COMMONING ETHNOGRAPHY

Vol 1 | No 1 | 2018

Māori Saltwater Commons

Property, wealth, and inequality

Fiona McCormack
University of Waikato

ABSTRACT | This article draws on Māori claims to fisheries in Aotearoa New Zealand as well as their opposition to the establishment of a large scale marine protected area, to question whether commoning, as a conceptual frame, can account for indigenous resistances in ocean environments. It argues that the theorisation of horizontal collective activism, an emphasis on a politics of relationality encompassing humans and non-humans and the potential for transformative practice in commonings, is congruent with the indigenous sociality mobilised by Māori in relation to their seascapes. As an analytical tool, however, commoning pays inadequate attention to inegalitarianism. Inequality may amplify, for instance, in the process of claiming indigenous rights, or it may otherwise be reconfigured as it articulates with the imperative of neoliberal environmental capitalism. Property – alienated, usurped or reappropriated – while considered a reductive representation of the commons is, at least for indigenous peoples, a crucial feature of struggles, a phenomenon clearly articulated in Māori claims to fisheries and marine spaces.

Keywords: Commoning; Māori; Indigeneity; Fisheries; Ocean Sanctuaries; Saltwater; Property

ISSN 2537-9879 | DOI: http://dx.doi.com/ceXX

Published online December 15 2018

At a High Court hearing in June 2018, Māori lawyer Annette Sykes evoked New Zealand's Human Rights Act to argue for a parity of resourcing for 202 tribal applications claiming customary rights and title in coastal spaces. My companion, a spokesperson for one of the four Māori claimant groups present, nodded her assent. Stressing a 'principle of equity' and the need for judicial oversight of funding, Sykes's argument was implicitly grounded in some of the major complexities that confront contemporary indigeneity in New Zealand. These include the potential for large, well-resourced tribes to subsume the claims of their less-resourced counterparts and the incompatibility of legal stipulations in which claims must conform to rigid, exclusive boundaries – a private property right writ large – creating a plethora of over-lapping and contested claims and evoking passionate disputes over rights. Yet, her appeal to Human Rights must also be placed in the context of a broader and coherent Māori collectivism which has long insisted on genealogical connectedness with the sea, the ocean in us, in opposition to colonial and capitalist imposed nature-culture divides. Annette Sykes's intervention in this instance can, perhaps, be read as a moment of commoning.

Commoning has emerged as a theme in anthropological understandings of progressive social movements and activisms countering capitalist domination in all its class, gendered, racial, eco-destructive and colonial mutations. It is a descriptor of Occupy (Stavridis 2013), eco-feminist movements (Giacomini 2014), on-line sharing technologies (Pedersen 2010), as well as, in anthropological practice, the opening up of a 'flow of knowledge between researchers, research participants/contributors, and decision makers' (Bryers-Brown 2017: 2). It argues for a working together across race, class and ethnic divides (Fournier 2013) and, in New Zealand, for Te Whānau ā Apanui's ultimately successful alliance with Greenpeace to protest against Seabed mining in their tribal area (Salmond 2015, Thomas 2018). The term is future oriented, providing a vision of what might be and an ethics through which this can be best achieved (Amin and Howell 2016, Gibson Graham 2016). It also references, conversely, a darker side, hinting at incipient inequalities such as the immoral communalism of anti-immigration groups across Europe or the protectionist policies of financiers and bankers following the global fiscal crisis (Kalb 2017, Koch 2018, Thorleifsson 2017). A key tenet of the concept centres on a distinction between the commons as property, bounded and confined to legalistic realms, and commoning as relationality, which, being freed from attachment to 'things', has a transformative capacity (Linebaugh 2014, Ryan 2013).

This essay considers whether commoning, as a conceptual tool, can be extended to an analysis of Māori resistances in marine environments. There are three main pillars to my argument. First, different understandings of the commons exist: those rooted in Hardin's (1968) tragedy thesis which cast the commons as a market failure, a proposition especially prominent in fisheries economics and management; and those propounded by common property theorists who argue, conversely, that under certain conditions local people implement rules for the successful management of common pool resources. Commons are also perceived to arise as an outcome of statecraft, as illustrated in the extension of territorial seas to two hundred nautical miles and the creation of marine protected areas, as well as in the reconfiguration of indigenous marine tenures to better align with the interests of colonial states. Additionally, commons may be ethnographically

described as an interweaving of people and the sea, wherein a different nature-culture binding is theorised to occur. Second, while commoning scholarship is progressive in its critique of the overemphasis of the legal category of property in commons literature, for indigenous people, property (alienated, claimed and reappropriated) is an essential feature of struggles. It may signify, for instance, inalienable, invaluable wealth, or a living ancestor. And third, as currently conceptualised, commoning is limited in its capacity to address inequalities. There is, for example, a lack of attention paid to how particular commonings articulate with dominant ideologies and political economies (such as neoliberalism, market environmentalism, colonialism and so on) and how, in this process, historical divisions become reconstituted within collectivities. This essay is grounded in long-term field research on Māori fisheries and indigenous treaty claims pertaining to coastal spaces, as well as more recent research on iwi (tribal) fishing quota (from July 2017).[1]

In the last three decades, in particular, Māori indigenous claims through courts and the Waitangi Tribunal[2] have resulted in legislation and policies which variously return a semblance of ancestral ownership rights and relationships in commercial and customary fisheries as well as aquaculture (McCormack 2011, 2012: 2016). Struggles are, however, ongoing, existing as internal frictions and collectively in opposition to the Crown. They arise as a response to the contradictions inhering in indigenous claims and settlements as well as the capitalist imperative to accumulate and find new frontiers. While the dynamics of opposition have changed from the charged anti-colonial movements of the 1980s (see Walker 1990), there is, I suggest, an observable continuity even as these now emerge from inside a neoliberal fisheries regime or the confines of legal structures pertaining to customary rights and title in ocean spaces. An important aspect of this continuity is contingent on the mobilisation of property.

The essay is divided into three parts. The first section provides a context by situating fisheries within the contradictory construction of the commons as both open access and communally enclosed property and links this to ocean privatisations. It traces Māori claims to fisheries, considers the critique of the 'commons as property' model, and argues that a property bias was instrumental in determining the shape of Māori fisheries following the 1992 settlement of claims. The second section considers the advancement of Marine Protected Areas. It ethnographically describes the 2018 Māori Fisheries Conference wherein the ultimately successful opposition of Māori to the establishment of the Kermadec Ocean Sanctuary,[3] conceived as an event, was correlated with an exercise of resource guardianship (kaitiakitanga). Here I draw on understandings of the commons which emphasise process, social relations and the commons as 'a dynamic domain of collective existence' (Amin and Howell, 2016: 1). I position commoning in a tension between the demands of the market and the possibility for social creativity but also complicate this understanding by introducing the issue of inequality and the crucial role of property in indigenous commons. The third section suggests how commoning might be expanded to better reflect indigenous struggles.

The commons and property making in fisheries

In comparison to terrestrial spaces, saltwater environments seem particularly antithetical to boundary-making. The fluidity of water, unpredictability of waves,

storms and rising oceans as well as the existence of non-human inhabitants whose migrations span across oceans, into rivers, and onto land suggests the complexity of enclosing this four-dimensional space; the sea has length, breadth, depth and mobility. This fluidity may also extend to human worlds creating a saltwater sociality, as happens, for instance, among the people of Pororan Island of Papua New Guinea (Schneider 2012). Nevertheless, a concern with property-making is a longstanding, and perhaps peculiar, feature of fisheries; property struggles and transformations have historically dominated the work of fisheries economists, managers and fisheries-interested scholars across academic disciplines, though differently conceptualised in each. In fisheries economics, for instance, the sea is a zone to be brought under containment, leading to what Pálsson (1998) terms 'the birth of the aquarium', that is, the rise of management regimes that imagine the sea as an enormous aquarium to be brought within enclosure. This aqua-enclosure is predicated on a separation of nature and culture, with the sea conceived as a hypernature existing, until this point, outside culture (Helmreich: 2011). In anthropological conceptions of seascapes, conversely, the sea is intrinsically part of culture, a space of fishing, fish, and biographically meaningful stories of seafaring (Walley 2004).

Garrett Hardin's 1968 work on the 'tragedy of commons' is a key theme in fisheries policy and literature. Hardin's infamous essay, concerning the perils of overpopulation and the need to control production, is founded on an analogy: 'Picture a pasture open to all' (1968: 1244). This commons is utilised by herdsmen, primarily to increase their individual wealth. Each herdsman adds one more cow to the pasture in the knowledge that he does not have to share the animal's revenue, meat or milk. The cost of the declining conditions of the pasture as a result of the increasing population of cattle, is, however, shared by all. Tragically, the degradation continues as it is in each herder's interest to become more prosperous in the knowledge that none has to pay the full costs of their decisions. 'Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in the commons brings ruin to all' (Hardin 1968: 1244).

While much has been written on the fallacy of this thesis, particularly the misrecognition of the commons as open access and the universalisation of homo economicus, it has, nonetheless, continued to influence the management of marine ecosystems (Longo, Clausen and Clark 2015), is implicated in spurring new enclosures as well as in directing the science of fish stock sustainability towards management goals (McCormack 2017).

Hardin's parable, while initially modelled on the maximising behaviours of commons herdsmen which, he asserts, inevitably leads to tragedy as each adds 'one more animal' to his herd, found its most axiomatic expression in fishermen chasing too few fish. A 'race for fish' is assumed to occur in the absence of individual rights, implying that in a common property resource fishermen will increase their effort, invest in larger boats and new technologies in order to harvest today what will not be available tomorrow. Indeed, Hardin's 'tragedy' was predated by the work of fisheries economists Jens Warming (1911), Howard Gordon (1954) and Anthony Scott (1955) who cast the commons as a market failure. In this synopsis, the overexploitation of fisheries, which, on a global scale was obvious by the 1980s, could simply be resolved by privatising and enclosing ocean fisheries.

New Zealand began to formalise its claims to the seascape in the mid-1960s, establishing a 12 nautical mile (nm) territorial zone in 1965, expanding it in 1977 to the present 200 nm Exclusive Economic Zone (EEZ). Notwithstanding this scene setting, and the pervasiveness of privatization theories propounded by fisheries economists, further propertisation was a haphazard process involving an amalgamation of privatisation measures (such as limited licences) and state efforts to grow the business of fishing (through tax incentives, export friendly policies, an easing of criteria for loans and the encouragement of joint venture agreements with foreign vessels). The 1970s witnessed a rapid growth in fishing operations, an expansion that exponentially threatened the fishing practices of the small-scale sector. This was particularly the case for Māori fishers whose marginalisation from fishing livelihoods had already been highlighted in 1869 by two kaumātua (elders), who, in an emotional petition to parliament, argued for the protection of their inshore fisheries in the face of marine pollution resulting from European gold prospecting (Bargh 2016). Indeed, beginning with the Oyster Fisheries Act 1866, which prohibited Māori from selling oysters from beds reserved for them, there was a concerted effort to redefine Māori interests in fisheries as limited to non-commercial activities at best.

By the early 1980s, inshore stocks were under severe pressure and the industry was overcapitalised. The effort to expand domestic fisheries in New Zealand following the declaration of the EEZ is not unique, and indeed at a global level, many state management efforts followed a similar trajectory. The emergent problems occasioned by this policy triggered a new round of critical economic commentary and abstract theorising. However, the new issue, as identified by fisheries economists, was not the specific type of regulations, programmes or government incentives that were in place; rather, the problem was that state property now functioned as a type of Hardin-esque commons. Thus, the extended jurisdiction heralded by the introduction of EEZs was used as an illustration of the abject failure of common property to curtail economic inefficiency and resource degradation (Mansfield 2004). The 1980s also punctuates environmental history as the point at which many fisheries economists adopted a fully neoliberal approach. In 1982 the New Zealand government removed incentives from the fishing industry and in 1983 rolled out its national privatisation scheme, the quota management system, initially for offshore fisheries, extended in 1986 to inshore fisheries. As with fishing quota systems globally, quota was initially gifted to existent operators of a certain scale and capital investment, criteria which compounded the long marginalisation of Māori commercial fishers[4] and spurred a nation-wide claim to the Waitangi Tribunal; article two of the 1840 Treaty of Waitangi guarantees to Māori the full exclusive and undisturbed possession of their fisheries.[5]

The collective nature of the response, still today unusual in Māori Treaty claims forums, was at once a reflection of the reach of the new fisheries management regime, an underlying cognatic kinship system which weaves together hapū and iwi, and the power of an ocean commons merging people and sea. This reciprocal ethos finds expression in Atuatanga (spiritual connectedness), in the give-and-take of Tangaroa, the god of the sea, and in the activities of taniwha, spiritual guardians whose wrath is evoked when the health of the ocean is threatened (see Rikirangi Gage in McCormack 2011, Mead and Grove 2001). It is present too in the interweaving of the seascape with the artistic labours of

carvers and weavers, in the embedding of saltwater in burial practices, the generational care of kōiwi tangata (human remains) in sea cliffs and rock crevices, in the sea perceived as a 'medicine cabinet' and in numerous waiata o te moana singing the union of people and sea.

The confusion evoked by Hardin's conflation of the commons with open access as well as the presumption that common property is everywhere doomed to failure has, as noted, been heavily critiqued (Feeny et al. 1990). While Elinor Ostrom's institutional approach, which describes how individuals in very different historical and cultural contexts collectively devise and implement rules that successfully manage common pool resources such as forests, land and fisheries (see Ostrom 2015), is perhaps the most celebrated analysis, anthropologists writing on fisheries have provided ethnographic examples of many vibrant commons operating across time and space (Foale and McIntyre 2000, Petersen and Rigsby 2014, Ruddle, Hviding and Johannes 1992). The evidence provided by Māori in the 1988 Muriwhenua Fishing Claims Report (Wai 22) and the 1992 Ngai Tahu Sea Fisheries Report (Wai 27) — both reports were fundamental in achieving the pan-Māori fisheries settlement — can also be read in this vein. According to the Waitangi Tribunal:

> To the whānau [extended family] group usually 'belonged' the dwelling house, stored food, the small eel weirs on branch streams, small fishing canoes…[and] fishing grounds and shellfish beds in the immediate vicinity. Though they did not formally 'own' the fishing grounds and bed, at least their prior rights of use were respected. The hapū [sub tribe] exercised control over…the large eel weirs on main rivers…larger fishing or seafaring vessels, and some specific fishing grounds. The tribal property was made up of the lands of the various hapū, the lakes, rivers, swamps and streams within them and the adjacent mudflats, rocks, reefs and open sea… (1988: 36).

Māori ocean commons identified a particular social group with a specific seascape, however, property boundaries, being inherently fluid, were regularly transgressed by kin claims and the value placed on manaakitanga (hosting visitors, sharing). They were sustained by kaitiaki (guardianship) practices, such as the establishment of rāhui (a form of taboo) for conservational or political purposes or following a death by drowning (McCormack 2011b, Metge 1989) and a gift economy wherein kaimoana (seafood) was variously shared or traded depending on kinship connections as well as the desire to create alliances with other tribes (Ropiha 1992).

Given the propertised history of fisheries, and, arguably, the property bias of Treaty of Waitangi claims and settlements, it is perhaps unsurprising that Māori claims against fishery privatisations flowing from the quota management system were settled by the Crown in the form of property rights: Individual Transferable Quota, a privatised catch right geared towards wealth generation in commercial fisheries, and a neo-common property system modelled on an eco-indigenous morality in customary fisheries regulations. Formal recognition of indigenous rights to commons is fraught. The specific cultural form that the expression of ownership takes is translated into rules, concepts of boundedness and exclusivity, tending to alienate indigenous people from their own experiences and practices at

the same time as making these recognisable by the state (McCormack 2016, Peterson and Rigsby 2014). Of significance here, is not just the construction of two seemingly oppositional property models in Māori fisheries (private Individual Transferable Quota (ITQ) rights and customary fishing areas, rohe moana), but that a holistic social seascape was split into entirely dichotomised economic models: commercial fishing, which is oriented towards the accumulation of capital, and cultural fishing, which depicts selling or exchanging fish as a criminal offence.

The tension between distinctive marine property and economic models also plays out in Māori social organisation: in the association of hapū (sub-tribes) with local, non-commercial fishing for ceremonial occasions and in largely unfunded guardianship responsibilities, compounding the already heavy load of ahi kā (keeping the home fires burning), while responding to regional and national government imperatives and the fall-out of a retracting welfare system. Iwi (tribes), engaged with commercial fisheries, are required to generate wealth from quota. This, for a variety of structural reasons,[6] translates most often into leasing rather than fishing quota, the funds from which trickle down to tribal marae (meeting house complexes associated with hapū and iwi). The disappearance of the productive aspect of fisheries for many coastal Māori is an ongoing concern. Commenting on emergent frictions, a kaumātua (elder) from a large and relatively powerful iwi suggested to me that it was now time to 'enculturate the commercial':

> It is a vexing problem, when we can't help our people. I went to a hui (tribal meeting) on the west coast with our coastal hapū (sub-tribe). They were asking for a boat and for quota. They wanted the iwi to purchase the boat and give them quota. I did the maths with them to explain that it was not feasible. The maths don't stack up to go fishing.

And a former expert fisherman lamented, 'the commercial settlement would have been better placed at the level of hapū', implying that the work to which quota is now put would have been differently employed by coastal hapū.

Blaser and de la Cadena critique the tendency in the 'commons as property' literature to assert an argument through a series of 'cascading binaries, such as individual and collective, private and public, basic subsistence and profit' (2017: 186) such that the end result is an analytical convergence. Both models (private and common), they argue, are based on an ontological continuity amongst humans and an ontological discontinuity between humans and non-humans. Meanwhile, Mansfield shows how this reduction is implicated in the interchangeability of commons literature with the 'tragedy of the commons' paradigm: 'Once common property theorists replaced the "tragedy of the commons" with the "tragedy of open access" the difference between what seemed like quite opposed positions are no longer so great' (2004: 319). An ideological synthesis of property, conceived at a categorical level, also translates into legal and policy realms. At the very moment when a material distinction was created between Māori commercial and non-commercial fishing activities, a homogenised pairing emerged: commercial and customary fisheries have in common the institutional linkage of forms of property, economic rationality, and environmental outcomes. Constructed thus, both fisheries models at once flatten Māori social worlds and introduce the possibility of a class distinction. Arguably,

a feature of Māori commoning in ocean spaces emerges as an attempt to repair this commercial/customary divide.

Commoning and the Kermadec Ocean Sanctuary

Marine Protected Areas (MPAs) have long been used by states to conserve watery ecosystems and biodiversity in their territorial seas. New Zealand, which established its first in 1977, claims to have pioneered this conservation methodology (Ballantine 2014). There is, however, a notable global acceleration in MPA coverage, particularly in areas outside 12nm zones and successively bigger models have been introduced enclosing huge swathes of ocean (Caron and Minas 2016). The Kermadec Ocean Sanctuary (the Sanctuary) covering 620,000 square kilometres of sea in the deep south Pacific, is one of the world's largest marine protected area coverages imagined, overtaking the Papahānaumokuākea Marine National Monument established in the northwestern Hawaiian Islands in 2006, the Mariana Trench in 2009, and the Chagos Archipelago in 2010. This intensification occurs in the context of significant maritime territorial disputes, a concurrence which has led observers to critique the political dimension of protection as serving elite interests of control and territory building (Guyot 2015), or to depict it as a 'creeping green jurisdiction if not downright appropriation' (Sand 2007: 529-530). Conversely, large-scale MPAs are also perceived as an environmentally 'good' response to anthropogenic change in ocean environments.

As the term Anthropocene and its more critical derivative Capitalocene suggest, we live in an era in which humans in their attempt to conquer, quantify and capitalise nature have simultaneously contributed to its destruction (Crutzen and Stoermer 2000, Haraway et al. 2016). In the oceans these anthropogenic effects include overfishing, acidification, warming and pollution (Jackson et al. 2001). The synergistic effects of these are predicted to set the stage for a 'great Anthropocene mass extinction with unknown ecological and evolutionary consequences' (Jackson 2008: 11458). In this approaching apocalypse, capture fisheries are oft-cited as an especially villainous protagonist. The establishment of ocean sanctuaries prohibiting fishing can, thus, be interpreted as an altruistic move to translate 'the common heritage of mankind' principle initiated by the United Nations Law of the Sea Treaty in 1982 for the High Seas, into national 200nm EEZs.

The Kermadec Ocean Sanctuary Bill, announced in 2015 at the United Nations General Assembly in New York,[7] signified an eight year coming together of left and right political parties, artists, the Royal New Zealand Navy, national and international environmental Non-Governmental Organisations (NGOs), hedge fund billionaires, film directors and the then US secretary of State, as well as two iwi whose kaitiaki links with Rangitahua (the Kermadecs) were recognised in Treaty settlements in 2014. It denotes an eco-commoning which indigenous peoples, long having been positioned as the anachronistic foil to western civilisation (Lempert 2018), were expected, inherently, to embrace. While not underestimating the enormity of anthropogenic changes in oceans already set in motion, critical attention needs to be directed towards the particular way humans, livelihoods and ecosystems are depicted in centres of power, the authority with which this imbues institutional responses and the real life consequences of this for marginalised groups (see Moore 2016). From the stance of capture fisheries, MPAs, like marine aquaculture, are experienced as an enclosure (Campbell, Gray

et al. 2016). In the case of the mooted Kermadec Sanctuary this occasioned an alliance between Māori and the Pākehā (European) fishing industry in opposition to the removal of fishing activities,[8] which in the context of New Zealand's quota management system, was rendered as an erasure without compensation of Individual Transferable Quota (ITQs).

In the quota management system the Kermadecs are, acronymically, FMA10 (Fisheries Management Area 10), that is, an ocean boundary established to administer total allowable fish stock extraction and the operation of ITQs in one of ten areas within New Zealand's EEZ. Within these territories quota owners can fish, sell, lease, or simply hold rights. Importantly, quota becomes activated in trading markets, having the potential to create an enormous amount of wealth for owners (Einarsson 2011). Since 2004, Māori settlement quota has been redistributed by the central Māori Fisheries Trust, Te Ohu Kai Moana (Te Ohu), a capital and property holding fisheries development entity, to corporate tribal structures, named Mandated Iwi Organisations (MIOs). The establishment of the latter is a pre-condition for tribes to receive fisheries settlement assets. Fifty-five MIOs hold quota rights in FMA10, together amounting to about 15 percent of the total shares, with the other 85 percent being held by the Crown (Wigley 2016: 9). All of the Māori quota shares in FMA10 currently sit with Te Ohu, that is, these rights are not actively fished or leased, a dormancy that became a critical factor in the discourse of environmental NGOs which interpreted Māori rights as remaining undisturbed by the establishment of the Sanctuary.[9]

The crucial thing about wealth, however, is that it makes claims on the future (Foster 2018). Hence, ITQs can be conceptualised as a store of wealth, a prescient mediator of future value anticipating 'magical increment' (Rakopoulos and Rio 2018: 281). As property, ITQs align with private ownership in that they are designed to exist exclusively and in perpetuity, referencing the eternal right of the few to harvest or trade in capitalist markets.[10] ITQ ownership, thus, may signify a capture of fisheries property and wealth, and opposition to the Sanctuary can be perceived as an elite, reactionary response to the pull of the state, the commons and nature itself. This framing, though, reduces Māori fishing quota to the confines of (imposed) private property structures, ignores the fluidity of boundaries and economic types, the experimental potential of social relations and the criss-crossing of genealogical links encompassing both non-humans and the sea. Wealth can also be experienced as inalienable and invaluable (Weiner 1992). Māori fishing quota, in its enactment of a taonga (treasure) guaranteed in the 1840 Treaty of Waitangi, may emerge as a living ancestor in its own right. No Māori quota has been sold since its allocation in 2004, its value extending beyond the reach of capitalist markets. It is this relational, intergenerational, aspect of commoning that was iterated by hapū and iwi members in my research, irrespective of their hierarchical positioning in customary or commercial fisheries or aspirations for fishing futures. As argued by Jamie Tuuta, chair of Te Ohu 'in this respect, Māori and iwi are both pro-conservation and anti-theft' (Te Ohu Kai Moana 2016).

The complexity of this response can be unpacked through an account of the Māori Fisheries Conference 2018 wherein the Sanctuary became conceptualised as an event, a site for innovative practice. As Kapferer suggests, exploring events allows for an understanding of the social as an emergent and diversifying multiplicity, one that is open rather than fixed into interrelated,

constituted parts (2010: 2), such as hierarchically positioned hapū and iwi. Held at the Novotel in the grounds of Auckland's international airport, the conference attracted some 300 people, the largest gathering to date. The setting is significant. The hotel, themed to blend New Zealand's endemic nature with Māori tradition, was a strategic investment acquired by Tainui Group Holdings (the asset holding company of Tainui Iwi) in a joint venture with two other businesses, Auckland Airport and Accor, an international hotel owning chain. Opened in 2011 by Tuheitia Paki, the Māori King, references to Māori heritage are embedded throughout. They feature in the triangular architectural features reflecting the bows of waka (canoes) and in the tukutuku panels mirroring the latticework decorating marae throughout the country. The significance of fish is captured too in the diamond patiki design decorating the panels, symbolising flounder and an abundance of ocean wealth. There is a distinctive whānau (extended family) feel amongst conference attendees. People, cultivating kinship, hongi (greet) each other marae style, business suits mingle with casual attire, children are caught up in the occasion and a celebratory atmosphere pervades the foyer on the eve of the main day. Much conversation anticipates the annual cocktail function the following evening, which, I am told, is a fantastically extravagant seafood feast.

Jamie Tuuta, chairman of Te Ohu, the conference host, follows the opening witticisms of two Masters of Ceremonies with a powerful speech employing the Rangitahua Kermadec Sanctuary as a 'case study'. Positioning the 1992 fisheries settlement as 'the beginning of a Māori economic reawakening and revitalisation … [enabling] a reassertion of rangatiratanga (sovereignty)', he equates Māori fishing quota with an 'expression of identity' as well as a Treaty of Waitangi right. The security of these rights, however, is conceived as threatened. Identifying a post-treaty settlement shift in the Crown/Māori relationship, Tuuta states: 'the struggle over recognition of fisheries rights has become a struggle over protection of those rights to prevent them being usurped and removed by the Crown, Crown entities and many others'. Here the Sanctuary represents an instance of re-colonisation requiring vigilance and collective opposition. It illustrates, Tuuta proposes, the 'inherent problems within a pluralistic society where we have opposing worldviews, such that one, usually the Māori worldview, is subordinated to the other'. The Sanctuary becomes an event in a long history of resource alienations wherein, 'everything that has ever gone wrong between Māori and the Crown since 1840 is a result of a clash of ideology'. It demonstrates the tendency, Tuuta claims, to subject the 'spiritual linkage of iwi with indigenous resources…to paternalistic control. And most of us have experienced that'. Yet, he reminds the audience, 'Māori have two things in our favour, immortality and memory… governments need to think about that'.

Now destabilised, the Sanctuary symbolises the success of 'Māori value systems' and the synergism of nature/culture in the Māori 'worldview'. It is an expression of kaitiakitanga (resource guardianship), one in which conservation, 'framed as a human versus nature contest [is] a western ideology'. The Sanctuary, thus envisioned, provides a promise for further recognitions of indigenous ontologies, for a future 'that adopts a Māori worldview':

> One where conservation and marine management solutions meet social and ecological goals… Māori have always maintained that the division between Māori and nature, which translates into barriers and demarcations

> between economy and environment is an artefact of western thinking. Rather, there is an underlying unity between human and non-human…I see a future of kaitiakitanga in practice, flourishing relationships between people, place and natural resources. People and culture cannot be separated. The human dimension is not an obstacle to overcome on the way to conservation, marine management solutions, but is key to that particular solution. Collectively we have the opportunity to create a legacy for this and future generations.[11]

Tuuta ended his speech with a waiata, the audience joining in. 'He is singing a song from home', my companion explained, thus effectively rooting himself in the local, grassroots, culture of his natal Urenui marae. 'Māori rights will never get trampled over again', the general manager of a seafood company and research collaborator predicted.

Tuuta's identification of the Sanctuary impasse with the power of collective resistance pervaded the remainder of the day. His evocation of kaitiaki, the poetic appeal of a nature/culture blending and the thesis on kaitiakitanga in practice, situated the Sanctuary as an important event, one through which hapū and iwi imagine connections and share cultural/environmental values with each other. Māori with whom I spoke endorsed this interpretation of kaitiakitanga, both during the conference and in interviews conducted outside of this space. In this sense Rangitahua, rendered a Māori environment, serves as a mediating sphere to express social values. It is appropriate at this point to reconsider existing ideas about the concept of kaitiaki, albeit briefly as space demands.

'A kaitiaki is a guardian, keeper, preserver, conservator, foster-parent, protector' (Marsden and Henare 1992: 67) of places and things for the gods (Marsden 1977). They may be the spirit of a deceased ancestor manifested in the shape of a shark, eel, stingray or other animal (Barlow 1991) and, embodied thus, are often known as taniwha. As spiritual guardians and assistants to the gods, kaitiaki mediate the dense network of relationships that exist in the natural world, of which humans are a part, and wherein everything is connected (Roberts et al. 1995). Particular to each hapū or iwi, kaitiaki are a marker of identity such that 'Māori become one and the same as kaitiaki (who are, after all, their relations) becoming the minders for their relations, that is, the other physical elements of the world' (Matiu and Mutu 2003). For Tainui iwi in Whaingaroa, their taniwha, Te Atai-o-rongo - a former chief, murdered by his jealous brother-in-law who lodged a fish hook in his forehead[12] – takes the form of a stingray protecting the entrance to the harbour.

> When he's around, people know what the sign is. If you're in the tide and it's low tide and you see a big wave come up and suddenly the lagoon's full, the taniwha's in town. Ani (pseudonym) is probably the last one to have that experience, she didn't know what it was, she went home and told my mother and my mother goes 'oh, he's back!' He usually brings a lot of food, that time they managed to get a lot of white bait out of season, but they brought all the food back (research collaborator, 2018).

As protectors, kaitiaki work to ensure that the mauri (life force) of their taonga is healthy and strong (Matiu and Mutu 2003, Roberts et al. 1995). Conversely, they

are empowered to effect punishment if this is threatened. In Whaingaroa, for instance, the conversion of a taniwha's lair into an effluent pond is deemed responsible for twelve subsequent ocean drownings. People, as autochthons, are kaitiaki of their tribal lands and seas, obliged to care for resources and held accountable if these are threatened, physically or spiritually (Matiu and Mutu 2003)

Kaitiakitanga is a relatively recent linguistic development (Kawharu 2000), the suffix 'tanga' transforming the concept to mean 'guardianship, preservation, conservation, fostering, protecting, sheltering' (Marsden and Henare 1992: 67). It refers particularly to the role of people as kaitiaki, and while being rooted in customary values, intergenerational, reciprocal relations between people, nature and gods (Waitangi Tribunal 1999, 2001), it emerges politically as a means through which to claim rights under the Treaty of Waitangi (Kawharu 2000). Kaitiakitanga is especially associated with environmental management and, in the case of fisheries, is recognised in both commercial and customary legislation. In the former, it is linked with a local 'ethic of stewardship exercised by the appropriate tangata whenua [people of the land] in accordance with tikanga Māori [customs]', though also with Māori on the scale of a collective who require consultation when the Minister alters quota levels (Fisheries Act 1996). In the customary sphere, kaitiaki are appointed to authorise fishing for non-commercial permits.

Ngati Kuri and Te Aupouri, two iwi from the northern Tai Tokerau Māori electorate whose migration histories incorporate Rangitahua, supported the establishment of the Sanctuary as an expression of kaitiakitanga and, in turn, were to receive seats on the management board. However, Te Ohu's opposition to the Sanctuary, which included the Crown's failure to consult, is also consistent with wider Pacific understandings of customary marine tenure and environmental management as being inclusive of sustainable livelihoods (Ruddle, Hviding and Johannes 1992). Hence, marine protected areas, which dichotomise people and nature, are at odds with Māori conceptualizations of humans 'as part of a personified, spiritually imbued "environmental family"…and serve[s] to alienate Māori from their stewardship' (Roberts et al. 1995). What is of most interest here, however, is how private property rights, that is ITQs, emerged as a form of ancestral wealth requiring protection and, in the process, dismantled the bifurcation of commercial and customary Māori social worlds enacted through the 1992 fisheries settlement. It is important, though, to recognize the existence of inequality, power and authority in commonings. In this instance, quota property, as ancestral wealth, played a crucial commoning role while contestations over the distribution of quota as catch rights to coastal hapū, remained occluded.

Māori commoning and marine spaces

Conceptually, commoning appears to run counter to the forces of the market (Blaser and de la Cadena 2017), perhaps even emerging from a different historical trajectory (De Angelis and Harvie 2014), one neither entirely subject to the contingencies of capitalism nor aligned with a particular form of property (Gibson-Graham, Cameron and Healy 2016). Rakopoulos and Rio conceive of the 'pull' of the commons as arising out of the demand that certain things, persons and resources 'should be left unmarked by ownership or unfair domination' (2018: 283). Commoning, thus, becomes an inspirational, postcapitalist politics (Gibson-

Graham, Cameron and Healy 2016), a transformative, horizontal happening (Thompson 2015) where social relations engaging diverse people as well as non-humans becomes the critical component of analyses (Bresnihan 2016).

This emphasis on the social relations of the commons rather than the commons as property, aligns with the scholarship of E.P. Thompson (1993) whose work on English commoners and resistance was taken up by his student Peter Linebaugh, a leading author on commoning. Arguing against the notion of the commons as a natural resource, Linebaugh writes, 'the commons is an activity and, if anything, it expresses relationships in society that are inseparable from relations to nature. It might be better to keep the word as a verb, rather than as a noun, a substantive' (Linebaugh 2009: 279). The commons-as-not-property may also be a critical response to the reduction inherent in the work of Elinor Ostrom who centred the commons debate on the need for defined property rights, though these were based, ironically, on an individual, rational choice thesis. Legal definitions do not define the commons and people cooperate for many reasons, not just when it is considered rational to do so (Nightingale 2011, 2013). Emotion, for instance, is an undertheorised raison d'être for commoning, one that played a part in unifying Māori opposition to the removal of their Treaty rights in the event of the Kermadec Sanctuary. The powerful pull of obligation is also incommensurable with a commons delineated in terms of property criteria.

Property is a wicked problem. The existing hegemonic form of private property invests control over a clearly delineated space into an individual owner, promotes the (contested) separation of owners from non-owners, makes bounded territories (or abstracted fishing rights) transferable and thereby alienable from their social context. In this process speculation, financialisation and profit-making appear naturalised, inherent to the land (catch right or seascape) itself (Thompson 2015: 1027). Private property is antagonistic to other forms of ownership, particularly the commons (Singer 2000), which is designated as either open access or legally reconstructed to fit a propertised form. Articulating the commons as legal rights seems to displace, or render codified, ossified and diminished into passive and alienated forms, the dense web of relations between humans, non-humans, nature and the supernatural. Indeed, this reduction is apparent, I have argued, in the post-settlement reconstitution of Māori fisheries as private or neo-common property, wherein, for instance, kaitiakitanga is fulfilled, or not, through the requirement of the Crown to consult over quota alterations. Herein, kaitiatitanga is also identified with a local ethic of stewardship, or in the case of customary fisheries, is personified as a non-commercial, fishing permit-giver. Yet property, conceived as a Treaty of Waitangi right, suggests a more expansive understanding of the concept. Hann's formulation is of interest here. Property, he writes, is 'best seen as directing attention to a vast field of cultural as well as social relations, to the symbolic as well as the material context within which things are recognized and personal as well as collective identities made' (1998: 5). Property relations can be expressed as an intergenerational desire to hold onto commonwealth, such as Māori fishing quota conceived as an embodiment of an ancestral taonga. For indigenous peoples, at least, property — alienated, usurped or reappropriated — is a crucial feature of struggles, a phenomenon clearly articulated in Māori claims to fisheries and seascapes.

I am also uncomfortable with the notion that when something is brought into collective practice, issues of inequality, dispossession, coercion and

accumulation are disappeared (see also Nightingale 2014). Iwi quota, framed as a Treaty of Waitangi right and Māori taonga, signifies deeply held cultural values of nature/culture unison, kaitiaki protection and has spurred a modern anti-colonial resistance. Yet iwi quota, being embedded in a neoliberal fisheries management regime, necessarily entails hierarchical divisions. These emerge, for instance, between hapū, whose fishing labour is rendered obsolete, and iwi whose quota leasing infers a different understanding of ocean wealth. In the case of the claims under the Marine and Coastal Area Act 2011 discussed at the beginning of this essay, tribal conflicts are likely to arise over the requirement to define rohe moana (tribal seascapes) as exclusionary and customary practices as continuous, irrespective of a traditional emphasis on manaakitanga or sharing and the contingencies of colonisation.

The scale at which commons are conceived, where boundaries are erected, remains an unresolved issue (Blaser and de la Cadena 2017). Does, for instance, the commons operate at the level of local communities and inshore waters or in relation to vast tracts of oceans on the outer reach of the state's territorial seas? Rakopoulos and Rio (2018) note that the ideal of public enjoyment of the commons, such as the foreshore in New Zealand or large-scale MPAs, is often an aspect of the power of the state. Alternatively, commoning may be an expected response of social groups when their sovereignty over essential reproductive means, sacred objects, persons and offspring, resources and space of belonging (Rakopoulos and Rio 2018: 283), are threatened. The rhetorical power of governmental appeals to the common good, particularly when framed in environmentalist terms of conserving natures or wildernesses, speaks to this slippage between scales. It also references the power of the state to create slippage between property types: Māori marine tenure becomes a propertyless sea, then state territory in EEZs, privatised fisheries rights in ITQ fisheries and common property in marine protected areas. Each slippage opening up the possibility for counter claims, for differently mobilised commonings.

In the context of state-indigenous relations, the emancipatory promise of the commons needs rethinking.[13] In New Zealand, the state's use of the language of the commons to establish the Kermadec Ocean Sanctuary was perceived by Māori as an attempt to disavow treaty rights, ancestral wealth, kaitiaki relations and obligations, subjugate indigenous epistemologies and ontologies and was described as an act of re-colonisation. Indeed, the commons as statecraft is particularly pronounced in efforts to enclose saltwater. It is apparent, for instance, in the progression of Māori claims to the foreshore and seabed (prompted by the intensification of marine aquaculture enclosures) which spurred the enactment of new legislation in 2004 providing for Crown ownership on behalf of all New Zealanders, effectively blocking the progression of Māori aboriginal title claims through the legislature (Charters and Erueti 2007, McCormack 2012). The Marine and Coastal Area Act 2011 is a continuation of this process, the provisions for Māori bearing little resemblance to internationally recognised aboriginal title and rights. Freshwater too has been framed as a common good. It is imbricated in current debates in New Zealand around bottled water (Simmonds, Kukutai, Ryks 2016), irrigation and the extractive practices of power companies (Muru-Lanning 2016), highlighting the insidious ways in which the commons rhetoric may invisibilise privatisations while simultaneously locking out indigenous ways of being and owning.

Acknowledgements

Many thanks go to my research collaborators and participants as well as the two anonymous reviewers whose insightful remarks on an earlier draft enabled me to extend the arguments raised here. The editors of *Commoning Ethnography* also provided critical feedback and I appreciate the opportunity they have given me to engage with this crucial contemporary concept.

Notes

1. The latter includes field research at hui, on marae, in courts, at the 2018 Māori Fisheries Conference and thirteen interviews with Māori organisations and individuals variously involved in fisheries from eight different hapū and iwi.

2. Established in 1975, the Waitangi Tribunal is a commission of inquiry charged with investigating Māori individual or group claims concerning alleged Crown breaches of the promises stipulated in the 1840 Treaty of Waitangi. The Treaty is an integral aspect of modern Indigenous-Crown statecraft in New Zealand.

3. The Bill received a unanimous first parliamentary reading in March 2016 but has now stalled at the select committee stage. The current Labour-New Zealand First coalition government has pledged not to progress the existing legislation establishing the Sanctuary.

4. Bargh (2016), for instance, links the promulgation of Māori fisheries as non-commercial in nature, the alienation of Māori land and the subsequent impoverishment of hapū and iwi, with the demise of Māori commercial fishers in the decades leading up to the introduction of the Quota Management System.

5. Article two of the 1840 Treaty of Waitangi, in the Māori language version, confirmed and guaranteed the chiefs 'te tino rangatiratanga' (sovereignty) over their lands, villages and 'taonga katoa' (all treasured things). The English language version of Article two confirmed and guaranteed to the chiefs 'exclusive and undisturbed possession of their lands and estates, forests, fisheries, and other properties.'

6. These include: 1) the bias in ITQ systems such that wealth is generated from leasing catch rights rather than catching fish in the sea; 2) the quota packages distributed to individual iwi are often too small to make 'getting into the business of fishing' viable; 3) the capital required for boats and infrastructure to undertake fishing is too large; 4) the 1992 fisheries settlement may be the only indigenous Treaty of Waitangi settlement a tribe has received, therefore leasing quota, the option which offers the least financial risk, may appear the most rational; 5) a lack of young people able/willing to crew on boats; and 6) preference. Note, there are important exceptions to this, for instance Ngāi Tahu fisheries in the South Island of New Zealand, the Iwi Collective Partnership and East Coast iwi, Ngati Porou. There are also some whanau (extended family) based fishing ventures.

7. By John Key, New Zealand's Prime Minister at the time.

8. See Seafood New Zealand's submission to the Local Government and Environment Committee on the Kermadec Ocean Sanctuary Bill

https://www.parliament.nz/resource/en-nz/51SCLGE_EVI_00DBHOH_BILL68514_1_A508026/b5fea47214fef324aa8d5e8cc43ec88c05559b0c

9. See Joint submission on the Kermadec Ocean Sanctuary Bill – Forest and Bird, The Pew Charitable Trusts and WWF New Zealand. https://www.parliament.nz/resource/en-nz/51SCLGE_EVI_00DBHOH_BILL68514_1_A507818/90aed1c9f2b8cfec19939da6be544e0236cbd1f6

10. Five companies supply eighty percent of the catch in New Zealand.

11. Jamie Tuuta's presentation, and that of other presenters at the Tangaroa-ā-mua: Future Māori Fisheries Conference 2018, is available here: https://teohu.conference.maori.nz/presenters/jamie-tuuta/

12. See Pei Te Hurinui Jones, 1995. Nga iwi o Tainui: The traditional history of the Tainui people, edited by Bruce Biggs. Auckland University Press, pg 86 -87

13. I am grateful for the anonymous comments of a reviewer for this insight.

References Cited

Amin, Ash, and Philip Howell.
2016. Thinking the Commons. In *Releasing the Commons: Rethinking the futures of the commons*, edited by Ash Amin and Philip Howell, 1-17. London and New York: Routledge.

Ballantine, Bill
2014. Fifty Years On: Lessons from marine reserves in New Zealand and principles for a worldwide network. *Biological Conservation* 176: 297-307.

Bargh, Brian
2016. *The Struggle for Māori Fishing Rights: Te Ika a Māori.* Wellington, New Zealand: Huia.

Barlow, Cleve
1991. *Tikanga Whakaaro: Key concepts in Māori culture.* Auckland, New Zealand: Oxford University Press.

Blaser, Mario, and Marisol de la Cadena
2017. The Uncommons: An introduction. *Anthropologica* 59(2): 185-192.

Bresnihan, Patrick
2016. *Transforming the Fisheries: Neoliberalism, nature, and the commons.* Lincoln: University of Nebraska Press.

Bryers-Brown, Tarapuhi
2017. Creating an Accessible Commons. *Commoning Ethnography* 1(1): 1-5.

Campbell, Lisa M., Noella J. Gray, Luke Fairbanks, Jennifer J. Silver, Rebecca L. Gruby, Bradford A. Dubik and Xavier Basurto
2016. Global Oceans Governance: New and emerging issues. *Annual Review of Environment and Resources* 41: 517-543.

Caron, David D. and Stephen Minas
2016. *Conservation or Claim? The motivations for recent Marine Protected Areas.* The Dickson Poon School of Law. August 1 https://poseidon01.ssrn.com/delivery.php?ID=841115116081093124018020091120092119104072028038038067092082110030021086011085008104028060057106119006096104001023092091088105007055040087041067066006017081115003079009005042081023070026121021074088124084117119082098084113090025019026126101027094087116&EXT=pdf

Charters, Claire, and Andrew Erueti (Eds.)
2007. *Māori Property Rights and the Foreshore and Seabed: The Last Frontier*. Wellington, New Zealand: Victoria University Press.

Crutzen, Paul J., and Eugene F. Stoermer
2000. The "Anthropocene." *Global Change Newsletter* 41: 17–18. International Geosphere–Biosphere Programme (IGBP).

De Angelis, Massimo and David Harvie
2014. The Commons. In *The Routledge Companion to Alternative Organisation*, edited by Martin Parker, George Cheney, Valérie Fournier and Chris Land, 280-294. Abington: Routledge

Einarsson, Niéls.
2011. *Culture, Conflict and Crises in the Icelandic Fisheries: An anthropological study of people, policy and marine resources in the North Atlantic Arctic*. Acta Universitatis Upsaliensis.

Feeny, David, Fikret Berkes, Bonnie J. McCay and James M. Acheson.
1990. The Tragedy of the Commons: Twenty-two years later. *Human Ecology* 18 (1): 1-19.

Foale, Simon and Martha Macintyre
2000. Dynamic and Flexible Aspects of Land and Marine Tenure at West Nggela: Implications for marine resource management. *Oceania* 71(1): 30-45.

Foster, Robert
2018. Entropy, Alchemy and Negative Pigs: Obviating the matter of wealth. *History and Anthropology* 29(3): 292–306.

Fournier, Valérie
2013. Commoning: On the social organisation of the commons. *M@n@gement* 16(4): 433-453.

Giacomini, Terran
2014. Ecofeminism and System Change: Women on the frontlines of struggle against fossil capitalism and for the solar commons. *Canadian Woman Studies* 31(1-2): 95-100.

Gibson-Graham, J. K., Jenny Cameron and Stephen Healy
2016. Commoning as a Postcapitalist Politics. In *Releasing the Commons: Rethinking the futures of the commons*, 192-212. London and New York: Routledge.

Gordon, H. Scott
1954. The Economic Theory of a Common-Property Resource: The fishery. *Journal of Political Economy* 62: 124-124.

Guyot, Sylvain
2015. The Politics of Eco-Frontiers: When environmentality meets borderities. In *Borderities and the Politics of Contemporary Mobile Borders*, edited by Anne-Laure Amilhat-Szary and Frédéric Giraut, 68-84. Basingstoke: Palgrave Macmillan.

Hann, Chris
1998. Introduction: the embeddedness of property. In *Property Relations: Renewing the anthropological tradition*, edited by Chris Hann, 1-47. Cambridge, UK: Cambridge University Press.

Haraway, Donna, Noboru Ishikawa, Scott F. Gilbert, Kenneth Olwig, Anna L. Tsing and Nils Bubandt
2016. Anthropologists are Talking–about the Anthropocene. *Ethnos* 81(3): 535-564.

Hardin, Garrett
1968. The Tragedy of the Commons. *Science* 162:1243-1248.

Helmreich, Stefan
2011. Nature/Culture/Seawater. *American Anthropologist* 113(1): 132-144.

Jackson, Jeremy BC, Michael X. Kirby, Wolfgang H. Berger, Karen A. Bjorndal, Louis W. Botsford, Bruce J. Bourque, Roger H. Bradbury et al.
2001. Historical Overfishing and the Recent Collapse of Coastal Ecosystems. *Science* 293(5530): 629-637.

Jackson, Jeremy BC
2008. Ecological Extinction and Evolution in the Brave New Ocean. *Proceedings of the National Academy of Sciences* 105(Supplement 1): 11458-11465.

Kalb, Don
2017. Afterword: After the commons-commoning! *Focaal, Journal of Historical and Global Anthropology* (79): 67-73.

Kapferer, Bruce
2010. In the Event: Toward an anthropology of generic moments. *Social Analysis* 54(3): 1-27.

Kawharu, Merata
2000. Kaitiakitanga: A Māori anthropological perspective of the Māori socio-environmental ethic of resource management. *The Journal of the Polynesian Society* 109(4): 349-370.

Koch, Insa
2018. Towards an Anthropology of Global Inequalities and their Local Manifestations: Social Anthropology in 2017. *Social Anthropology* 26(2): 253-268.

Lempert, William
2018. Generative Hope in the Postapocalyptic Present. *Cultural Anthropology* 33(2): 202–212.

Linebaugh, Peter
2009. *The Magna Carta Manifesto: Liberties and commons for all.* Berkeley: University of California Press.

2014. *Stop, Thief!: The commons, enclosures, and resistance.* Oakland, California: PM Press.

Longo, Stefano B., Rebecca Clausen and Brett Clark
2015. *The Tragedy of the Commodity: Oceans, fisheries, and aquaculture.* New Jersey: Rutgers University Press.

Mansfield, Becky
2004. Neoliberalism in the oceans: "rationalization," property rights, and the commons question. *Geoforum* 35(3): 313-326.

Marsden, Maori
1977 God, Man and Universe. In *Te Ao Hurihuri: The world moves on*, edited by Michael King, 143-164. Wellington, New Zealand: Hicks Smith.

Marsden, Maori and Te A. Henare, Te A
1992. *Kaitiakitanga: A definitive introduction to the holistic worldview of the Māori*. Wellington, New Zealand: Ministry for the Environment.

Matiu, McCully and Margaret Mutu
2003. *Te Whānau Moana: Ngā kaupapa me ngā tikanga: Customs and Protocols/ the teachings of McCully Matiu kaumatua rangatira of*

Te Whanau Moana and Ngati Kahu as told to Margaret Mutu. Auckland, New Zealand: Reed.

McCormack, Fiona

2011. Levels of Indigeneity: the Māori and neoliberalism. *Journal of the Royal Anthropological Institute* 17(2): 281-300.

2011b. Rāhui: a blunting of teeth. *The Journal of the Polynesian Society* 120(1): 43-56

2012. Indigeneity as Process: Māori claims and neoliberalism. *Social Identities* 18(4): 417-434.

2016. Indigenous Claims: Hearings, settlements, and neoliberal silencing. *PoLAR: Political and Legal Anthropology Review* 39(2): 226-243.

2017. Sustainability in New Zealand's Quota Management System: A convenient story. *Marine Policy* 80: 35-46.

Mead, Sydney and Neil Grove

2001. *Ngā Pēpeha a Ngā Tīpuna: The sayings of the ancestors*. Wellington, New Zealand: Victoria University Press.

Metge, Joan

1989. Evidence of Alice Joan Metge in respect of Te Wharo Oneroa A Tohe. *Submission to the Waitangi Tribunal Muriwhenua Land Report 1992*, Wai 45 H/C 20.

Moore, Amelia

2016. Anthropocene Anthropology: Reconceptualizing contemporary global change. *Journal of the Royal Anthropological Institute* 22(1): 27-46.

Muru-Lanning, Marama

2016. *Tupuna Awa: People and Politics of the Waikato River.* Auckland, New Zealand: Auckland University Press.

Nightingale, Andrea

2011. Beyond Design Principles: Subjectivity, Emotion, and the (ir) rational Commons. *Society and Natural Resources* 24(2): 119-132.

2013. Fishing for Nature: The Politics of Subjectivity and Emotion in Scottish Inshore Fisheries Management. *Environment and Planning A* 45(10): 2362-2378.

2014. Questioning Commoning. *Social & Cultural Anthropology* 15 (8): 980-982.

Ostrom, Elinor
2015. *Governing the Commons*. Cambridge: Cambridge University Press.

Pálsson, Gisli
1998. The Virtual Aquarium: Commodity Fiction and Cod Fishing. *Ecological Economics* 24(2-3): 275-288.

Pedersen, J. Martin
2010. Introduction: Property, commoning and the politics of free software. *The Commoner* 14, 8-48. 1 August http://eprints.lancs.ac.uk/35047/1/the-commoner-14-winter-2010-introduction.pdf

Peterson, Nicolas and Bruce Rigsby, eds.
2014. *Customary Marine Tenure in Australia*. Sydney: Sydney University Press.

Rakopoulos, Theodoros and Knut Rio
2018. Introduction to an Anthropology of Wealth. *History and Anthropology* 29(3): 275-291.

Roberts, Mere, Waerete Norman, Nganeko Minhinnick, Del Wihongi and Carmen Kirkwood
1995. Kaitiakitanga: Māori perspectives on conservation. *Pacific Conservation Biology* 2:7-20.

Ropiha, Joan
1992. *Alienation of Māori Fisheries in Mahia Peninsula 1920–1990*. MA dissertation, University of Auckland.

Ruddle, Kenneth, Edvard Hviding and Robert E. Johannes.
1992. Marine Resources Management in the Context of Customary Tenure. *Marine Resource Economics* 7(4): 249-273.

Ryan, Anne B
2013. The Transformative Capacity of the Commons and Commoning. *Irish Journal of Sociology* 21(2): 90-102.

Salmond, Anne
2015. The Fountain of Fish: Ontological collisions at sea. In *Patterns of Commoning*, edited by David Bollierk and Silk Helfrich, 309-329. Amherst, MA: Levellers Press.

Sand, Peter H.
2007. Public Trusteeship for the Oceans. In *Law of the Sea, Environmental Law and Settlement of Disputes: Liber Amicorum Judge Thomas A. Mensah*, edited by Tafsir Malick Ndiaye and Rudiger Wolfrum, 521-544. Leiden, Boston: Martinus Nijhoff Publishers.

Schneider, Katharina
2012. *Saltwater Sociality: A Melanesian island ethnography*. New York, Oxford: Berghahn Books.

Scott, Anthony
1955. The Fishery: The objectives of sole ownership. *The Journal of Political Economy* 63(2): 116-124.

Simmonds, Naomi, Tahu Kukutai and Jon Ryks
2016. Here to Stay: Reshaping the Regions through Mana Māori. In *Rebooting the Regions: Why low or zero growth needn't mean the end of prosperity*, edited by Paul Spoonley, 79-105. Wellington, New Zealand: Massey University Press.

Singer, Joseph
2000. Property and Social Relations. In *Property and Values: Alternatives to public and private ownership*, edited by Charles Geisler and Gail Daneker, 3-21. Washington DC: Island Press.

Stavridis, Stavros
2013. Re-inventing Spaces of Commoning: Occupied squares in movement. *Quaderns-e de l'Institut Català d'Antropologia* 18(2): 22-39.

Te Ohu Kai Moana
2016. *Government rejects Māori compromise to Kermadec Sanctuary*. Accessed 1 August from http://teohu.maori.nz/media-release/2016/20160914_Kermadec_Media_Release.htm

Thomas, Amanda
2018. *Political Organisation and the Environment. Economic and Social Research Aotearoa*, 10. 1 August 2018 https://esra.nz/wp-content/uploads/2018/05/Political-Organisation-and-the-Environment.pdf

Thompson, E. P.
1993. *Customs in Common: Studies in traditional popular culture*. New York: The New Press.

Thompson, Matthew.
2015. Between Boundaries: From commoning and guerrilla gardening to community land trust development in Liverpool. *Antipode* 47(4): 1021-1042.

Thorleifsson, Catherine
2017. Disposable Strangers: Far-right securitisation of forced migration in Hungary. *Social Anthropology* 25(3): 318–334.

Waitangi Tribunal
1988. *Muriwhenua Fishing Claims Report* (Wai 22). Wellington: New Zealand Department of Justice.

1992. *Ngai Tahu Sea Fisheries Report* (Wai 27). Wellington: New Zealand Department of Justice.

1999. The Whanganui River Report (Wai 167). Wellington: GP Publications.

2001. Report of the Waitangi Tribunal on the Hauraki Gulf Marine Park Act 2000 (WAI 728). Wellington: Legislation Direct

Walker, Ranganui
1990. *Ka Whawhai Tonu Matou: Struggle without end*. Auckland, New Zealand: Penguin.

Walley, Christine
2004 *Rough Waters: Nature and development in an East African marine park*. Princeton: Princeton University Press.

Warming, Jens
1911. On the Rent of Fishing Grounds. *History of Political Economy* 15(3): 391-396.

Weiner, Annette B
1992. *Inalienable Possessions: The paradox of keeping-while-giving*. Berkeley: The University of California Press.

Wigley, Glenn
2016. *Regulatory Impact Statement: Establishment of a Kermadec Ocean Sanctuary*. Accessed 1 August 2018 from http://www.mfe.govt.nz/sites/default/files/media/Legislation/RIS/RIS-for-kermadec-ocean-sanctuary-bill_0_0.pdf

Fiona McCormack
Anthropology Programme
Faculty of Arts and Social Sciences
University of Waikato
Private Bag 3105
Hamilton 3240
New Zealand
fio@waikato.ac.nz