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DOI

[10.1007/s40152-018-0121-9](https://doi.org/10.1007/s40152-018-0121-9)

Publication date

2018

Document Version

Final published version

Published in

MAST: Maritime studies

License

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Citation for published version (APA):

Song, A. M., Bodwitch, H., & Scholtens, J. (2018). Why marginality persists in a governable fishery - the case of New Zealand. *MAST: Maritime studies*, 17(3), 285–293. <https://doi.org/10.1007/s40152-018-0121-9>

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Why marginality persists in a governable fishery—the case of New Zealand

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Received: 31 March 2018 / Accepted: 8 October 2018 / Published online: 6 November 2018
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Abstract

This paper examines reproduction of marginality evident in fisheries. Uneven relations are widespread across geography and scale; between distant water fishing nations and coastal developing countries; between fishers on large-scale trawlers and smaller boats; between local elites and peasant operators; and between boat owners and crews working in poor and slave-like conditions. With inequality and social exclusion being such a pervasive phenomenon, we ask why do these relationships persist? Using governability, developed within the interactive governance approach, as an overarching basis for interpreting this issue, the purpose of this paper is to demonstrate the possibility that marginality is not only a feature of ungovernability but might also occur in a highly governable system. To advance this insight, we apply theoretical tools associated with Marxist-Gramscian political ecology to the case of small-scale fisher exclusion brought on by the implementation of an individual transferable quota system in New Zealand's commercial fishery. In particular, we identify social and economic relations that give rise to an accentuated capitalist structure whereby the quota-owning sector of the population (e.g., processing companies and Maori tribal organizations) control the ways in which fishers access economic benefits from their labor. Over the years, the quota system has gained acceptance as a resource management strategy, an intervention that is now ideologically hard to break away. The result is the reproduction of fishers' exclusion, which contributes to a governable fishery, rather than an ungovernable one. This understanding casts a critical note on what we mean by governability, directing our attention to the ethical questions regarding how fisheries are to be governed and the risks that come with its pursuit.

Keywords Governability · Individual transferable quota · Interactive governance · Marginalization · Political ecology · Small-scale fishery

Introduction

Regrettably, conditions of marginality¹ abound in the world of fisheries. With millionaire riches held by a select few, lopsided relations are widespread across geography and scale. Recent global estimates by Pauly and Zeller (2016) and Schuhbauer et al. (2017) suggest that only 4% of the fishers are responsible for 76% of the world's fish catches, and receive 84% of all fisheries subsidies. Inequitable access agreements between distant water fleets of developed countries and domestic coastal fleets have been documented in West African nations (Kaczynski and Fluharty 2002; Alder and Sumaila

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¹ We use the definition of marginality as a state or process of social exclusion that emerges at the individual or group level on multiple interrelated dimensions: material deprivation, insufficient access to social rights, limited political participation and a lack of cultural integration (Jehoel-Gijsbers and Vrooman 2007; Scholtens 2016).

2004) and tuna fisheries in the Central and Western Pacific (Schurman 1998). Sectorally, policy and funding support has skewed towards large-scale fishing operations associated with vertical integration and technically advanced fishing and navigation gear, leaving small-scale fishers to fend for their economic, cultural, and political rights (Jacquet and Pauly 2008; Chuenpagdee 2011; Mills et al. 2011; Johnson et al. 2018). Between 2007 and 2012, the 16 biggest transnational fishing companies almost doubled their revenue, “illustrating the ongoing consolidation process within the global network of seafood production” (Österblom et al. 2015, p.5). Moreover, acutely abominable situations of marginality that inflict inhumane and slavery-like conditions on onboard crew members have been recently described as occurring within specific fishing industries and individual enterprises (Chantavanich et al. 2016; Ratner et al. 2014; Marschke and Vandergeest 2016; Simmons and Stringer 2014).

Such conditions of inequity and exclusion are, however, not a new or isolated phenomenon; they have been persisting over time despite some efforts to mitigate these dynamics from those entrusted to govern fisheries. Others have argued that these conditions are also observed from implementing broader sustainability aims such as the Agenda 21 or the Sustainable Development Goals (Rasanathan and Diaz 2016; Oestreich 2018). This paper focuses on the pervasive issue of how and why the interventions to govern fisheries can fail to address a reproduction of marginality and even work to re-trench it. We argue that the persistence of marginality is not only the hallmark of an ungovernable system characterized with volatility, low capacity, or undemocratic or poorly deliberated governing ideals (Jentoft and Chuenpagdee 2015), but that it can also arise in systems considered governable. Further, we consider the possibility that one of the ways in which governing interventions can work is actually by reinforcing marginality. That is, to maintain differences and divisions to allow some groups to benefit at the expense of others (arguably, without malicious intent). We explore New Zealand’s individual transferable quota (ITQ) system, a case of fisheries privatization, to demonstrate this logic unfolding.

“Governability” (Kooiman 2003) is an emerging concept: thinking about a fishery, a population, or a society in terms of how governable it is or how governable it can be, provides an intriguing notion that can potentially generate innovative ways to approach the way we govern. The following section describes governability and an accompanying perspective named interactive governance to present a conceptual scaffolding within which to situate the analysis of marginality. We then draw on Marxist-Gramscian political ecology to reveal the creation of differing economic incentives that reinforce separations of quota holders from non-quota-owning fishers, and why this relative marginalization perpetuates and is difficult for governors to amend (“Marginalization of Māori fishers under New Zealand’s ITQ system” section). We

further unpack the case in “Marginalization as the product and the source of governability” section by analyzing these dynamics in governability terms, to clarify why such a system would be deemed a governable one. From this, we conclude by offering a reflection on the role of governability in facilitating more ethical and equitable fisheries development.

Understanding the reproduction of marginality

Interactive governance

The conditions of marginality and exclusion that arise in fisheries and other natural resource sectors have been a topic of keen scholarly inquiry. This issue continues to be debated from diverse angles. We first focus on interactive governance theory, which articulates marginality in close connection with prevailing societal concerns such as social justice, livelihood needs, and food security (Bavinck et al. 2013; Scholtens 2016). This theory has gained momentum in recent decades as one of the leading perspectives for framing and analyzing fisheries governance (Kooiman et al. 2005; Bavinck et al. 2013). Stemming from systems thinking (i.e., socio-cybernetics), public administration, and sociology, this theory is comprehensive in its purview to consider governance research comprising both a normative debate as well as an analytical exercise, the latter targeted at understanding how, in specific situations, governance actually works. Normatively, it puts unique emphasis on “meta-governance,” which refers to a suite of governance values, images, and principles that implicitly or explicitly underlie governing efforts, and on the processes with which these meta-elements are articulated, prioritized, and negotiated among a group of stakeholders (Kooiman and Jentoft 2009; Song et al. 2013). It hypothesizes that if social justice and equality norms arrive out of deliberate and democratic negotiations that are taken seriously by the governing group and made explicit to the public, then marginal conditions should diminish through ensuing interventions and policies. For example, scholars promote co-management as a way to empower weaker parties by giving them a voice and decision-making privileges, thereby increasing their self-efficacy (Jentoft 2005, 2007). McGoodwin (2007, 592) reflected on this humanistic worldview of interactive governance theory, “Overall the authors seem to assert, almost as a matter of faith, that if all the participants are adequately enlightened as to the larger picture, and fully appreciate every other participant’s place in the interactive dynamic, over time they will, through an iterative series of compromises, eventually and mutually come to the ‘good’ governance that is held out as the ideal.”

Governability, a concept most prominently established through interactive governance theory, has also been

normative in its character. Initially, when a Dutch political scientist, Jan Kooiman, described governability, he saw it as the permanent balancing act, or adjustment process, between governing needs on the one hand and governing capacities on the other (Kooiman 1993, 2003). Since then, it was taken up by an interdisciplinary group of scholars, most notably Svein Jentoft, Maarten Bavinck, and Ratana Chuenpagdee, who worked to clarify the concept and its application potential. Jentoft and Chuenpagdee (2015) provide a two-dimensional characterization of governability that combines “capacity” and “quality” and envisages them as two perpendicular axes in a graph. Capacity refers to the governing system’s (e.g., government) ability to respond to the challenges posed by the systems-to-be-governed (e.g., coastal environment and fishers), while qualities are the norms and values which guide governance efforts (e.g., accountability, inclusiveness and human rights). They propose that neither can be neglected, as high governability requires “high scores on both axes” (ibid, p.21). Accordingly, having high capacity alone does not make a system governable (e.g., tyrannical government or dictatorship). Likewise, noble aspirations of governing actors are insufficient without the resources to bring about tangible outcome. In addition, there is an implicit (and particularly rational) assumption that high governance capacity combined with decent normative standards will necessarily produce fair outcomes.

Such a systematic approach to governability suggests that when marginality concerns continue to be unabated, the “quality” of governing cannot be assured, and the system is therefore characterized with low governability. Questions, however, remain as to how this quality aspect would be negotiated and agreed among a group of involved stakeholders. Also, the thorny question of how to measure the breadth and the strength of *quality* has not yet been fully worked out (but see Chuenpagdee and Jentoft 2013 for “governability assessment framework”). Scholtens (2016) points out that the application of interactive governance to fisheries poses something of a paradox: while virtually all the scholars using the theory are clearly deeply concerned with the marginalization of the majority of the world’s small-scale fishers, the conceptual reasoning and tools offered are hardly designed to understand the (re)production of marginality.

Political ecology

The field of political ecology incorporates a growing body of scholarship that demonstrates how historical inequities between groups of people continue to shape access to and control over natural resources (e.g., Blaikie 1985; Peluso 1992; Peluso and Watts 2001; Robbins 2004; Hetch 2013; Davis 2016). Scholars in the field engage Marxist and Foucauldian theoretical lineages, among others, to understand how governing regimes give rise to and reproduce resource users’

exclusion, and the conditions through which such exclusion is contested or reinforced. Broadly, political ecologists have advanced robust and politically explicit problem analyses that highlight contradictions in the rationales informing governing decisions, particularly in cases when these decisions also disadvantage people or natural resources. Here, we present Marxist-Gramscian theoretical contributions to help understand dynamics effecting marginalization in fisheries.

Karl Marx’s account of the capitalist mode of production identifies structural incentives for owners of the means of production to pay workers’ wages below that necessary for workers to become owners themselves (Marx 1867). Under unsubsidized conditions in competitive markets, workers, when paid low wages, hold the potential to enable owners to accumulate capital by generating “surplus value” within a commodity, i.e., value beyond that which the owners expend to produce it. The asset owner needs to capture this surplus value in order to expand or diversify production practices, thereby to survive in competitive markets. This incentive for asset owners to pay low wages perpetuates class differentiations between them and workers. External governing initiatives, such as wage labor laws, can alter these incentive structures, but national governments are largely dis-incentivized to implement such initiatives when doing so would diminish national firms’ competitiveness in international markets.

Challenging the notion that capitalist elites assume their positions through smart economic maneuvering, Marx (1867) identifies how the exclusion of non-asset holders from accessing the means of production stem from acts of “enclosure” that restrict individuals’ access to their means of subsistence. They also stem from processes of “privatization” that enable select entities to own and control the commodities, for instance, through reference to the government’s role as a legitimate authority to institute exclusivity, as is the case with private property regimes. In *Capital Vol. 1* (1867), Marx describes how, in the Late Middle Ages, English feudal lords violently excluded thousands of individuals from land previously held in common a process he terms “primitive accumulation.” The transformation of these lands into exclusively owned estates pre-conditioned the development of capitalist socio-economic relations, by creating a group of people marginalized from their means of subsistence who would work for low wages to survive. David Harvey (2004) re-framed this process as one of “accumulation by dispossession,” to emphasize how contemporary acts of enclosure and privatization continue to deepen the nature of capitalist-wage labor social class divisions and further centralize control over capital in the hands of a select few. Political ecologists have identified a myriad of ways these processes proliferate, including through the privatization of fish access rights through the implementation of transferable fishing quotas (Bodwitch 2017a), the establishment of conservation areas (Kelly 2011), and the pollution of upstream waterways (Perreault 2013).

A consistent feature of Marxist political ecology is analysis of “concrete” historical and material conditions to advance understandings regarding the ways capitalist social relations emerge and are contested (Ekers et al. 2009; Mann 2009). Political ecologists’ development of theory by resisting abstractions mirrors the approach to understanding capitalist social relations employed by Marx himself and further developed by Antonio Gramsci in his analysis of the rise of fascism in WWI Italy (Hall 1986). With the aim of informing politics, Gramsci brought the state and politics into Marxism (Hall 1986). He is best known for his advancement of the concept of hegemony as a tool to understand why exploitative economic relations persist or are contested. Hegemony describes historically specific, non-teleological relations that give rise to conditions whereby social groups support governing interventions that are not in their economic interests (Gramsci 1971; Hall 1986). Hegemonic blocs form when support for intellectual and moral ideologies overcome economic solidarity between classes. Classes are also “cross cut” by other-than-economic desires, such that class unity can never be assumed and must be constructed through “specific economic, political, and ideological practices” (Hall 1986).

Gramsci and subsequent Gramscian analyses describe how historical, economic, and symbolic forces link together at particular moments to give rise to ideological formations that contest or support inequitable governing regimes (Gramsci 1971; Hall 1986; Li 2007; Mann 2009; Hart 2010). These ideological formulations inform the terms of the struggle between the elite and the marginalized, within which resistance is asserted. Gramsci described how class-based identities operate as ideological formations that unite and divide individuals, to support or contest hegemonic, or normalized, governing regimes. Scholars since have described how racialized and spatialized differentials also serve to legitimize or challenge the rule of particular historically contingent hegemonic blocs (Hall 1986; Hart 2013, 2016). A key aspect of Gramsci’s concept of hegemony is the way in which hegemony is never complete. It must continually be produced and can also be contested. For Gramsci, resistance arises when individuals from oppressed groups (“organic intellectuals”) participate in a dominant governing system, and in doing so, identify and communicate contradictions between governing ideologies and lived experiences (Gramsci 1971; Li 2007). A recent emphasis on analysis of those being governed in the governability literature similarly aims to investigate the role of society in resisting or cohering with particular regimes of rule.

Governability

This paper engages with an emerging interpretation of governability that attempts to more explicitly incorporate the notions of power (Johnsen 2017; Song et al. 2018). As with the previously formulated account of governability (e.g.,

Jentoft and Chuenpagdee 2015), this view still fundamentally maintains that governability is determined through interactions between the heuristic categories of so-called governing system (GS) and the system-to-be-governed (SG). Yet, because of its constructionist outlook drawing on relational ontology, what constitutes an (un)governable system is in the eyes of the beholder and admittedly less clearly definable. Likewise, what constitutes the governing system and the system-to-be-governed can also shift, such that an entity can be a governing system at one point of the analysis and a system-being-governed at another point depending on its roles in relation to the specific framing and focus of a narrative.

The particular analytics involved here focus on two reciprocal ways in which power manifests between the GS and the SG. The first addresses the “governmental” (or “definitional”) power of the GS on the SG. Governors’ intervention is an attempt to reconfigure the representation of SG in the world. The way its identity is presented and its own capability and goals understood are all what GS aims to influence. This relation goes beyond coercing or incentivizing the SG to do what the GS wants them to do, to also recognize the GSs’ role in forming the very objects it tries to govern. Song et al. (2018, 385) writes that “it is about building a representation of the reality in ways that suit the intervention desires of the GS with an ultimate aim of shaping the conduct of target groups according to that version of reality.” In a Gramscian sense, consent of the SG to such efforts must be manufactured. Governments that fail to enlist compliance, and instead resort to brute force to enforce a particular governing regime, open themselves to critique from global audiences as ineffective or illegitimate (Li 2007).

At the same time, the SG also works to exert power on the GS by actualizing the GS’s capacity to influence. Consistent with Bruno Latour (1986)’s exposition of power, in which a successful command results not from a reservoir of power accumulated in governors (i.e., how “powerful” they are) but is made from the actions and wills of those being governed who actively “translate” the command in many different ways, it is how the SG interprets, contests, or supports the GS’s initiative in reflection of its unique logic and goals (though possibly couched in the larger ideological currents of the society) which ultimately determines whether an intervention lived up to its intention. Latour (1986, 264) argues: “when an actor simply has power nothing happens and s/he is powerless; when, on the other hand, an actor exerts power it is others who perform the action.” Because one’s capacity is something that becomes only evident in the aftermath of others having conformed, the SG defines whether the GS is capable or not and in what ways. To strive for governability is then to pay attention to these reciprocal dynamics and to be open to the possibility of achieving a provisional stabilization of the relations among the various actors that symbolize GSs and SGs. In the following section, we explore the suitability of

the power-conscious governability framework, alongside Marxist-Gramscian analytical approaches, as a means to understanding the reproduction of marginality in New Zealand's commercial fisheries.

Marginalization of Māori fishers under New Zealand's ITQ system

In 1986, the New Zealand (NZ) government implemented one of the world's first comprehensive Individual Transferable Quota (ITQ) systems as part of a broader national transition from a socialist to a market-based economy (Larner 1997). The system was designed by a group of international fishery biologists and economists to address overfishing and overcapitalization and to secure sustainable stock biomass (Sissenwine and Mace 1992). Under the 1986 Fisheries Act, the NZ government placed a limit on the total amount of fish caught commercially (total allowable catch), and restricted, or enclosed, access to the economic benefits from the nations' fisheries by making a quota right (or derivative thereof) a prerequisite for anyone wishing to catch fish to sell. Quota rights are an exclusive and private entitlement, corresponding to a percentage of the total allowable commercial catch, which owners can buy, sell, or lease. Those with surplus capital can buy others out of the fishery to reduce the size of competing fishing fleets. In establishing the ITQ system, the NZ government allocated quota to boat owners who declared over 80% of their income from fish sales based on their previous 3 years of catch histories. This initially excluded small-scale fishers not reporting their catches to government, including many Maori, who were based in fisheries they perceived to be Maori owned—hence, no need or desire to follow reporting procedures of government (Bodwitch 2017a).

The ITQ system made possible subsequent capital accumulation dynamics that further drove individual fishers' exclusion from fishery access. Processors were initially concerned that quota ownership would enable fishers to control processors' access to fish (Bodwitch 2017b). But with the system designed with the possibility for non-fishers to own quota, processors were on the docks, "checkbooks in hand" to purchase quota from fishers (Bodwitch 2017a). Processors with quota have since then obtained capital to fund additional quota purchases by hiring fishers without adequate quota and paying them low percentages of the total sale of the fish. These fishers are locked into a "sharecropping" relationship where they are contracted to sell caught fish only to the processor from which they obtained access to quota, and therefore cannot negotiate prices between processors. Today, few fishers own their own quota as a result of this accumulation dynamic. Most fishers access fish through quota owned by one of five major processing companies (some partially or fully Maori-owned), who

control both Maori and non-Maori fishers' access to the economic benefits of their labor.

Accounting for a majority of the nation's small-scale fishers at the time of ITQ system implementation, and being frustrated by the systemic marginalization it precipitated, Maori groups protested the government's enclosure and privatization of fishery access in court (Boast 1999). In 1989, the High Court sided with Maori representatives to rule that the government's presumed ownership of the fishing resource, which was necessary to implement the ITQ system, violated Maori treaty rights. In the resulting 1992 Fisheries Settlement, the government allocated 10% of all existing quota and 20% of new quota to be added to the system to a Maori trust to manage on behalf of all Maori. While the 1992 Fisheries Settlement was celebrated as the extraordinary feat of redressing historical injustice (Bargh 2016), it also meant three things. By accepting this offer, Maori representatives abdicated the government from all historical and future fisheries-related grievances. It also meant that the ITQ system is able to forge ahead, as the Māori settlement did not change (or challenge) the structure of the ITQ system. Lastly, it made Maori a bonafide actor with a large stake in the ITQ system. As of 2016, Maori owned almost 50% of the nation's fishing quota (Inns 2013). But what about Maori fishers themselves? Did the reparation that recognized Maori fishing rights actually help Maori fishers in the business of fishing? Unfortunately, the answer appears no, as we observe an ongoing exclusion of Maori fishers from obtaining secure fishing access (see below).

As Bodwitch (2017a) describes, the allocation of quota to a Maori trust created a new actor in the quota trade scene, for whom quota consolidation limits did not apply. With quota but no boats, the trust primarily managed quota as an investment asset to benefit all Maori over the next 100 years, as per the terms of the settlement, leasing it to the highest bidder, almost always a processor, and using the profits to accumulate more quota. The trust's quota investment strategy therefore did not change the ability of the processing companies to control fishers' access to larger portions of the nation's fish. Additionally, in 1996, the government created a derivative of quota, called ACE (Annual Catch Entitlement; the specific tonnage a quota right corresponded to) that processors could also lease from quota owners. This allowed processors to overcome (already generous) quota consolidation limits, further facilitating their consolidation and control over fishers' catches.

Moreover, the government introduced legislation to prohibit commercial fishers (both Maori and non-Maori) from selling their fish to anyone other than a Licensed Fish Receiver. The rationale for this regulation was not only to institute stricter food safety standards, but also to enhance the government's ability to monitor fish sales such that all fish sold in New Zealand is in compliance with the quota system. These requirements (which include obtaining land and hiring

only certified engineers and builders to build a processing facility) also increased the amount of capital one must obtain to access fish markets, further dampening individual fishers' ability to compete in the current system while giving vertically integrated processors a greater leverage (Bodwitch 2017a).

Drawing on Marx's analytics illuminates that fishers' exclusion will continue without external or "radical" governing interventions. Those controlling the distribution of capital from New Zealand's fisheries, the "capitalist class," face market-based imperatives to exploit fishers' labor. This group includes both Maori and non-Maori quota owners and processors leasing quota, who vie against each other for a share of the fishers' surplus value (e.g., Quentin and Campling 2018). In pre-quota years, fishers had control over where the surplus value from their labor was to be re-invested. Under the quota system, the quota owner (or leasee) determines where this value goes. Processors only provide fishers access to ACE after the fish is landed to the processing plant. The quota system has enabled processors to control where a fishers' fish caught at sea is to be processed and how much the fisher will be paid, removing the need to compete against other processors for off-boat fish purchases. Consolidation of the processing sector (Bodwitch 2017a) means that fishers are rarely in a position to negotiate between processors for ACE leases, which in turn means that fishers are unable to negotiate between processors for landing prices. Processors are incentivized to pay low amounts for fish so that they can use surplus value generated through the fishers' labor as capital to outcompete others for markets, labor, and additional quota purchases. Fishers rarely have surplus capital to lease their own ACE, let alone purchase quota. Fishers are thus marginalized in that their access to commercial fisheries is reliant on their participation in a wage-labor relationship with an ACE holder.

Since 2004, when the Maori trust devolved the quota asset to Maori tribal groups called *iwi*, resistance to fishers' exclusion has primarily occurred in negotiations between Maori fishers and tribal leaders. Yet, the possibility for *iwi* leaders to address fishers' exclusion is constrained by the same competitive market pressures that incentivize non-Maori quota owners to pay fishers low price for fish. Given that the settlement allocated far less quota to tribes than that needed to sustain the primarily inshore operations Maori fishers participated in pre-ITQ system implementation, the primary quota management strategy Maori leaders employ is to lease quota and use the profits to purchase additional quota. Tribal leaders' attempts to devolve quota rights to individual fishers would theoretically enable the fisher to determine where his/her surplus value goes, securing fishers' access to fish and therefore rectifying exclusion to a certain degree. However, the contradiction is that this direct allocation would place *iwi* in competition with the fisher for his surplus value, needed by both parties for quota expansion. In short, as the tribal leaders' handling of quota is subsumed into the same *modus operandi*,

they, also, manage quota for capital gain, rather than as a right to fish. This has unfortunately meant that the quota asset cannot be managed both to address contemporary fishers' exclusion and as a long-term investment asset. Quota (and private property rights more broadly) as a mechanism to raise Maori well-being is therefore ineffective in addressing contemporary exclusion, as it is rather geared towards subsidizing families of those excluded historically from fishing and future fishers as well as funding *iwi*-wide social and cultural development initiatives. Few Maori fishers work as commercial fishers. Those that do generally rely on an arrangement with ACE-holding processors to make their fishing a viable livelihood activity.

Marginalization of small-scale fishers—and to a larger extent, Indigenous struggles for justice—has long remained a concern within the NZ fisheries (Webster 2002; De Alessi 2012; Bargh 2016; Bodwitch 2017a). However, drawing on Gramscian accounts of the ways in which ideologies and identity formations effect how exploitative capitalist economic relations are contested or reinforced helps illuminate why large-scale protests to the ITQ system have not occurred for at least 25 years following the 1992 Maori settlement. The emphasis on the tribe, *iwi*, as the responsible entity to address Maori fishers exclusion, not the government, is reinforced by a hegemonic framing of the notion that Maori need to "move beyond grievance mode" in their relationship with the Crown (Bodwitch 2017b). This notion gains traction not just as a mechanism to abdicate government responsibility for Maori issues, but it is also in part a reflection of the financial and emotional toll that the NZ Treaty settlement process has entailed (Bodwitch 2017b). Although it is now accepted that the level of *iwi* is the primary terrain upon which narratives of fishers' exclusion are to be articulated and rectified, tribal leaders find themselves in a difficult, if not impossible, position to do so. Most Maori individuals are genealogically affiliated and politically represented by mandated *iwi* representatives and corporately structured *iwi* organizations. Hence, tribal leaders need to represent the concerns of marginalized fishers to ensure that they are given full opportunities to sustain their livelihoods from fishing. Despite this, as the authorities who mainly employ quota for investment purposes to benefit not only fishers but the tribal population as a whole, their ability to address fishers' contemporary and historical exclusion seems severely limited (see Bodwitch 2017a for a detailed analysis of the extent to which various *iwi* quota reallocation initiatives have succeeded or failed in mitigating fisher exclusion and processor consolidation).

Marginalization as the product and the source of governability

In governability terms, we identify that the power of the government to maintain the ITQ system stems from the creation of

differing economic incentives within the system-to-be-governed. This process has resulted in a situation where, collectively, the “target group” consents to the will of the governing system. Through this consent, an influential minority of quota owners, who pay levies to government and who are charged with the authority to govern the nitty-gritty (i.e., processing companies, *iwi* and the Maori trust), maintains the value of their investment, regardless of whether they are comfortable or not with the effects it has on fishers. The government intervention of instituting and fine-tuning the ITQ system, through a series of decisions and legislations, has successfully re-defined what access to fishing embodies (e.g., something non-fishers can have “access” to, which can be traded and leased). The ITQ system has also influenced how a right holder views him/herself and what one should do with fishing quota (i.e., a staunch capitalist, or a custodian of wealth rather than fishing culture or actual fleet operation). This re-ordering necessarily obviated the possibility of small-scale fishers (especially Maori) to obtain thriving means of fishing-based livelihoods, and implicitly portrayed them as part of a hired labor force detached from their place and craft who may easily exit the fishery to be more productive elsewhere (see Stewart et al. 2006).

Alterations without harming the economic value of the quota asset—which could occur in the form of a quota buyback—are politically risky, a process few governments are likely to implement. The use of government funds for a reform would not only require acknowledgement of the flaws of a system that has widely been identified as an ecological success story (an analysis increasingly questioned, see McCormack 2007), but it would also upset the majority of New Zealanders who are not fishers. In the current policy climate, a discussion about the major overhaul of the system is something that those involved in the settlement process for years, who are now experiencing settlement fatigue, are unlikely to take up.

In a way, the system appears too governable. Reproduction of marginalization is an ongoing outcome of this governable system, as much as it is a necessary element that maintains the division of capitalist classes. While the ITQ logic is predicated on a stark division between the right holder and the non-right holder, its working has produced an even bigger gap, not reduced it. In the process, the ITQ system has become more firmly rooted. The regulatory amendments to place Maori small-scale fishers on a more level playing field have come in the shape of specific adaptations to ITQ rules, to perpetuate the system. The Māori governing groups as well as individual fishers have tacitly accepted this status quo. Together, at the system-level, the current fisheries governance approximates a stabilization of these particular relations between the governing bodies and the target groups (i.e., between the central government and the Maori trust

and *iwi*, between *iwi* and processing plants, and between these groups and individual fishers). The deepening marginalization that has transpired was, therefore, able to develop because the ITQ system has made the overall fisheries system rather governable. This provides the view that Māori exclusion from fishing is not an entirely unexpected outcome if we consider the definitional effect of the ITQ intervention—one that changed economic incentives and amplified socio-economic differences between those with quota and those without, as well as between Maori organizations charged with managing quota to benefit past and future generations and Maori fishers who have been excluded in contemporary times.

Conclusions

Much attention has been devoted recently in global policy circles to address inequality and marginality (e.g., Sustainable Development Goals 5, 8 and 10). In this paper, we engage with the need to go beyond diagnosing the conditions of marginality and towards trying to lay bare the deeper structural and ideological mechanisms through which marginality is reproduced. Analysis of marginality using theoretical tools associated with political ecology and governability helps understand the ongoing exclusion of Maori and non-Maori fishers in New Zealand’s quota system, how it was made to persist, and why widespread resistance has not surfaced. New Zealand’s ITQ system has altered social and economic relations in the nation’s commercial fisheries, an outcome similarly observed elsewhere in the world where ITQ system has been instituted (e.g., Denmark since 2007, see Høst 2015; McCormack 2017). Quota as a private and tradable fish access right has given rise to an accentuated capitalist structure that continues to increase the gap between those with quota and those without, whereby the quota-owning sector of the population has control over the ways in which fishers access economic benefits from their labor. As an asset that accumulates wealth, quota has gained acceptance as a resource management strategy, and is unlikely to be mitigated without wholesale intervention, which will be a politically challenging endeavor. We saw that even a thorough redistributive policy that reallocates access rights to previously excluded groups (e.g., 1992 Fisheries Settlement) had been unable to address the marginality of the actual small-scale fishing operator as long as the same ITQ logic is applied. What is more, it may effectively deepen marginality through its ability to coopt previously divergent subjects, thus rendering any possible opposition increasingly obsolete.

That the reproduction of marginality characterizes a governable system is an interesting point that we highlight from this analysis. On the one hand, the New Zealand system would be described as not very governable if an external, objective

yardstick of equality and social inclusion is applied to assess the system. Under this explicit normative and “etic” lens² (representing a more systematic, principle-based governance proposition such as interactive governance), the increasing wealth consolidation by few economically and/or politically significant entities and the persistence of the barriers that preclude small-scale fishers from securing fishing access would clearly represent a breakdown of the “quality” component. It follows that transparent, deliberative, and consensual norm-setting and practice holds the key to a breakthrough in steering the system towards a more equitable enterprise. On the other hand, under a different interpretation of governability – one that prioritizes the structural and ideological as well as “emic” elements that can bring coherence to the system, these interactions by way of how GS and SG affect each other, and the way the interactions overall produce a tentative but stable representation of the relationships—the system in New Zealand is arguably a governable one. Despite the existence of these differing perspectives, we submit that both are useful renditions that bring issues of marginality closer to how we govern and how successful we are in doing so. Importantly, both direct our attention to how we ought to govern and why, two of the questions vital for charting robust ethics in fisheries.

Acknowledgements We thank two anonymous reviewers for constructive and insightful comments on earlier versions of the manuscript. We are also grateful to the editors for inviting our contribution to this special issue. Ultimately, we are indebted to the pioneering work of Svein Jentoft whose kind heart and decades of intellectual leadership have inspired so many younger researchers like us to promote and care for the social aspects of fisheries. Any errors in this manuscript are the sole responsibility of the authors.

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² Etic refers to the view of an “outsider,” often in reference to a more objective, value-neutral, or conventionally agreed ways of seeing. Emic refers to the culturally specific view that is meaningful to the members of a given society, often considered to be an “insider’s” perspective (Pike 1967; Harris 1979). Writing in fisheries context, Johnson and Bavinck (2010) observes that due to the existence of these different viewpoints, the notion of justice varies from one society, and societal position, to the next; thus, there is no one “true” or “correct” interpretation.

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