

# The Kermadec Ocean Sanctuary: Terraqueous Territorialization and Māori Marine Environments

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## ABSTRACT

This paper interprets the disrupted establishment of the Kermadec Ocean Sanctuary, a 620,000 square kilometre marine protection area, as a crucial moment in Pacific frontier making. The development of large-scale protected marine areas is a politically charged frontier tool, in which states garner international recognition and environmental renown by setting aside large swathes of their exclusive economic zones. In the Kermadec Sanctuary, this enclosure hit against an assemblage of Indigenous histories, ecologies, repatriated fishing rights, and privatized fishing quota challenging the oft-marginalized agency of Indigenous people in frontier narratives. This paper argues that three factors are fundamental to untangling this conflict: first, the historical trajectory of terraqueous territorialization in the Kermadec region, second, the post-Treaty of Waitangi settlement dynamics of Māori marine environments, and third, the common ecosystem services model underlying conservation and extraction.

**Keywords:** Indigenous peoples, ocean frontiers, marine protected areas, individual transferable quota fisheries, Kermadec Ocean Sanctuary, treaty rights, commoning, exclusive economic zones, Treaty of Waitangi

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This paper interprets the disrupted establishment of the Kermadec Ocean Sanctuary, a site where conservation, extraction, and Indigenous rights converge, as a pivotal moment in Pacific frontier making. Frontiers are transitional, liminal spaces, enmeshing struggles over resources, institutional orders, property regimes, and new forms of authority, as well as claims to legitimacy.<sup>1</sup> They also occur within a dynamic of

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<sup>1</sup> Mattias Borg Rasmussen and Christian Lund, "Reconfiguring Frontier Spaces: The territorialisation of resource control," *World Development* 101 (2018): 388–399.

territorialization in which space is newly enclosed. The development of large-scale marine protected areas is a politically charged frontier tool, in which states garner international recognition and environmental renown by setting aside large swathes of their exclusive economic zones (EEZ). Such “eco-frontiers,” that is, spaces where natural ecosystems are afforded the utmost consideration, belie the political dimension of protection; it represents a strategizing whereby mobilizing nature as protected or unprotected serves elite interests of control and territory building.<sup>2</sup> In the case of the Kermadec Sanctuary, however, the attempted enclosure hit against an assemblage of Indigenous histories, ecologies, repatriated fishing rights, and privatized fishing quota, challenging the oft-marginalized agency of Indigenous people in frontier narratives. This paper argues that three factors are fundamental to untangling this conflict: first, the historical trajectory of terraqueous territorialization in the Kermadec region; second, the post-Treaty of Waitangi<sup>3</sup> settlement dynamics of Māori marine environments; and third, the common ecosystem services model underlying conservation and extraction.

In comparison to terrestrial environments, where frontier-making processes were historically and culturally situated within or between polities,<sup>4</sup> ocean-frontiering is decidedly global in scope and entwined with accelerating environmental demise. In the Anthropocene, marine environments evoke an aura of crisis wherein “protecting the last conservation frontier on earth” becomes a matter of universal urgency.<sup>5</sup> In this framing of vulnerable nature, human activities are construed as jeopardizing fragile ecosystems and the web of (non-human) life that supports them. Such discourses are amplified by international non-governmental organizations (NGOs), bodies like the United Nations, and a plethora of conventions and accords bearing resolutions to achieve 10, then 30 percent marine protected area coverage.<sup>6</sup>

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<sup>2</sup> Sylvain Guyot, “The Eco-Frontier Paradigm: Rethinking the Links Between Space, Nature and Politics,” *Geopolitics* 16, 3 (2011): 675–706.

<sup>3</sup> The Crown settled Māori claims to fisheries in 1992 (The Treaty of Waitangi [Fisheries Claims] Settlement Act 1992) and aquaculture in 2004 (Māori Commercial Aquaculture Claims Settlement Act 2004). Claims for recognition of customary rights and orders are currently in progress under the Marine and Coastal Area (Takutai Moana) Act 2011.

<sup>4</sup> Igor Kopytoff, “The Internal African Frontier: The Making of African Political Culture,” in *The African Frontier: the Reproduction of Traditional African Societies*, ed. Igor Kopytoff (Bloomington: Indiana University Press, 1987) 3–86; Frederick Turner, *The Frontier in American History* (Mineola and New York: Dover Publications, 2010 [1893]).

<sup>5</sup> Kristina Gjerde et al., “Protecting Earth’s last Conservation Frontier: Scientific, Management and Legal Priorities for MPAs Beyond National Boundaries,” *Aquatic Conservation: Marine and Freshwater Ecosystems* 26, S2 (2016): 45–60.

<sup>6</sup> In 2010, the Parties to the Convention on Biological Diversity adopted Aichi Target 11, challenging states to conserve at least 10 percent of coastal and marine areas through systems of protected areas and other effective conservation measures by 2020. This goal was endorsed in the outcome document “The Future We Want,” which was agreed on in 2012 at the United Nations Summit on Sustainable Development in Brazil (Rio+20) and subsequently adopted by a United Nations General Assembly resolution. The 30 percent goal was adopted at the 2014 International Union for Conservation of Nature World Parks Congress in an outcome document titled the “Promise of Sydney.”

These transnational institutional arrangements are associated with the emergence of a global eco-politics and the inscription of ecological risks into international agreements.<sup>7</sup> The Kermadec Sanctuary also occurs in the context of an unequalled rush for space and resources that has rolled out across the Pacific Ocean over the last three decades. The defining characteristic of this rush is the combination of economic and geopolitical strategies with environmental objectives: for instance, biodiversity conservation, adaptation to climate change and mitigation of its effects, and the incorporation of sustainable development goals in the Pacific Islands' regional strategies and national policies.<sup>8</sup> It also includes a recognition of cultural heritage values and the articulation of this with the politics of commoning.<sup>9</sup>

The Kermadec Sanctuary represents one of the world's larger proposed marine protected area coverages, joining the Papahānaumokuākea Marine National Monument established in the northwestern Hawaiian Islands in 2006 (extended in 2016), the Mariana Trench in 2009, and the Chagos Archipelago in 2010. The Kermadec Ocean Sanctuary Bill, introduced in the New Zealand parliament in March 2016, is rooted in an intensification of global eco-politicking and eco-citizenship making. It signifies the culmination of an eight-year global campaign spearheaded by large international NGOs,<sup>10</sup> United States lobbyists, popular culture and financial elites, prominent politicians, the National Geographic Society, and Sylvia Earle's Mission Blue.<sup>11</sup> In New Zealand, scientists, artists, business leaders, politicians, the Royal New Zealand Navy, and NGOs contributed local support. Ngāti Kuri and Te Aupouri, two *iwi* (tribes) whose claims to Rangitāhua (the Kermadecs) have been recognized, were to receive seats on the sanctuary management board.

The bill received a fanfare announcement at the United Nations General Assembly in New York, where New Zealand's "clean green" image was aligned with international goals of sustainability in the world's oceans and marine resources. It attained a unanimous first parliamentary reading, though has

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<sup>7</sup> David Anderson and Eeva Berglund, "Introduction: Towards an Ethnography of Ecological Underprivileged," in *Ethnographies of Conservation: Environmentalism and the Distribution of Privilege*, eds. David Anderson and Eeva Berglund (New York, Oxford: Berghahn Books, 2004), 1–15.

<sup>8</sup> Elodie Fache, Pierre-Yves Le Meur, and Estienne Rodary, "The New Scramble for the Pacific: A Frontier Approach," *Pacific Affairs*, this volume.

<sup>9</sup> 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 theorizes a horizontal collective activism, emphasizes a politics of relationality and the potential for transformative practice. As an analytical tool, however, commoning pays inadequate attention to inequality. Fiona McCormack, "Māori Saltwater Commons: Property, Wealth and Inequality," *Commoning Ethnography* 1, no. 1 (2018): 9–31.

<sup>10</sup> In particular, the Pew Charitable Trusts, the World Wide Fund for Nature, and Forest and Bird.

<sup>11</sup> An NGO alliance-builder of actors promoting the establishment of a worldwide network of marine protected areas.

now stalled at the select committee stage; the 2017–2020 Labour-New Zealand First coalition government pledged not to progress the existing legislation establishing the sanctuary. Indeed, the sanctuary played a significant role in forging the coalition, an alliance brokered by the New Zealand First leader, Winston Peters; known as the coalition “kingmaker,” Peters is of Māori descent and his right-leaning populist party has deep affiliations with the fishing industry. The contours of the October 2020 elected Labour government, which has pledged a “cooperation” agreement with the Greens, suggests a renewed commitment to establishing protected areas in New Zealand’s oceans.

This paper first describes the amalgamation of human histories, species diversity, and scientific and commercial interests that construct this oceanic frontier. It then traces the historical trajectory of terraqueous territorialization in the Kermadecs, highlighting the role of individual transferable quota fisheries. The third section, Māori and Rangitāhua, attends to the post-treaty settlement dynamics of Māori marine environments and the strategies of resistance mobilized to counter the introduction of a no-take marine zone as well as the disappearance of tribal fishing quota. The fourth section explores the ecosystem services models employed in marine conservation and fisheries extraction, arguing that these neither challenge environmental demise in the Anthropocene nor disrupt the extension of marine inequalities.

The Kermadec Sanctuary erupted as a major and contested issue during the course of a two-year research project into “iwi settlement quota and indigenous futures,” an extension of my previous ethnographic research into Māori fisheries. In informal interviews with 24 participants—including customary and commercial fishers, *iwi* (tribes) and *hapū* (sub-tribes), *kaumatua* (elders), Māori scholars and activists, and members of mandated iwi organizations and fishing companies—the sanctuary became a vehicle to express the tensions inherent in Māori fisheries, that is, the complex coalescence of conservational and extractive ideologies, colonial and indigenous ecologies, and private and collective ownership that shapes the three-decades-old, pan-Māori, Treaty of Waitangi fisheries settlement. The paper draws on this interview data, as well as secondary sources.

### **The Pacific Kermadec Frontier**

Situated some 1,000 kilometres northeast of New Zealand, the sanctuary sought to enclose 620,000 square kilometres of ocean in the Kermadec region of the South Pacific to create one of the world’s largest marine reserves, a conservation tool surmised by its architects to align with eco-indigenous moralities. The Kermadec region, located in the outer reaches of New Zealand’s 200 nautical mile zone, is considered “one of the most pristine and

unique places on earth.”<sup>12</sup> This distinction is perceived to arise from its geographic isolation as well as the particular nature that exists therein. The region hosts the collision of two of the major tectonic plates which comprise the earth’s crust, the Pacific and the Australian, with the former being forced beneath the latter as a consequence of the relentless pressure of convergence.<sup>13</sup> This subduction has created the deepest ocean trench in the Southern hemisphere, composed of the Tongan trench in the north, the Kermadecs in the middle, and the Hikurangi in the south. It also marks the longest, most hydrothermally active chain of underwater volcanoes.<sup>14</sup> Of the numerous volcanoes in the arc, four summits protrude above the water, together forming the Kermadec Islands, or Rangitāhua. Raoul Island, also known as Rangitāhua, is the largest, at nearly 30 square kilometres, measuring 526 metres at its peak.

Rangitāhua was a significant intermittent settlement site for historic Māori voyagers on their migration to Aotearoa from the tenth to the fourteenth century, with multiple visits having occurred.<sup>15</sup> The material culture record narrates the existence of adze, slingshot, and whale tooth manufacturing, mutton bird (Kermadec pestrel), fish, and shellfish processing, as well as garden cultivation. Indeed, Rangitāhua is understood as “a cultural stepping-stone between early east Polynesia and New Zealand.”<sup>16</sup> In 2014, Ngāti Kuri and Te Aupouri, two iwi from the northernmost tip of New Zealand, had their claims to Rangitāhua recognized in a Treaty of Waitangi settlement.<sup>17</sup> It was also “discovered” by European voyagers in 1788, and French and American whalers in the early 1800s, with European settlement being periodically attempted until the early 1900s.<sup>18</sup>

Isolation and the relative avoidance of anthropogenic destruction is deemed key to the proliferation of biodiversity in the Kermadecs. Species of particular ecological significance include 165 algae, 24 corals, at least 3 herbivorous fish, and the world’s only unexploited population of spotted black groper.<sup>19</sup> The Kermadec Islands provide breeding spots and refuge for

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<sup>12</sup> Ministry for the Environment, *About the Proposed Kermadec Ocean Sanctuary* (2016), <http://www.mfe.govt.nz/marine/kermadec-ocean-sanctuary/about-sanctuary>.

<sup>13</sup> J. H. Latter et al., “Volcanic hazards in the Kermadec Islands, and at submarine volcanoes between Southern Tonga and New Zealand,” *Ministry of Civil Defense Information Series 4* (1992).

<sup>14</sup> I. C. Wright, T. J. Worthington, and J. A. Gamble, “New multibeam mapping and geochemistry of the 30–35 S sector, and overview, of southern Kermadec arc volcanism,” *Journal of Volcanology and Geothermal Research* 149, no. 3–4 (2006): 263–296.

<sup>15</sup> Andy Dodd, “A brief history and prehistory of Raoul Island,” *Pew Kermadec Symposium Proceedings Report* (2010); Steven Gentry, *Raoul & the Kermadecs: New Zealand’s Northernmost Islands: A History* (Aotearoa: Steele Roberts, 2013).

<sup>16</sup> Atholl Anderson, “The archaeology of Raoul Island (Kermadecs) and its place in the settlement history of Polynesia,” *Archaeology & Physical Anthropology in Oceania* 15, no. 3 (1980): 140.

<sup>17</sup> Ngāti Kuri Claims Settlement Act 2015; Te Aupouri Claims Settlement Act 2015.

<sup>18</sup> Department of Conservation, “Proposed Regional Coastal Plan: Kermadec and Subantarctic Islands,” January 2011, <https://www.doc.govt.nz/documents/getting-involved/consultations/current-consultations/offshore-islands/prcp-kermadec-subantarctic-islands.pdf>.

<sup>19</sup> Department of Conservation, “Proposed Regional Coastal Plan.”



about 10 to 15 million seabirds, comprising 35 species, of which 5 are found nowhere else in the world.<sup>20</sup> While research on marine mammals is relatively sparse, at least seven species are known to visit, including sperm and humpback whales and bottle nose dolphins, with another 28 cetacean species potentially present.<sup>21</sup> Apex predators such as the Galapagos shark, smalltooth sand tiger, white shark, and three endemic species of demersal shark have been recorded. Other fish include spiny dogfish, grey drummer, maumau, bass, and bluenose. Rays and chimaeras, sea turtles, sponges, bryozoans, and corals add to the diversity, many of which remain as yet undiscovered by scientific endeavour.<sup>22</sup>

The Kermadec underwater world, some 10,000 metres at its deepest, is also a relative unknown, fostering opportunities for experimentation, scientific discoveries, and technological advances.<sup>23</sup> Underwater mapping technology and deep-sea submersibles, for instance, made discoverable the submerged volcanic eruption of Havre in the Kermadec Arc in 2012. The event created a massive new volcanic cone which ejected ash, pumice, and basalt through 1,000 metres of water column.<sup>24</sup> Pumice, a cooled and depressurized extrusive volcanic rock, provides a raft opportunity for organisms, the transportation of biomass across deep ocean spaces, and plays a role in assembling the mixture of tropical, subtropical, and temperate species found in the Kermadecs.<sup>25</sup> While the combination of extreme pressure, absolute darkness, and constant diffusion of hydrothermal vents spewing toxic geothermal water was once thought to render life on the Kermadec ocean floor impossible, nearly every expedition has proven the existence of new species or life forms.

Over the last decade, the exploration of hydrothermal plumes from diffuse low-temperature ventors and black smokers reveals a system of energy production, new chemosynthetic species, and mineralization, providing some of the “most spectacular and paradigm-changing observations” on the capacity for life.<sup>26</sup> Irrespective of these gains, the scientific community largely concurs that the abundance of life in the Kermadecs—its marine species, mineral deposits, geological complexity, and climatic implications—remain vastly unknown, demanding both discovery and, ultimately, protection. This is, however, contested by Māori fisheries as well as Indigenous ecologies.

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<sup>20</sup> Chris P. Gaskin, “Seabirds of the Kermadec region,” *Science for Conservation* 316 (2011): 1–71.

<sup>21</sup> Department of Conservation, “Proposed Regional Coastal Plan.”

<sup>22</sup> Clinton Duffy and Malcolm Francis, “Sharks and rays of the Kermadec Islands and north Kermadec ridge: Species of interest, conservation and scientific significance,” *Pew Kermadec Symposium Proceedings Report* (2010).

<sup>23</sup> John Hannigan, *The Geopolitics of Deep Oceans* (Cambridge, UK: Polity, 2016).

<sup>24</sup> Rebecca Priestly, “Fire and Water,” *New Zealand Geographic*, Jan-Feb, issue 119 (2013).

<sup>25</sup> Martin Jutzeler et al., “On the fate of pumice rafts formed during the 2012 Havre submarine eruption,” *Nature Communications* 5, no. 1 (2014): 1–10.

<sup>26</sup> Christopher R. German et al., “Deep-water chemosynthetic ecosystem research during the census of marine life decade and beyond: a proposed deep-ocean road map,” *PLoS One* 6, no. 8 (2011).

Māori leaders deemed the proposed enclosure a unilateral expropriation of Indigenous treaty rights: specifically, the tribal fishing quota repatriated in a 1992 commercial fisheries settlement, which would be rendered obsolete with the establishment of the sanctuary. At issue too was the subjugation of human-species-ancestor relations of maintenance. As asserted by Jamie Tuuta, chair of Te Ohu Kai Moana, the representative body of Māori fisheries, “in this respect, Māori and *iwi* are both pro-conservation and anti-theft.”<sup>27</sup>

### **Terraqueous Territorialization and Individual Transferable Quota Fisheries**

Territorialization refers to the establishment of property systems, political jurisdictions, rights, and social contracts, involving a range of actions deployed to control and consolidate space, its resources, and its people.<sup>28</sup> It includes both destructive and constructive elements; for instance, the overlaying of new property regimes necessarily subjugates older property rights, relations, and markers of ownership.<sup>29</sup> The term terraqueous territorialization extends this analysis to ocean environments to capture both commonalities and divergences. In the marine domain, the extension of capitalist relations “encounters particular tensions thereby generating distinctive spatial effects.”<sup>30</sup> In the case of the Kermadecs, terraqueous territorialization is a contested process, involving colonial expansions, environmental protection, extractive rights, as well as Indigenous claims to environmental stewardship. It is also tied up with the historic transformation of coastal spaces into sovereign rights through the extension of exclusive economic zones (EEZs) and the subsequent implementation of a fisheries regime grounded in the logic of neoliberal markets and privatization.<sup>31</sup>

In a letter dated to 1885, the New Zealand governor beseeched the secretary of state for colonies thus:

Ministers also wish to refer to the small group of isles called the Kermadec Islands which lie between this colony and Fiji and bear somewhat the same relation to the North Island that the Chatham Islands do to the South Island of New Zealand. They may almost be regarded as an integral

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<sup>27</sup> Sam Sachdeva, “Kermadec Sanctuary Legislation to be delayed after failed negotiations over Māori rights,” *Stuff*, 14 September 2016, <https://www.stuff.co.nz/national/politics/84249268/kermadec-sanctuary-lawsuit-to-continue-after-failed-negotiations-between-maori-and-government>.

<sup>28</sup> Rasmussen and Lund, “Reconfiguring Frontier Spaces.”

<sup>29</sup> Chris M. Hann, “Introduction: The Embeddedness of Property,” in *Property Relations: Renewing the Anthropological Tradition*, ed. Chris M. Hann (Cambridge: Cambridge University Press, 1998).

<sup>30</sup> Campling and Colás, “Capitalism and the sea: Sovereignty, territory and appropriation in the global ocean,” *Environment and Planning D: Society and Space* 36, no. 4 (2018): 776–794.

<sup>31</sup> Becky Mansfield, “Neoliberalism in the oceans: ‘rationalization,’ property rights, and the commons question,” *Geoforum* 35, no. 3 (2004): 313–326; Evelyn Pinkerton and Reade Davis, “Neoliberalism and the politics of enclosure in North American small-scale fisheries,” *Marine Policy* 61 (2015): 303–312.

part of this colony and are of additional importance as being nearly on the route between this and Fiji. Although so small that they are hardly any value in themselves, except for the guano deposits they contain, yet it would be undesirable if they were to fall into possession of another Power. Ministers would urge that they should be annexed to this colony.<sup>32</sup>

The Kermadecs became New Zealand's northernmost territory in 1887, this particular act of territorialization being expressive of settler desires and anxieties in the fledgling colony.<sup>33</sup> A colonial land-use pattern was initially extended to Raoul, splicing the island into grazing runs with titles leased at public auction. Few settlers, however, took up the challenge and the last pioneer farmer left, unsuccessful, in 1914.<sup>34</sup> The construction of the Kermadecs as a complex of non-human nature, conservation, and scientific exploration arguably began in the 1930s, when a flora and fauna reserve and a meteorological facility were established on Raoul. This naturalization was consolidated in the 1970s, when attempts were made to reverse earlier agricultural impacts through weed control and goat eradication programs. In 1978 the reserve was expanded to the entirety of the archipelago and the islands were reclassified as a nature reserve; their authority is currently vested in New Zealand's Department of Conservation. The Kermadec ocean area is notably absent from these early attempts at conservation—a wilderness not yet bound nor so easily contained.

State territorialization of oceans began internationally in the 1950s, as conflicts and tensions grew over mineral rights, maritime and military transportation, and, importantly, fisheries. These political and geographic concerns articulated with research emerging from fisheries economics concerning what some observers perceived as the unsettling phenomena of a property-less sea.<sup>35</sup> In this context, New Zealand's claims to the sea became formalized in 1965, with the establishment of a 12 nautical mile territorial zone, expanded in 1977 to the present 200 nautical mile EEZ.<sup>36</sup> As islands are entitled to the same 200 nautical mile maritime space as larger land masses, the Kermadecs enabled the expansion of New Zealand's aqueous territory to some four million square kilometres, 15 times its terrestrial space and the fourth-largest EEZ in the world. The 1982 United Nations Convention on the Law of the Sea gave legal authority to EEZs and included the obligation that a total allowable catch (TAC) be promulgated for fisheries. The following year, under new fisheries legislation, a TAC was set for seven offshore species

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<sup>32</sup> Appendix to the Journal of the House of Representatives, I, 1886, A1, No. 10 (November 18, 1885).

<sup>33</sup> P. J. Stewart, "Annexation of the Kermadecs and New Zealand's Policy in the Pacific," *The Pacific Historical Review* 28, no. 1 (1959): 67–71.

<sup>34</sup> Andy Dodd, "A brief history and prehistory of Raoul Island"; Steven Gentry, *Raoul & the Kermadecs*.

<sup>35</sup> Mansfield, "Neoliberalism in the oceans."

<sup>36</sup> Fiona McCormack, *Private Oceans: The Enclosure and Marketisation of the Seas* (London: Pluto Press, 2017).



and distributed to nine domestic operators as a means to encourage the capture of newly acquired ocean wealth.<sup>37</sup> The 1983 Fisheries Act also signified the introduction of one of the first individual transferable quota (ITQ) systems for managing fisheries, a market-based environmental regime based on the privatization of catch rights. The new property right played a decisive role in “fully and finally” compensating Māori for colonial fisheries alienations in the 1992 Treaty of Waitangi settlement. It is in the context of privatizing fisheries that efforts to conserve the Kermadecs as a maritime nature first arose.

A marine reserve was established in the Kermadec Islands in 1990 under the Marine Reserve Act 1971. The reserve, which covers 7,500 square kilometres of ocean space, extends 12 nautical miles from the cliffs and boulder beaches of the Kermadec Islands and reaches to the edge of the territorial sea. It marks the third such maritime conservational tool employed by the New Zealand state and the first to protect tropical marine fauna.<sup>38</sup> No fishing or mining is permitted in the reserve, though conservation-attuned activities including bird and wildlife watching, diving, snorkelling, as well as boating are permissible. Similar to the marine reserves bounding Goat Island and Poor Knights Islands, the rhetoric endorsing enclosure is an amalgamation of fulfilling international environmental obligations, zoning for exploitation and non-exploitation, and stimulating scientific exploration.<sup>39</sup> The reserve thus consolidates the terraqueous territorialization of the Kermadecs with attendant rules governing access, policing boundaries, and defining space. Outside of this zone, Māori customary fishing rights are recognized and commercial fishing is permitted subject to benthic area restrictions on bottom trawling and dredging, while applications for prospecting, exploration, or mining are subject to legislative conditions; establishing the sanctuary required the removal of this system of resource control.

Frontier making requires a discursive construction of space as “vacant,” “ungoverned,” “natural,” or “uninhabited,” in order to make way for territorialization.<sup>40</sup> For Rasmussen and Lund, the frontier moment, when existing regimes of resource control are suspended, is analytically crucial to identifying how social, political, and legal orders are subsequently rearranged. There are two main pillars to their argument. First, within frontier spaces territorialization establishes authority: that is, those who can draw the line on the map, assume jurisdiction. Second, this occurs in a non-linear fashion: “institutional orders are sometimes undermined or erased outright, and sometimes ‘taken apart’ and then reinterpreted, reinvented and recycled.”<sup>41</sup>

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<sup>37</sup> Fiona McCormack, “Sustainability in New Zealand’s quota management system: A convenient story,” *Marine Policy* 80 (2017): 35–46.

<sup>38</sup> Bill Ballantine, “Fifty Years On: Lessons from Marine Reserves in New Zealand and Principles for a Worldwide Network,” *Biological Conservation* 176 (2014): 297–307.

<sup>39</sup> Bill Ballantine, “Fifty Years On.”

<sup>40</sup> Rasmussen and Lund, “Reconfiguring Frontier Spaces,” 388.

<sup>41</sup> Rasmussen and Lund, “Reconfiguring Frontier Spaces,” 389.

Frontiers are thus not an effective *tabula rasa*; the very construction of space as vacant is an ambiguous temporality, itself subject to the maintenance of institutional legitimacy, material and ideological dominance, and the displacement of competing histories. Further, the reordering that emerges in territorialization is not, commonly, radically upending, being constructed from the “institutional debris of obsolete and recovered fragments of rules, institutions, forms of organisation and artefacts.”<sup>42</sup> In the Kermadec Sanctuary, the movement from territorialization to vacancy to territorialization was disrupted.

The removal of resource rights demanded by the Kermadec Sanctuary was justified in terms of governance; that is, the state asserted its absolute right to develop sustainability measures to protect the marine environment, including reducing the total allowable commercial catch to zero and rendering customary rights unusable.<sup>43</sup> In response, the fishing industry highlighted the existing benthic area restrictions and the role sustainability already assumes in New Zealand’s quota management system. Fundamental to their objection, however, was that private quota rights, through which fisheries have been comprehensively managed for over three decades, were to be disappeared in the Kermadecs without compensation.<sup>44</sup> In this, there was a relatively novel alignment between New Zealand’s fishing industry and *Te Ohu Kai Moana*.

Individual catch rights emerged globally in fisheries management in the early 1980s as a panacea to overcapitalization and resource decline, the assumption being that quota ownership would provide the security necessary for holders to invest in the industry, motivate the pursuit of sustainable fishing practices, and remove inefficient operators.<sup>45</sup> This was accompanied by marketization: individual fishing quota are traded (transferred) in the market, accumulating, the logic goes, to the most economically efficient operators. While fisheries social science has provided a robust critique of the neoclassic economics underpinning the system and fishers have rallied against its socioeconomic inequities—including the consolidation of quota, wealth, and power, alienation and loss of individual fate control, increased social stratification and class barriers, the decimation of fishing villages, and the incitement of unsustainable fishing practices—ITQs have proven to be characteristically “sticky,” producing institutional lock-in effects.<sup>46</sup> Langdon

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<sup>42</sup> Rasmussen and Lund, “Reconfiguring Frontier Spaces,” 399.

<sup>43</sup> Local Government and Environment Select Committee, “Kermadec Ocean Sanctuary Bill, Government bill 120–2, as Reported from the Local Government and Environment Select Committee: Commentary,” 2016, <http://www.legislation.govt.nz/bill/government/2016/0120/latest/d56e2.html>.

<sup>44</sup> Seafood New Zealand, “Submission to the Local Government and Environment Committee on the Kermadec Ocean Sanctuary Bill,” April 2016, [https://www.seafoodnewzealand.org.nz/fileadmin/documents/other\\_publications/Seafood\\_New\\_Zealand\\_Submission\\_-\\_Kermadec\\_Ocean\\_Sanctuary\\_Bill\\_-\\_2016-04-28.pdf](https://www.seafoodnewzealand.org.nz/fileadmin/documents/other_publications/Seafood_New_Zealand_Submission_-_Kermadec_Ocean_Sanctuary_Bill_-_2016-04-28.pdf).

<sup>45</sup> Oran R. Young et al., “Moving beyond panaceas in fisheries governance,” *Proceedings of the National Academy of Sciences* 115, no. 37 (2018): 9065–9073.

<sup>46</sup> Oran R. Young et al., “Moving beyond panaceas in fisheries governance.”

evidences how powerful interests operate to secure ITQ endurance in the Alaskan salmon fishery, identifying six sectors together forming an assemblage he describes as Leviathan: legal practitioners, resource managers, commercial fishing permit holders, processing firms, financiers, and policing agents.<sup>47</sup> Meanwhile, Carothers and Chambers, adopting the lens of Foucauldian governmentality, show how ITQs harness individual decision making to assumed economic and ecological realities, becoming truthlike and naturalized beyond critique, making it difficult “to imagine how things could have been ordered differently.”<sup>48</sup> In New Zealand the settlement of Māori indigenous claims to fisheries through ITQs further entrenched the property right.

There is also an intricate relationship between attempts to privatize fishing rights and the devolution of managerial, administration, research, and market responsibilities to quota-owning stakeholders. Since 1996, for instance, many registry-based quota management system services in New Zealand have been devolved or contracted to Seafood New Zealand (SNZ), the commercial industry organization funded by quota owner levies, as an approved government provider. FishServe, a wholly owned subsidiary of SNZ, undertakes services surrounding quota and annual catch entitlements (ACE) maintenance, the management of share registers, the registration of ACE transfers, caveats, and mortgages over quota shares, and the recording of catch effort returns and vessel registrations. Quota trading occurs via brokers and bilateral trading agreements, and various online systems have emerged in conjunction with these exchanges. This devolution to private entities, a neoliberal turn, has reconstructed the government’s role to that of policing and compliance—the ultimate guardians of private fishing rights. The work of state-employed fisheries officers, for instance, is primarily land-based and is geared toward the surveillance, detection, and investigation of quota fraud, poaching, and black-market activities—in effect, protecting the income streams of private quota investors.<sup>49</sup> All of which underlines the immense power accruing to market participants.

The fisheries settlement and the incorporation of Māori into the ITQ system is a site of ongoing contention in Māori society. Although the sources of discontent are multiple, two critiques are consistently raised: first, that Māori fishing rights have been transformed into financial derivatives, and second, that the system is incompatible with Indigenous socioecological systems, observations which are echoed in research on ITQ systems in Canada,

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<sup>47</sup> Steve J. Langdon, “Approaching Leviathan: Efforts to Establish Small-Scale, Community Based Commercial Salmon Fisheries in Southeast Alaskan Indigenous Communities,” in *Fisheries, Quota Management and Quota Transfer*, ed. J. M. Winder (Springer, MARE Publication Series, v. 15, 2018), 197–215.

<sup>48</sup> Courtney Carothers and Catherine Chambers, “Fisheries Privatization and the Remaking of Fishery Systems,” *Environment and Society* 3, no. 1 (2012): 59.

<sup>49</sup> Fiona McCormack, *Private Oceans*.

Iceland, and Alaska.<sup>50</sup> While I am mindful of the problematics of collapsing the diversity and complexity of Māori society under any singular rubric, in general these comments map onto a critique of new hierarchies emergent between *iwi* and *hapū* in Māori social organization, with commercial fishing rights being associated with the former and non-commercial, or customary fishing rights, with the latter.

The privatization of catch rights is rooted in the transformation of multifarious fish in nature into competing units of transferable property, ready for capitalist extraction. In New Zealand, quota can be fished, sold, leased to fishing companies as ACE, or simply held. They can also be used as collateral to secure loans from financial institutions. As individualized and freely transferable, more wealth may be generated by trading quota than catching fish in the sea.<sup>51</sup> Irrespective of aspirations to engage in the productive activity of fishing, the vast majority of the 58 Māori tribal groups that have received fisheries settlement quota lease rather than fish these rights, giving rise to a “quota flicking” class in Māori commercial fisheries.<sup>52</sup> Māori, at all levels of the fishing industry, express concerns over the lack of labour and employment opportunities arising from the fisheries settlement, a loss particularly experienced in coastal tribes whose fishing livelihoods have been radically transformed and whose compensation for this is a trickle-down distribution flowing from ACE-leasing activities. This disjuncture, between being significant players in the national fishing industry, quantified in terms of quota ownership, and the absence of Māori fishers pulling fish from ancestral waters, produces new forms of alienation; quota property is now valued in terms of its rent.

The binary of nature and culture underlies the management of modern industrial fisheries, entangling fishers in a political exercise involving the historical and social process of calling fisheries into being and of naturalizing and externalizing what is said to be cultural.<sup>53</sup> In ITQ systems, this construction can be seen in the modelling of fisheries knowledge as incompatible with local and indigenous epistemologies; ITQ knowledge is produced as a single species approach aligned with managerial aims of optimizing profit, making it difficult to comprehend fine-scaled local knowledge as well as complex

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<sup>50</sup> Niels Einarsson, *Culture, Conflict and Crises in the Icelandic Fisheries: An Anthropological Study of People, Policy and Marine Resources in the North Atlantic Arctic* (Uppsala: Acta Universitatis Upsaliensis, 2011); Steve J. Langdon, “Approaching Leviathan”; Nancy J. Turner et al., “Blundering Intruders: Extraneous Impacts on Two Indigenous Food Systems,” *Human Ecology* 41, no. 4 (2013): 563–574.

<sup>51</sup> Niels Einarsson, *Culture, Conflict and Crises in the Icelandic Fisheries*; Fiona McCormack, *Private Oceans*; Evelyn Pinkerton and Danielle N. Edwards, “The Elephant in the Room: the Hidden Costs of Leasing Individual Transferable Fishing Quotas,” *Marine Policy* 33, no. 4 (2009): 707–713.

<sup>52</sup> Fiona McCormack, “Precarity, Indigeneity and the Market in Māori Fisheries,” *Public Anthropologist* 2, no. 1 (2020): 82–126.

<sup>53</sup> Stefan Helmreich, “Nature/culture/seawater,” *American Anthropologist* 113, no. 1 (2011): 132–144; Amelia Moore, “The Aquatic Invaders: Marine Management Figuring Fishermen, Fisheries, and Lionfish in the Bahamas,” *Cultural Anthropology* 27, no. 4 (2012): 667–688.

ecosystem arrangements.<sup>54</sup> Thornton and Herbert point to indigenous Sitka observations of generational amnesia, fallacious notions of steady states, and serious misreadings of landscape and seascape as conditions which have left their herring quota fishery in a depleted condition.<sup>55</sup> In New Zealand, McCarthy and colleagues write that Māori seaside inhabitants report very different assessments concerning the health of stocks from those reported by fisheries scientists and the fishing industry.<sup>56</sup> In terms of commercial fisheries, it is arguable that the traditional *kaitiaki* (guardianship) role over the marine environment has been transformed into one oriented towards the financial health of quota in trading markets, evoking anxiety over what is actually “cultural” about Māori fisheries.

Individual transferable quota fisheries facilitate ocean grabbing, that is, “a new wave of territorial enclosures and privatization driven by state, corporate and financial interests ... diverting access to resource benefits away from small-scale fisheries and coastal community populations.”<sup>57</sup> This account of marine dispossessions and inequalities is explicit in Māori fisheries, at the same time as Māori are now major participants in the national quota management system. Foley and Mather argue for a more complex analysis of ocean grabbing, questioning the exclusively pejorative way in which it has been used in the literature. They suggest that it can also be understood for social development purposes and that those dispossessed by state, corporate, and financial interests might also engage in ocean grabbing. The Kermadec Ocean Sanctuary proposal churned up ITQ established hierarchies in Māori society, stimulating a pan-Māori response centred, loosely, on protecting Māori ancestral culture and Indigenous futures. In a departure from the property rights argument advanced by the non-Māori fishing industry, the sanctuary became interpreted as yet another colonial alienation and an attempted subjugation of Māori ecologies. Hence, the incorporation of Māori into national ITQ fisheries, a system of ocean grabbing, simultaneously provided the most salient leverage through which to challenge the frontier suspension of existing regimes of resource control in the Kermadecs. It also disabled attempts to construct the sanctuary as a vacant space, divorced from human histories. On another level, the Māori response also disturbs the binary of nature and culture underpinning modern industrial fisheries.

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<sup>54</sup> Kevin St. Martin, “Making Space for Community Resource Management in Fisheries,” *Annals of the Association of American Geographers* 91, no. 1 (2001): 122–142; Steve. J. Langdon, “Approaching Leviathan.”

<sup>55</sup> Thomas F. Thornton and Jamie Hebert, “Neoliberal and Neo-communal Herring Fisheries in Southeast Alaska: Reframing Sustainability in Marine Ecosystems,” *Marine Policy* 61 (2015): 366–375.

<sup>56</sup> Alaric McCarthy et al., “Local People See and Care Most? Severe Depletion of Inshore Fisheries and its Consequences for Māori Communities in New Zealand,” *Aquatic Conservation: Marine and Freshwater Ecosystems* 24, no. 3 (2014): 369–390.

<sup>57</sup> Paul Foley and Charles Mather, “Ocean grabbing, terraqueous territoriality and social development,” *Territory, Politics, Governance* 7, no. 3 (2019): 297–315.



## **Māori and Rangitāhua**

In the quota management system, the Kermadecs are bounded as Fisheries Management Area 10 (FMA10). Since 2004, fishing quotas have been allocated to mandated iwi organizations, the corporate arm of tribes, from Te Ohu Kai Moana. The quota package distributed is based on a coastline-to-population ratio and differs depending on whether it is inshore or deep-water quota. Inshore quota, for instance, is based on the proportion of a tribe's coastline to the total coastline in each quota management area. Deepwater quota is allocated using a 25 percent coastline and a 75 percent population ratio, with the latter being based on the proportion of the tribe's population to the overall Māori population. Fifty-five iwi have quota rights in FMA10, together amounting to about 15 percent of the total shares, the other 85 percent being held by the Crown.<sup>58</sup> All of the Māori quota shares in FMA10 currently sit with Te Ohu Kai Moana, that is, they are not actively fished or leased, a dormancy misinterpreted as meaning Māori rights would remain undisturbed by the establishment of the sanctuary. A notable occurrence in neoliberal fisheries management is that it hits against all kinds of obdurate matter: the historical context, the limits to which market devices can transform fishy matter, and the resistance of harvesters to new economic ways of being.<sup>59</sup> For Māori, this obduracy is rooted in a weaving of cognatic kinship relations and migratory histories, an interpretation of fisheries as a *taonga* (ancestral treasure) guaranteed in Crown/Māori treaties to provide continuity between pre- and post-colonial social worlds, and a resistance to imposed nature/culture distinctions. A Māori manager of an iwi seafood collective explains:

There are layers we all recognise as iwi. Different iwi have different layers of interests or rights, if you're local iwi, that's the strongest—nobody can take that away from you, we all respect that, the rest of us who are not from up in that area. Then there are other layers of quota ownership rights, all the iwi throughout the entire country actually own quota in the Kermadecs. That's a separate layer, and where the government got confused was—because they were talking about a couple of iwi with that *mana whenua* [authority over land, referring to Ngāti Kuri and Te Aupouri], they thought they could use that to override, and we say no you work out whatever you do with the *mana whenua* and we respect that, but don't start to take that and use that to tell us what's going to happen with our legal fishing rights. All iwi travelled through that area. Kermadecs, Rangitāhua, is in the histories of every single iwi.<sup>60</sup>

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<sup>58</sup> Glenn Wigley, "Regulatory Impact Statement: Establishment of a Kermadec Ocean Sanctuary," 2016, [http://www.mfe.govt.nz/sites/default/files/media/Legislation/RIS/RIS-for-kermadec-ocean-sanctuary-bill\\_0\\_0.pdf](http://www.mfe.govt.nz/sites/default/files/media/Legislation/RIS/RIS-for-kermadec-ocean-sanctuary-bill_0_0.pdf).

<sup>59</sup> Karen Hébert, "The Matter of Market Devices: Economic Transformation in a Southwest Alaskan Salmon Fishery," *Geoforum* 53 (2014): 21–30.

<sup>60</sup> Interview by author, 9 March 2018, Auckland.

A noted failing of the Kermadec Ocean Sanctuary Bill was the lack of consultation with Māori, beyond the recognition garnered by Ngāti Kuri and Te Aupouri of their Treaty of Waitangi rights.<sup>61</sup> This critique was levied against the Crown in New Zealand as well as international environmental NGOs, a disingenuous strategy described by an iwi participant: “Muskets and blankets is what we call that. Just go around handing Māori muskets and blankets as signed deals ... that’s really what got up our noses, like hey this is 1860s all over again. We’re a little bit more onto it these days.”<sup>62</sup> The sanctuary became historicized in terms of Indigenous anti-colonial struggles, in which establishing continuity with past resistances interweaves ancestors, deeds, and forms of struggle with contemporary concerns. Thus, the chair of Te Ohu Kai Moana pronounced “the struggle over recognition of fisheries rights has become a struggle over protection of those rights to prevent them being re-usurped and removed by Crown, Crown entities and many others.”<sup>63</sup> Under the Treaty of Waitangi, Māori are guaranteed undisturbed possession of their fisheries and other *taonga*, a recognition carried forward in the “full and final” 1992 Fisheries Settlement. 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.<sup>64</sup> Yet, as tribally held treaty rights evoking ancestral treasures, quota implicates the pull of the commons, that is, the experience of collective wealth as inalienable and invaluable.<sup>65</sup> Indeed, no Māori fishing 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 Māori fisheries that was mobilized against the Kermadec Sanctuary grab, and in which Indigenous territorialization confronted elite frontier making. This phenomena can also be observed in the emergence of Rangitāhua as a marine protected area.

Under the International Union for the Conservation of Nature classificatory system, the proposed sanctuary is designated as category 1, the highest degree of protection afforded to strict nature reserves or wilderness areas.<sup>66</sup> This imagines a particular type of space into being, an “isolated” environment in which humans and economies are depicted as polluting, or at the very least, out of place. West, Igoe, and Brockington associate protected areas with a new form of morality, one in which European nature/culture distinctions are re-enacted and human activities, as culture, are conceived

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<sup>61</sup> In 2016, both Ngāti Kuri and Te Aupouri qualified their support of the sanctuary as subject to a reconciliation of iwi rights and interests.

<sup>62</sup> Interview by author, 17 November 2017, Auckland.

<sup>63</sup> Jamie Tuuta, keynote speech given to the Māori Fisheries Conference, 28 March 2018.

<sup>64</sup> Five fishing companies own 80 percent of the catch rights in New Zealand.

<sup>65</sup> Theodoros Rakopoulos and Knut Rio, “Introduction to an Anthropology of Wealth,” *History and Anthropology* 29, no. 3 (2018): 275–291.

<sup>66</sup> Ministry for the Environment, *About the Proposed Kermadec Ocean Sanctuary*.

of as “unnatural.”<sup>67</sup> This is, however, a discriminatory process as not all types of humans nor all types of cultures are excluded: in the Kermadec Sanctuary proposal, for instance, yachts exchanging ballast water, ships discharging marine waste, submarines, and science are amongst the phenomena perceived as natural. For Indigenous people, two variants appear to arise in protected areas: first, whether imposed or self-projected, their culture and labour is rendered closer to nature, creating an ecological noble savagery that may be commoditized, for instance, in eco-tourism ventures.<sup>68</sup> Second, Indigenous people may be criminalized for their land or sea-use practices and become victims of displacement.<sup>69</sup> In the case of the Kermadecs, and in lieu of physical presence, Indigenous histories lend a kind of spiritual antiquity to sanction enclosure. Conversely, more recent colonial history and individual transferable quota property, used to repatriate resource alienations, have positioned other Indigenous groups as annihilators of nature. These constructions are, however, fiercely deconstructed by Māori. A Māori fisheries participant voiced his frustration in an interview with the author:

I heard a lot of that with the Kermadec Ocean Sanctuary. You have a lot of these people standing up and saying bad Māori, bad iwi, you should lock this stuff up, a marine reserve, and here’s all the research to show how good your people are at conservation, and bad iwi fishers. That really got to me. *Kaitiakitanga* (resource guardianship) is not just about that. It’s about the economic side, it’s about commercial, it’s about looking after our kids, feeding them, it’s about getting the balance right.<sup>70</sup>

This is a sentiment elaborated by Jamie Tuuta, chair of Te Ohu Kai Moana, at the Māori fisheries conference in 2018:

The proposed Rangitāhua Kermadec Ocean Sanctuary provides an illuminating case study, because it demonstrates the Māori worldview of *kaitiakitanga* (resource guardianship) versus those who advocate preservation for preservation’s sake ... . It illustrates the inherent problems within a pluralistic society where we have opposing worldviews, such that one, usually the Māori worldview, is subordinated to the other ... . Current Māori leaders have summarised the current conservation protection objective as hostile to the customary principle of sustainable use, and observe that the spiritual linkage of iwi with indigenous resources is subjected to paternalistic control ... . So the future needs to be one that adopts a Māori worldview, where conservation and marine management solutions meet multiple social and ecological goals. This will not be achieved so long as conservation is framed as a human versus

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<sup>67</sup> Paige West, James Igoe, and Dan Brockington, “Parks and peoples: the social impact of protected areas,” *Annual Review of Anthropology* 35 (2006): 251–277.

<sup>68</sup> Keri Vacanti Brondo and Laura Woods, “Garifuna Land Rights and Ecotourism as Economic Development in Honduras’ Cayos Cochinos Marine Protected Area,” *Ecological and Environmental Anthropology* 3, no. 1 (2007): 2–18.

<sup>69</sup> Paige West, James Igoe, and Dan Brockington, “Parks and peoples.”

<sup>70</sup> Interview by author, 9 March 2018, Gisborne.

nature contest. 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 ... . 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.<sup>71</sup>

### **The Commonalities in Marine Conservation and Fisheries Extraction**

Instigated as no-take zones, marine protected areas preclude consideration of already existing sustainability measures as well as other management options. They also suggest a trend towards carving out spaces for maintaining unsustainable behaviours in return for strictly preserving one section of an EEZ<sup>72</sup>—a boundary making complicated by saltwater fluidity. Hence, quota fishing directly outside of the sanctuary boundary is endorsed as a means to buffer the economic loss suffered within the preservation area.<sup>73</sup>

This zoning logic is also apparent in payment for ecosystem services, a method of monetarizing all matters, which while promising to break down the nature/culture distinction, turns everything into circuits of monetarization and accounting.<sup>74</sup> Once nature becomes identified with this paradigm, it is seemingly logical to assume that an economic instrument is needed to correct what is constituted as a failure. Thus, the dominant theoretical stance for payment for ecosystem services is that ecosystem service degradation is the result of market failures to account for externalities, and that valuing and paying for such services will mitigate these effects.<sup>75</sup> This thesis is apparent in ITQ fisheries, where complex socio-natures are sustained through privatizing catch rights, rewarding the property holders whilst devaluing fishermen's work and knowledge. Similarly, commercial exploitation levels are underwritten through modelling the economic potential of fish species, configured at the level of single stock in a bounded ecosystem, and catch rights emerge as financialized instruments in future trading markets. It is apparent too in the association between large-scale protected areas and the perceived need to "create opportunities for additional targeted funding and innovative finance mechanisms."<sup>76</sup> While traditional donors such as national governments, NGOs, and private and institutional bodies are acknowledged

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<sup>71</sup> Jamie Tuuta, keynote speech given to the the Māori Fisheries Conference, 28 March 2018.

<sup>72</sup> Fanny Douvère, "The importance of marine spatial planning in advancing ecosystem-based sea use management," *Marine Policy* 32, no. 5 (2008): 762–771.

<sup>73</sup> Ministry for the Environment, *About the Proposed Kermadec Ocean Sanctuary*.

<sup>74</sup> Donna Haraway et al., "Anthropologists are talking—about the Anthropocene," *Ethnos* 81, no. 3 (2016): 535–564.

<sup>75</sup> Giorgos Kallis, Erik Gómez-Baggethun, and Christos Zografos, "To value or not to value? That is not the question," *Ecological Economics* 94 (2013): 97–105.

<sup>76</sup> Kristina Gjerde et al., "Protecting Earth's Last Conservation Frontier," 55.

as an important source of funding, protected areas are also, and increasingly, seen as sites where payment for ecosystem services mechanisms develop. In marine spaces this might include, for instance, financial instruments whereby taxes, fines, and fees from shipping, extractive industries, and energy producers are used to construct protected areas.<sup>77</sup> Indeed, the creation of large-scale marine protected areas is seen to hinge on this model of finance<sup>78</sup>—a frontier-making where the unleashing of novel financial instruments is made contingent upon the protection of biodiversity.

As similarly constituted payment for ecosystem services, neither ITQ fisheries nor large-scale marine protected areas radically challenge environmental demise in the Anthropocene nor the extension of marine inequalities. Indeed, the incorporation of Māori into New Zealand's ITQ system, through the resolution of a Treaty of Waitangi claim, can be understood as the financialization of historic harm<sup>79</sup>; it has enabled an economic recolonization that has entrenched disadvantage in Māori coastal communities. Nevertheless, the hybridization of Māori and ITQ fisheries disabled the extension of an alternate ecosystem services model in Rangitāhua. Simultaneously, a space was created for the articulation of a decolonial discourse emphasizing Māori ecologies, stewardship obligations, and the reciprocity underlying cognatic kinships systems. This assertion of sovereignty is necessarily complex, entwined as it is with neoliberal market environmentalism. It does, however, suggest that Indigenous ecological relations are gaining traction in Pacific Ocean frontier making, signifying, in the case of the Kermadecs, an intervention in the century-long dominance of Western conservational and scientific ideologies for “discovering,” “managing,” and protecting nature. Notably, the Pew Charitable Trusts, a powerful US marine-protected-area lobby group and central campaigner for the sanctuary formation, issued an apology to Māori, acknowledging that it had no legal position on New Zealand's treaty relations.<sup>80</sup>

## **Conclusion**

This paper has argued that the disrupted establishment of the Kermadec Ocean Sanctuary can be understood as a moment of Pacific frontier making, when territorialization appeared momentarily suspended and powerful transnational interests emerged to make vacant a Polynesian seascape. This

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<sup>77</sup> Alex Rogers and Daniel d'Auvergne Laffoley, “International Earth System Expert Workshop on Ocean Stresses and Impacts: Summary Workshop Report,” *IPSO Oxford*, 2011.

<sup>78</sup> Robert Costanza et al., “Changes in the Global Value of Ecosystem Services,” *Global Environmental Change* 26 (2014): 152–158.

<sup>79</sup> David Carter and Rebecca Warren, “Economic re-colonisation: Financialisation, indigeneity and the epistemic violence of resolution,” *Political Geography* 84 (2020): 1–12.

<sup>80</sup> Rosanna Price, “Lobby Group Apologies to Te Ohu Kaimoana over Kermadec Sanctuary Confusion,” *Stuff*, 18 May 2016.



confronted Indigenous histories, ecologies, repatriated fishing rights, and privatized fishing interests, a coalescence which became articulated as an anti-colonial struggle. The complexity of this conflict can be untangled by paying attention to three factors: the historical trajectory of terraqueous territorialization in the Kermadecs, the post-settlement dynamics of Māori fisheries, and the payment for ecosystem services model informing rights-based fisheries and the development of large-scale marine protected areas. Important too is the binary of nature/culture inherent in protecting nature, modern industrial fisheries, and the financialization of biodiversity, a dichotomy eloquently critiqued in the Māori response.

The frontier-making momentum in the Kermadec Sanctuary was never entirely successful in establishing an emptiness; that is, the movement from territorialization to vacancy to territorialization was suspended. The incorporation of Māori into New Zealand's national ITQ system, through the resolution of Indigenous claims, has provided significant leverage, opening a space for the consideration of Māori socio-ecological relations, emphasizing Polynesian understandings of *mana moana* (authority over the sea), intersecting genealogical links and the maintenance of an Indigenous nature culture blending. At the same time, this incorporation is implicated in the marginalization of coastal Māori *hapū* and the conversion of ancestral fishing rights into financial instruments, both features of ocean grabbing. Hence, while this particular environmental resistance may hint towards an opportunity for recognizing Indigenous socio-ecologies, the institutional debris of individual transferable quota organization and the ecosystem services framework within which it is embedded, is likely to influence re-territorialization. Unless, of course, it too is disrupted.

*The University of Waikato, Hamilton, New Zealand, January 2021*