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Sustainability in New Zealand's quota management system: A convenient story

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ABSTRACT

New Zealand's fisheries management institutions represent a globally recognised story of a successful sustainable management regime, an accolade perceived to be based on its early and comprehensive adoption of a quota management system (QMS). This article questions these assumptions. There are three main strands to the argument. First, that the interpretation of sustainability in the New Zealand QMS disregards the social while simultaneously accentuating a particularly neoliberal economic paradigm in which sustainability is directed towards sustaining the wealth generating potential of quota holdings. Second, while in theory there is a separation of biological and economic conceptions of sustainability in the QMS, these processes are, in fact, deeply intertwined. Third, that the sustainability brand works to legitimise the privatisation and marketization of marine environments, to protect the income stream of quota investors, and to effectively incorporate and discipline dissent.

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1. Introduction: Interpreting 'sustainability' in New Zealand's fisheries

In popular imagination New Zealand fisheries represent a globally recognised story of a successful sustainable management regime, an indicator of national ingenuity and a 'clean green' environmental ethos. This local sentiment is borne out by international recognition: New Zealand's fisheries have been twice ranked as the most sustainable in the world. This accolade is perceived to be based on its early and wholehearted adoption of a Quota Management System (QMS) as a way, ostensibly, to conserve major fish stocks and inspire economic efficiency. On a comparative global scale, New Zealand has made the most comprehensive commitment to its QMS [1]. All major fisheries are incorporated, that is, some 100 fish species designated as 638 fish stocks, each of which has a catch limit [2]: an expansive and growing incorporation considering that seven offshore species were introduced in 1983, followed by 26 inshore species three years later. By 1999 quota was available for 180 fish stock and by 2014 the QMS encompassed 638 stocks, representing 95% of all commercial fish catch.

This article has a three-pronged argument: (1) that the interpretation of sustainability in the New Zealand QMS disregards the

social, evidenced in terms of an inequitable distribution of rights, the relative power of quota holders¹ vis-à-vis producers, the lack of attention given to the intergenerational concerns of fishermen and their communities, the emergence of new class structures, and the relationship of this to indigenous Māori rights [3,4]; (2) that the claim to sustainability emerges out of the accentuation of a particular economic paradigm, understood best in terms of neoliberalism, as exemplified by the elevation of the market and the privatisation of fishing rights; (3) that while there is a perceived systematic separation of biological sustainability and economic sustainability, these processes are, in fact, interconnected. That is, the assumed neutrality of the scientific endeavour is absent: biological sustainability measurements are perceptibly directed towards protecting the wealth generating rights of quota holders.

¹ An ITQ is a share of the TAC. Owners are share holders rather than private property owners in the legal sense. In New Zealand, however, there has been a concerted effort to equate ITQs with private property. For instance, the introductory legislation identifies ITQs with registerable interests in "real property", provisions for which were simply lifted from the New Zealand Land Transfer Act 1952. In addition, they have been used to settle indigenous property claims, aspects of management have been devolved to quota holders thereby strengthening the perception of holders as owners as opposed to resource renters, and through Annual Catch Entitlements, ITQ holders have been given lease rights, separating short-term harvesting rights from those perceived as perpetual ownership rights. The term 'quota holder' is used to reflect these local developments, rather than as a statement as to the nature of the privilege/right.

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While this economic project appears at first glance to be consistent with the claim to social sustainability, it does so by transforming broader social justice concerns into those most closely aligned with neoliberal orthodoxy. The bulk of this essay addresses the second and third strands of this argument.

2. Theoretical context

Sustainability is the theme of our time [5]. Its proliferation in global and local policy following the UN Bruntland report in 1987 and the Rio declaration in 1992, is striking. Although the characterisation of sustainable development in the Our Common Future paper, *to meet the needs of the present without compromising the needs of future generations to meet their own needs*, is somewhat utopian and lacking in methodological direction, it nonetheless provides a template for the interlinking of temporal and spatial aspects: the present and the future; economic, social and environmental spheres. Over time, however, it has become a blanket descriptor, cemented in environmental policy, that attaches a moral valence to a vast range of interests often pursuing contradictory agendas [6].

This paper argues that the claim to sustainability in Individual Transferable Quota (ITQ) systems, of which the New Zealand QMS system is an example, is pursuant to neoliberal interests. A link between sustainability and neoliberalism has been asserted in social science studies on the 'green economy', 'green capitalism' and the 'neoliberalisation of nature' [7–12]. In this work there is a strong consensus that sustainability primarily concerns economic systems and that it has been increasingly aligned with neoliberal theory and practice. This realignment is evidenced in the translation of environmental choices into market preferences [13], the framing of environmental degradation to reflect an impediment to economic development [6], and the valuing of environmental protection in terms of markets and prices. This also, and importantly, has implications for how sustainability is assessed. Davidson points out that the dominance of neoliberal discourse has implications for what is actually measured by sustainability monitoring systems. Further, that evaluations invariably fail to address the interrelationships between social, economic and environmental contexts [9].

Although there is now a solid corpus of literature linking ITQs with broader neoliberalisations [3,4,14–17], there is a little that addresses the place of sustainability in endorsing this relationship, i.e., the role played by neoliberally-conceived sustainability in the modelling of ITQs as the optimum economic and biological means through which to govern fisheries. The assumption that private ownership of resources motivates stewardship and that ITQ holders are therefore natural custodians, has been substantially critiqued. Pinkerton, for instance, challenges the link between the claim to stewardship and assertions that ITQs enhance biological sustainability [18]. Problems arise, for example, from tradability. Control over resources may be shifted to an inaccessible investor who may have no long-term incentive to protect the resource [19]. Private owners, unattached to a particular seascape, are more likely to be motivated by interests other than those pertaining to the local environment [18]. In fact, the very market logic that invigorates ITQs, also claims as rational the liquidation of the resource if interest rates and profit make this a more logical option than sustainable harvesting. Pinkerton also points out that, in British Columbia at least, the claims to stewardship (which remain unsubstantiated) emerged *after* the initial justification of ITQs on economic grounds. In New Zealand and also Iceland, however, a central objective of implementing QMSs was to promote conservation and reverse stock decline. This paper does not aim to critique the presumption that private property rights have

superior attributes, or that they lead to economic prosperity (for the few). Neither does it specifically point to the incidences when QMSs have failed to enhance biological sustainability or reverse stock depletion.² Rather, its intention is to examine the overarching paradigm informing the generation of biological and economic sustainability. It is argued that in QMSs, sustainability exploits both natural and human worlds and misdirects attention away from the damage done to both.

QMS fisheries take two separate approaches to sustainability. These are structured to reflect a nature/society distinction, each sphere with its attendant disciplinary boundaries, expert practitioners and subjects of analyses. These divisions are reflected in (a) the configuration of biological sustainability through assessments of stock, the Total Allowable Catch (TAC) and Maximum Sustainable Yields (MSY) — the work of fisheries biologists, and (b) the generation of social sustainability through the creation of (quasi) private property rights (ITQs) and markets — the work of fisheries economists and the subsequent fieldwork of social scientists. Yet rather than conceive of these as distinct spheres— each with its own subject area (nature or society) and disciplinary paradigms—it may be more useful to consider the linkages. There may in fact be a crucial relationship between scientific assessments of the sustainability of natural ecosystems and economic theories about future wealth, derived explicitly through privatisation.

In this article the discourse of sustainability is analysed in relation to the implementation of neoliberalism as a programme, philosophy and practice and in relation to the reorganisation of New Zealand's fisheries as a quota regime. The focus is three-fold: (1) to analyse the substance of the claim implied in this particular discourse of sustainability, including scientific assessments of the sustainability of harvest rates; (2) to assess the compatibility of this with the wealth generating potential of ITQs; (3) to suggest that the sustainability brand works to legitimise the privatisation and marketization of marine environments, to protect the income stream of quota investors, and to effectively incorporate and discipline dissent. The overarching interest here is not the comparative biological impact of different fisheries management systems, a task complicated by the absence of a common methodology for assessing sustainability [21], but rather to emphasise the particular way the QMS in New Zealand operationalizes sustainability.

3. Creating the need: ITQs and the neoliberal experiment in New Zealand

The context in which ITQs became acceptable as a credible management option was contingent on problems of over-accumulation. Until the 1960s commercial fishing was a relatively small-scale activity in New Zealand, subjugated to agriculture, the backbone of the economy.³ Most of the New Zealand fleet traditionally concentrated in the inshore sector and distribution was largely confined to the domestic market. A desire for expansion became prevalent in the early 1960s, as indicated by the establishment of a Fishing Industry Board in 1963 mandated to champion economic growth. The extension of state property, from three, to nine, to twelve miles, culminating in the declaration of the EEZ in 1977, was also a significant driver. Much of the incentive for these expansive property claims came from the perceived encroachment of foreign fishing vessels into offshore waters and the

² For instance, the fact that in Iceland cod stocks are much lower now than when ITQs were first introduced [20].

³ A more detailed account can be found in [22–24].

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