

# Enclosing Blue Commons, Generating Blue Growth? Comment on Fiona McCormack’s “Precarity, Indigeneity and the Market in Māori Fisheries”

(pp. 112-126)

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The official opening of the 4<sup>th</sup> International Symposium on Fisheries Crime taking place in Copenhagen in October, 2018 started with remarks about the “huge potential in marine spaces we control,” which are now threatened by transnational organized fisheries crime – the umbrella term for a wide spectrum of illegal activities in fisheries. Co-hosted by the Norwegian Ministry of Trade, Industry and Fisheries, the Nordic Council of Ministers and the United Nations, the symposium promoted at the center of its agenda a “healthy ocean ecosystem ensured by sustainable farming and fishing operations as precondition of blue growth.”<sup>121</sup> Here, the concept of “blue growth” denoted a reconstitution of the relation between “sustainability” and “extraction” – a nexus evolving in various historical and geographic contexts, but particularly through the operation of enclosures, capitalist accumulation and struggle for resources.<sup>122</sup> In this process, so-called “blue commons” such as seas and oceans are emerging as a political space characterized by climate uncertainty, territorial conflicts, transnational organized fisheries crime as well as marine and maritime

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<sup>121</sup> The 4<sup>th</sup> International Symposium on Fisheries Crime, October 15, 2019, UN City, Copenhagen. See also European Commission (2017). “Report on the Blue Growth Strategy: Towards more sustainable growth and jobs in the blue economy.”

<sup>122</sup> According to the EU interpretation, blue growth denotes “the sustainable use of ocean resources for economic growth, through entrepreneurship, investment, and research and innovation,” [https://ec.europa.eu/maritimeaffairs/press/european-commission-launches-blue-economy-report-european-maritime-day-lisbon\\_en](https://ec.europa.eu/maritimeaffairs/press/european-commission-launches-blue-economy-report-european-maritime-day-lisbon_en). For the nexus between conservation and extraction see Büscher, B. and Davidov, V. eds. (2014). *The Ecotourism-Extraction Nexus: Political economies and rural realities of (un)comfortable bedfellows*. Routledge; for the concept of “blue growth” see Barbesgaard, M. (2018). “Blue Growth: Savior or Ocean Grabbing?” *The Journal of Peasant Studies* 45(1): 130-149; Eikeset, A.M. et al. (2018). “What is Blue Growth? The Semantics of ‘Sustainable Development’ of Marine Environments.” *Marine Policy* 87: 177-179; Hill, A. (2017). “Blue Grabbing: Reviewing Marine Conservation in Redang Island Marine Park Malaysia.” *Geoforum* 79: 97-100.

governance, which pushes various “sustainable development” agendas that are increasingly wound up with capitalist accumulation processes.

In her article “Precarity, Indigeneity and the Market in Māori Fisheries,” anthropologist Fiona McCormack brings to our attention the relation between enclosures, capitalist accumulation and struggle for resources in Māori fisheries that operates precisely within the conflicting binaries of sustainability and extraction. Paradoxically, the introduction of a property rights system for fisheries in New Zealand in the early 1990s and the translation of the 1840 Treaty of Waitangi into Māori historical rights to ocean commons is now articulated in terms of individual fishing rights and quotas. However, an adverse consequence of embracing a private property rationale was that the tribal relations within the hierarchical structure of Māori society were replaced with capitalist ones, alienating Māori not only from their ancestral fishing grounds but also from each other. What McCormack convincingly shows in her article is that the incorporation of Māori fisheries into an Individual Transferable Quota system aggravated colonial era dispossessions, turning social relations – that historically sustained Māori society for centuries – into a new asset-based capitalist management regime. Such a shift from communal to individual, neo-liberal ownership creates not only environmental but also existential precarity. Here, economic opportunity rather than collective interest dictates and facilitates the process of extracting economic value from the sea, thereby positioning Māori fisheries between *aspired* sustainability and *actual* extraction, consequently accelerating the ecological demise of marine spaces.

I would like to take this point further to allow us to view the past and present as analytically interconnected temporal scales of analysis. Importantly, this approach also allows for a view of the present as a historically contingent outcome of historical processes. Historically, the clash between enclosures and commons has a long genealogy, going to the heart of colonization and dispossession in the Americas, Africa, Asia and Oceania. Karl Marx was the first to theorize enclosures as dispossession that forced peasant off their land and thus proletarianized them (i.e. forced to sell their labor/bodies) in what could be called an early instance of precarity.<sup>123</sup> Drawing on Marx’s discussion of primitive accumulation as a historical moment of separation of producers from the means of production, historian E.P. Thompson pointed out that the Great Enclosure was as a global “movement” that was

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<sup>123</sup> Marx, K. (1976[1867]). *Capital: A Critique of Political Economy*. Penguin. For the nexus between precarity and proletariat, see Standing, G. (2011). *The Precariat: The New Dangerous Class*. Bloomsbury.

established first in England and Western Europe and then spread out to other parts of the world, introducing private property of and exclusive access to resources.<sup>124</sup>

Some historians extended his argument by arguing that “[w]hile the long-run tendency may indeed have been in the direction of an enclosed private property regime that largely excluded natives, colonization was also accompanied by the establishment of commons.”<sup>125</sup> The dispossession of colonized people took place precisely “through the clash of an indigenous commons and a colonial commons” – as Allan Greer argues.<sup>126</sup> The European settlers established their open commons in economic practice, only later followed by government and laws.<sup>127</sup> Moreover, a perceived lack of productivity of the “natives” was used precisely as an argument for colonization because unproductive land and resources had to be exploited by (European) “man.” In the postwar years of the 1920s, the new colonial policies would find its way in the rhetoric of *mise en valeur* (translated as *economic valorization*) according to which the colonial powers should guide colonial societies towards increasing their productivity, thereby improving their own economic situation.<sup>128</sup>

Let me dwell on Greer’s idea of the clash between indigenous and colonial commons to conceptualize how the oceans and seas are political spaces, which are more and more tied up with capitalist accumulation. What I found interesting in the context of New Zealand is that Māori people had a separate word for “sovereignty” over the sea denoting the control over near-shore and offshore fishing grounds, which, in turn, were an extension of their territorial control over the land.<sup>129</sup> In principle, we could say that the vernacular Māori notion of sovereignty as an extension of land did not differ much from the European seventeenth century cannon-shot rule by which a “state has territorial sovereignty of that coastal area within three miles of land.”<sup>130</sup> Yet, it differed substantially from the European

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<sup>124</sup> Thompson, E.P. (1993). *Custom in Common*. Penguin Books; Greer, A. (2012). “Commons and Enclosure in the Colonization of North America.” *American Historical Review* 117: 365-86.

<sup>125</sup> Greer, A. (2012). “Commons and Enclosure,” p. 366; see also Lennox, J. (2017). *Homelands and Empires: Indigenous Spaces, Imperial Fictions, and Competition for Territory in Northeastern North America, 1690-1763*. The University of Toronto Press.

<sup>126</sup> Greer, A. (2012). “Commons and Enclosure,” p. 366.

<sup>127</sup> Greer, A. (2012). “Commons and Enclosure,” p. 366.

<sup>128</sup> The programme of *La mise en valeur des colonies française* was put forward by French colonial minister and former governor-general of French Indochina, Albert Sarraut (1872-1962). Unger, C.R. (2018). *International Development: A Postwar History*. Bloomsbury Academic, p. 36.

<sup>129</sup> De Alessi, M. (2012). “The Political Economy of Fishing Rights and Claims: The Maori Experience in New Zealand.” *Journal of Agrarian Change* 12(2-3), p. 393.

<sup>130</sup> Law, J. and Martin E.A. (2009). *A Dictionary of Law*. 7<sup>th</sup> edition. Oxford University Press. For canon-shoot rule, see Baty, T. (1928). “The Three-mile Limit.” *The American Journal of International Law* 22(3): 503-537; Kent,

capitalist notion of property in the sense that control over sea areas was not “something that could be individually owned and alienated.”<sup>131</sup>

Thus, when in the eighteenth and nineteenth centuries European settlers arrived in New Zealand, they did not recognize Māori sovereignty over areas and resources in “open seas.” Such blunt denial was made possible because their own conception of the commons was based on Hugo Grotius’ (1583-1645) influential notion that the high seas cannot be possessed and, because of that, the use of sea is granted to all by natural law.<sup>132</sup> According to this logic the two main uses of the high seas – navigation and fishing – were considered inexhaustible and for that reason Europeans argued that they must remain open to all.<sup>133</sup> The incompatibility of indigenous and European logics resulted in a situation that the Māori sea commons – particularly, their fishing grounds lying further offshore – were acknowledged neither by colonial courts nor by governments.<sup>134</sup> Furthermore, the clash between an indigenous commons and a colonial commons was also perpetuated through a capital-intensive, technology-driven and putatively “civilized” operation of labor introduced by the Europeans. With their historical modes of access and operation at sea and lacking private capital that could acquire ships, engines and refrigeration, Māori fishers could not compete with the new advanced technologies of harvesting and storage technologies and, therefore, were practically excluded from the sea.<sup>135</sup> The gradual dispossession of Māori and the consecutive removal of their communal access rights to the sea led them to realize that by re-claiming sovereignty over their fisheries – which was theoretically (but never practically) guaranteed in the 1840 Treaty of Waitangi – they could claim Individual Transferable Quota, in order to be able to participate in capitalist extraction of marine resources from which they were largely excluded.

If we think now through the binary of indigenous and colonial commons, McCormack’s argument is even more interesting for two reasons. Firstly, it shows that the Individual Transferable Quota emerged as part of “Māori indigenous claims against

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H.S.K. (1954). “The Historical Origins of the Three-mile Limit.” *The American Journal of International Law* 48(4): 537-553.

<sup>131</sup> De Alessi, M. (2012). “The Political Economy of Fishing Rights and Claims,” p. 394.

<sup>132</sup> Hugo Grotius was a Dutch jurist and scholar whose work *De Jure Belli ac Pacis* (1625) laid the foundation for the development of International Law. See De Alessi, M. (2012). “The Political Economy of Fishing Rights and Claims,” p. 397; Steinberg, P.E. (2001). *The Social Construction of the Ocean*. Cambridge University Press.

<sup>133</sup> Steinberg, P.E. (2001). *The Social Construction*.

<sup>134</sup> Steinberg, P.E. (2001). *The Social Construction*, p. 379.

<sup>135</sup> Steinberg, P.E. (2001). *The Social Construction*, pp. 396-397.

colonial alienations,” which led to a fusion of customary and capitalist modes of operation.<sup>136</sup> Secondly, it shows that *collective* sovereignty as a right to specific areas and resources was used to claim *private* property and access to marine resources, thereby contributing to maritime enclosures. This begs the question of how the historically recent legal regime of exclusive economic zones (EEZ) plays out in this specific postcolonial process of capitalist accumulation.

Territorial waters of twelve nautical miles and EEZ of 200 nautical miles outward from the coast into the sea – as defined by a new legal regime known as the 1982 United Nations Convention on the Law of the Sea – gave coastal states full authority to exercise exclusive sovereignty rights over the exploration, exploitation and conservation of all natural resources within those limits.<sup>137</sup> As the new regime became widely accepted and globalized, most of the countries enclosed or seek to enclose and nationalize their fisheries and ocean spaces within the maritime border of the new EEZs. In other words, EEZs allow coastal countries to extend their territorial sovereignty and, in some cases, to claim high seas or open sea areas – that until the late twentieth century was a zone of connection and a resource commons – as their exclusive state property. From this perspective, Māori sovereignty’s claims and their embrace of the Individual Transferable Quota system position themselves within such historically recent state ownership of the sea.

While Māori used sovereignty rights to participate in capitalist production, my own research on fisheries in Vietnam and China in the disputed South China Sea shows an opposite process, namely that capitalist extraction of marine resources could be used to claim sovereignty over the sea. The expansion and overlaps between the maritime borders of the new EEZs of China, Vietnam and several ASEAN countries result in a situation where marine resources function as a sort of “rival goods,” particularly between Vietnamese, Chinese and the Filipino fishers. These fishers exploit high value marine resources – including endangered species such as giant clams, red coral reef, sea turtles and sea cucumber – in such quantities that it prevents other users from accessing them and in so doing they turn massive exploitation into sovereignty claims in the South China Sea.<sup>138</sup> At the same time, however, driven by growing demand for fish and the simultaneous

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<sup>136</sup> McCormack, F. “Precarity, Indigeneity and the Market in Māori Fisheries.” In this issue.

<sup>137</sup> Steinberg, P. (2001). *The Social Construction*, pp. 138-150

<sup>138</sup> Roszko, E. (2019). “Locating China’s Maritime Silk Road in the Context of the South China Sea dispute.” In: C.A. Mendes, ed. *China’s New Silk Road: An Emerging World Order*. Routledge.

decline of marine resources in their coastal waters, both China and Vietnam encourage fishers to shift from inshore to offshore fishing in the South China Sea by providing heavy subsidies. For example, in order to be eligible for state support, Vietnamese fishers have to make four fishing trips a year, each lasting 15 days and going out at least 150 nautical miles within the South China Sea. Since 2015, small Vietnamese fishing fleets have been appearing in the coastal waters of Papua New Guinea, New Caledonia, Palau, northern Australia, Vanuatu Islands, the Solomon Islands, Fiji, and Tokelau where they engaged in harvesting of high value marine goods.<sup>139</sup> In the case of China, those fishers who operate in the disputed waters of the South China Sea receive additional fishing subsidies.<sup>140</sup> China reinforces this trend by providing heavy subsidies to fishers to purchase steel-hulled trawlers equipped with high-tech navigational and communication systems and by expanding their operations to the Pacific, Indian and Atlantic Oceans.<sup>141</sup> While both China and Vietnam do not directly support overfishing or the extraction of highly-valued endangered marine species in national or foreign EEZs, the fishers' presence and activities in the disputed and severely depleted waters of the South China Sea serve as a manifestation of those countries' sovereignty rights. Competing for fishing grounds and marine goods, Chinese, Vietnamese and the Filipino fishers occasionally get into violent clashes, while on other occasions they choose to make profitable trading deals with each other whilst still at sea.<sup>142</sup>

What a summary comparison of fisheries in New Zealand and in the South China Sea shows is that when parts of oceans and seas became territorially bounded state property, fishers' relations with their customary fishing grounds transformed dramatically and became linked to capitalist accumulation. In that sense, EEZs could be conceptualized as the first step towards the privatization of seas and oceans that made possible such initiatives as the Individual Transferable Quota system or so-called blue growth, which includes oil and gas concessions given to big multinational companies or blue bioeconomy,

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<sup>139</sup> "The Blue Threat: Vietnamese poachers are rocking the boat in the Pacific" <https://www.pacificnote.com/single-post/2017/01/10/The-Blue-Threat-Vietnamese-Poachers-Are-Rocking-The-Boat-In-The-Pacific>

<sup>140</sup> Zhang Hongzhou and Fengshi Wu. (2017). "China's Marine Fishery and Global Ocean Extraction." *Global Policy* 8(2): 221.

<sup>141</sup> Zhang Hongzhou and Fengshi Wu. (2017). "China's Marine Fishery," pp. 216-220.

<sup>142</sup> Roszko, E. (2017). "Fishermen and Territorial Anxieties in China and Vietnam: Narratives of the South China Sea beyond the Nation Frame." *Cross-Currents: East Asian History and Culture Review* 6(1): 20-51

just to mention a few examples.<sup>143</sup> In my view, the alienation of fishers' labor and the displacement of actual participation of fisheries at the sea is a central issue in McCormack's article – a phenomenon that could be observed around the globe, including in the South China Sea where the Individual Transferable Quota system is absent. From this perspective, whether this is the establishment of an Individual Transferable Quota system or subsidies provided to Chinese and Vietnamese fisheries, both management schemes reflect a global process of blue growth-*cum*-blue enclosures and of capitalist governance of seas and oceans that are taking different forms on regional and local levels.

In this context, the legal regime of EEZs – with all its paradoxical manifestations, such as the Individual Transferable Quota system, fishery subsidies, and so on – inserts itself into a new rhetoric and practice of blue growth, as a new enactment of *mise en valeur*. In that regard, the old colonial obsession to make land, woodlands, swamps, marshes, lakes, rivers, oceans and seas productive turns full circle in the present-day capitalist rhetoric of blue growth according to which the oceans and seas are supposed to “produce food for billions of people, generate income for millions, *and* remain in a ‘wilderness’ state.”<sup>144</sup> In this process, blue growth denotes a new round of ongoing enclosures that privatizes global commons and public assets and allows for the emergence of new competing modes of production.<sup>145</sup> The power of McCormack's essay lies in her ability to show that when people reclaim their rights but organize their labor and extraction within the current capitalist mode of production, this gives rise to both alienation and more conditions of precarity.

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<sup>143</sup> For privatization of the oceans, see McCormack F. (2017). *Private Ocean: The Enclosure and Marketisation of the Seas*. Pluto Press.

<sup>144</sup> Liam, C., Havice, E. and McCall Howard, P. (2012). “The Political Economy and Ecology of Capture Fisheries: Market Dynamics, Resource Access and Relations of Exploitation and Resistance.” *Journal of Agrarian Change* 12(2): 177-203, p. 186.

<sup>145</sup> Harvey, D. (2003). *The New Imperialism*. Oxford University Press.