 2020). Precarity, indigeneity and the market in Māori fisheries.

centuries by an epistemology and ontology of ecological interdependency were supplanted by market-centred, state-led capitalism.⁴⁰ 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. McCormack⁴¹ 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, McCormack⁴² 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 McCormack⁴³ 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, McCormack⁴⁴ 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

⁴⁰ Rout, M., Reid, J., Bodwitch, H., Gillies, A., Lythberg, B., Hikuroa, D., . . . Davies, K. (2018). *Māori marine economy: A review of literature concerning the historical and contemporary structure of the Māori marine economy* (First ed.). Palmerston North, New Zealand: Massey University.

⁴¹ McCormack, F. (forthcoming, 2020). Precarity, indigeneity and the market in Māori fisheries.

⁴² McCormack, F. (forthcoming, 2020). Precarity, indigeneity and the market in Māori fisheries, p. 21.

⁴³ McCormack, F. (forthcoming, 2020). Precarity, indigeneity and the market in Māori fisheries.

⁴⁴ McCormack, F. (forthcoming, 2020). Precarity, indigeneity and the market in Māori fisheries, p. 18.

1 economic resources available for unending (sustainable) exploitation within ecological limits.⁴⁵

2 McCormack⁴⁶ draws on a vast array of relationships (cultural, practical, commercial,
3 communal, aesthetic, historic and contemporary) Māori have had and do have with their
4 maritime spaces to highlight the need for change in structural (systemic and institutional)
5 objectivities rather than personal subjectivities alone in responding to manifestations of
6 precarity in the indigeneity of Māori fisheries.
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15 While precarity might be apt to expose anomalies in our memories and assumptions
16 about the goodness and rightness of capitalism, there is some doubt over its capacity to
17 elucidate viable alternative conceptualisations of economy.⁴⁷ However, McCormack⁴⁸
18 successfully manages to show movement in this direction, through reference to post-settlement
19 Māori economic practice as to how Māori are confronting precarity in fisheries. This includes
20 actions to satiate consumptive needs of Māori for fish using hybrid systems of commercial and
21 customary harvest, efforts to re-engage in the cultural and commercial activity of fishing as
22 owners, managers and workers within Māori fishing enterprises, and restoring cultural,
23 pragmatic and spiritual connectivity to the moana (seas) and cultural narratives of the moana.
24
25 The case for precarity as a perceptive analytical tool within Māori fisheries is made, but the
26 story of how precarity as a mobilising agent will play out in tension-filled post-settlement tribal
27 economies under emerging scientific, economic and policy regimes for the management of
28 marine environments is still unfolding.⁴⁹
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49 ⁴⁵ Reid, J., Rout, M., & Mika, J. P. (2019). *Mapping the Māori marine economy*.

50 ⁴⁶ McCormack, F. (forthcoming, 2020). Precarity, indigeneity and the market in Māori fisheries.

51 ⁴⁷ Bargh, M. (2014). A blue economy for Aotearoa New Zealand? *Environment, Development and*
52 *Sustainability*, 16(3), 459-470; Harmsworth, G. R., & Awatere, S. (2013). Indigenous Māori knowledge
53 and perspectives of ecosystems. In J. R. Dymond (Ed.), *Ecosystem services in New Zealand: Conditions*
54 *and trends* (pp. 274-286). Lincoln, New Zealand: Manaaki Whenua Press.

55 ⁴⁸ McCormack, F. (forthcoming, 2020). Precarity, indigeneity and the market in Māori fisheries.

56 ⁴⁹ Mika, J. P., Smith, G. H., Gillies, A., & Wiremu, F. (2019). Unfolding tensions within post-settlement
57 governance and tribal economies in Aotearoa New Zealand. *Journal of Enterprising Communities: People*
58 *and Places in the Global Economy*, 13(3), 296-318. <https://doi.org/10.1108/JEC-12-2018-0104>; Rout, M.,
59 Lythberg, B., Mika, J. P., Gillies, A., Bodwitch, H., Hikuroa, D., . . . Reid, J. (2019). *Kaitiaki-centred*
60 *business models*.