



PROGRAM IN  
**Agrarian Studies**  
YALE UNIVERSITY

# Food Sovereignty: A Critical Dialogue

INTERNATIONAL CONFERENCE  
YALE UNIVERSITY  
SEPTEMBER 14-15, 2013

Conference Paper #39

## The Politics of Property in Industrial Fisheries

Liam Camping and Elizabeth Havice

T

N

I



YALE SUSTAINABLE  
FOOD PROJECT

*Food First*

INSTITUTE FOR FOOD AND DEVELOPMENT POLICY

ISS International  
Institute of Social Studies



ICAS  
Initiatives in Critical Agrarian Studies

The Journal of  
PEASANT  
STUDIES

critical perspectives on rural politics and development



# The Politics of Property in Industrial Fisheries

Liam Campling and Elizabeth Havice

---

## Conference paper for discussion at:

### **Food Sovereignty: A Critical Dialogue**

International Conference

September 14-15, 2013

## Convened by

---

### **Program in Agrarian Studies, Yale University**

204 Prospect Street, # 204, New Haven, CT 06520 USA

<http://www.yale.edu/agrarianstudies/>

### **The Journal of Peasant Studies**

[www.informaworld.com/jps](http://www.informaworld.com/jps)

### **Yale Sustainable Food Project**

[www.yale.edu/sustainablefood/](http://www.yale.edu/sustainablefood/)

## in collaboration with

---

### **Food First/Institute for Food and Development Policy**

398 60th Street, Oakland, CA 94618 USA

[www.foodfirst.org](http://www.foodfirst.org)

### **Initiatives in Critical Agrarian Studies (ICAS)**

### **International Institute of Social Studies (ISS)**

P.O. Box 29776, 2502 LT The Hague, The Netherlands

[www.iss.nl/icas](http://www.iss.nl/icas)

### **Transnational Institute (TNI)**

PO Box 14656, 1001 LD Amsterdam, The Netherlands

[www.tni.org](http://www.tni.org)

## with support from

---

### **The Macmillan Center, the Edward J. and Dorothy Clarke Kempf Memorial Fund and the South Asian Studies Council at Yale University**

[http://www.yale.edu/macmillan/kempf\\_fund.htm](http://www.yale.edu/macmillan/kempf_fund.htm)

<http://www.yale.edu/macmillan/southasia>

*© July 2013 All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means without prior permission from the publisher and the author.*

## Abstract<sup>1</sup>

---

Fisheries systems are widely considered to be 'in crisis' in both economic and ecological terms, a considerable concern given their significance to food security, international trade and employment the world over. The most common explanation for the crisis suggests that it is caused by weak and illiberal property regimes. It follows that correcting the crisis involves the creation of private property relations that will restore equilibrium between the profitable productive function of fishing firms and fish stocks in order to maximize 'rent'. In this approach, coastal states are seen as passive, weak, failed and corrupted observers and facilitators of the fisheries crisis, unless they institute private property relations. This paper offers an alternative analysis by re-examining longstanding debates over the politics of property and of rent relations in industrial fisheries from the perspective of historical materialism. It identifies coastal states as modern landed property which allows an exploration of the existence of, and struggles over, the extraction of ground-rent from the surplus value created in capitalist fisheries. As on land, property in the sea is a site of social struggle and will always remain so under capitalism, no matter which juridical actor/ interest holds those property rights.

### 1. Introduction: The problem of property in marine capture fisheries

It is well established that many marine fish populations and the fisheries production systems based upon them face dire and deteriorating ecological conditions. Some three-fourths of the world's fisheries are at or beyond 'full exploitation', indicating the likelihood that many fish populations, and the ecosystems of which they are a part, will decline (or continue to do so) with current and expanded levels of competitive extraction. The combination of growing demand for fisheries products and environmental change at various scales, from particular local fisheries to the impacts of climate change on ocean ecosystems, will continue, if not intensify, such patterns.

The significance of these trends extends beyond the realm of the ecologic. In 2007, fish accounted for nearly 16 per cent of the global population's intake of animal protein, and the per capita supply of fish for food has skyrocketed from less than 3 kilograms in 1950, to 17.2 kilograms in 2009, data that make the future of fisheries a critical concern for questions of food security and food sovereignty. Capture fisheries accounted for around 62 per cent of total fish production in 2009, while aquaculture systems supplied the remaining 38 per cent (FAO, 2010). Fish are also used for non-food uses, such as fertilizers and industrial fish meal for agricultural feed (e.g. chickens and pigs, which in turn are for human consumption). In international exchange, fish had a *first-sale* value of US\$93.9 billion in 2008 (FAO, 2010). The World Bank

---

<sup>1</sup> A draft of this paper is currently under review, please contact the authors for permission to cite. Authorship is fully collaborative.

estimates that ‘about 120 million people depend directly on commercial capture fisheries for their livelihoods as full-time or part-time workers, including employment in the post-harvest sector’ (World Bank 2010, 4).

International institutions, non-government organizations and scientists commonly use a narrative of fisheries ‘crisis’ to typify the combination of ecological decline and the economic significance of fisheries systems and to relate the urgency of rectifying the fishing and management practices underlying these trends, particularly by urging the state to introduce ‘stronger’ property rights. This nexus of crisis, property and the state is grounded in now familiar (and contested) policy and academic debates over approaches to ‘good governance’ in terrestrial (Li, 2011 292) and aquatic systems (Havice and Campling, 2010). In fact, the logic that ‘poor governance’ is linked to economic inefficiencies and drives biological decline in fisheries systems played an important role in founding the oft-cited concept of the ‘tragedy of the commons’ (Gordon, 1954; Hardin, 1968; Scott, 1955), a narrative as prevalent today as when it was first debated in the 1950s and 1960s. In recent years, several international institutions have joined the World Bank in spearheading projects and regulatory guidelines based around improving governance, especially marine property/tenure systems.<sup>2</sup> For example, the United Nation’s Special Rapporteur on the Right to Food calls for reform of aggressive industrial fishing tactics that it defines as ‘ocean grabbing’. Such tactics divert fisheries resources away from local and national populations (De Schutter, 2012) and *the state* should ensure the right to food, rights over fisheries and fisheries access, including by strengthening tenure (A/67/268, 2012). These moves dovetail with the United Nations’ recently released voluntary guidelines on responsible governance of tenure of land, fisheries and forests, which offer governments guidance for linking tenure to improved food security conditions (FAO, 2012).

What then is the relationship between property forms and struggles over surplus value (especially rent extraction) in fisheries systems? This paper focuses on exploring this question in industrial fishing activities that take place within states’ 200 nautical mile exclusive economic zones (EEZs) and outside of the 12 nautical mile ‘territorial seas’.<sup>3</sup> We selected industrial fisheries in EEZs because they represent a massive proportion of total global catch volume and value. Furthermore, in the context of the fisheries crisis, industrial, highly capitalized activities are frequently vilified for their role in vacuum cleaning the oceans of fisheries resources, while (as noted) states are chastised for failing to efficiently regulate industrial fishing activity.

---

<sup>2</sup> Property is a synonym for tenure, the former is more commonly used in law and in lay terms, the latter often used in social sciences (Bruce 1993).

<sup>3</sup> The ‘territorial seas’ have a higher level of political sovereignty than the rest of the EEZ and are often reserved for smaller scale fishing activities.

A rich tradition of debate has formed around the political economy of landed property and rent, especially in relation to agriculture, mining, real estate and retail among other areas (e.g. Harvey, 2006), but in fisheries, mainstream approaches (see section 3.1 below) have consistently been dominant and played a central role in shaping policy (e.g. Gordon, 1954; Homans and Wilen, 1997). By contrast, this paper presents an analysis of the role of particular property forms in capitalist accumulation by conceptualizing modern landed property as a class that is able to extract rent as a re-distributive portion of surplus value. This approach reveals the ways that property and rent are relations, rather than ‘things’, opening the possibility for exploring how questions of national sovereignty link to issues of food sovereignty and food security in marine capture fisheries, one of the world’s largest and most valuable traded food commodities, with the vast proportion originating from the global South.

To address the problem of property in marine fisheries we draw Gavin Capps’ (2010, 2012a, 2012b) work on the relationship between landed property and accumulation – especially the particular form that landed property takes – around platinum mining in South Africa. We follow the theoretical steps of Capps’ original contribution and extend and develop the categories through a historical analysis of industrial tuna fisheries. We do this because, while marine fisheries are largely seen as being in ecological crisis and are of huge socio-economic importance, there is insufficient attention in fisheries literatures to 1) the role of the state as the initial and ultimate ‘owner’ of marine resources in ‘national’ waters and 2) the implications of this property relation on struggles over surplus value whether the state is trying to maximize the extraction of rent (as in most industrial tuna fisheries), is facilitating capital (e.g. Alaskan Pollock and other US fisheries), or is co-managing the resource with other players (e.g. coastal fisheries).

To undertake this exploration, we move in three steps. In section two, we explore modern landed property and rent relations, drawing links to industrial fisheries sectors before moving in section three to an overview of orthodox and alternative approaches to property relations in fisheries systems. In section four, we draw on tuna fisheries to offer empirical examples of how actually existing property-rent relations operate in a production system built off of a resource that is mobile, renewable and exhaustible. The analysis supports a central claim of this paper that property is a site of social struggle over surplus value, and will always remain so under capitalism, no matter which juridical actor/ interest holds those property rights. It also draws attention to the state, an important contribution to the food security, food sovereignty and resource management literature which calls for the state to be a key agent in promoting food sovereignty and security through the establishment of stable property and tenure systems.

## 2. Modern landed property and extractive industries

Property relations in agriculture and extractive industries are the subject of classic and ongoing debates in political economy. In recent original contributions focusing on mining and mineral extraction, Capps (2010, 2012a, 2012b) re-introduces the category and analysis of modern landed property to agrarian political economy. For Marx, the category of modern landed property is an essential relation of capitalism.<sup>4</sup> This relation forms the basis for a ‘third class’ of landowners that is separate from, but can only exist in concert with, the classes of capitalists and workers. Modern landed property’s role in capitalist production is as lessor of land, issuer of land and extractor of ground rent (Neocosmos, 1986: 13), whether the land is used as a *means* of production (e.g. agriculture, mining) or as a *condition* of production (e.g. as a site for factories, retail, server hubs, homes). Through the process of primitive accumulation, at least in the ‘classic’ case of capitalist transition in England, the development of capitalist relations created the conditions for the class modern (rather than feudal) landed property as ‘a specific historical form’ (Marx, 1976-926; 1981: 751). It did so by simultaneously ‘freeing’ the immediate producers from their feudal obligations to landowners as producers of surplus on the land (and from the sea) and disembedding *feudal* landed property’s dual function of control of the land and agricultural production.<sup>5</sup> The separation of these functions established the ‘class basis for a new collectivity of landlords defined by their possession of (bourgeois) property rights *alone*’ (Capps, 2012a: 317, emphasis added).

Building on Ben Fine’s (1994) work on rent generation in mining (see below), Capps develops the category of landed property to explain particular configurations of control and contestation over mineral access rights in South Africa during and after Apartheid. Most commonly, landed property is a private landlord, but the phenomenal form that it takes can be any juridical actor or organization, including the state (Capps, 2010; Fine, 1980, 1994; Harvey, 2006), as we suggest is the case in EEZ fisheries below. Drawing on Banaji’s (2010) insight that different forms of exploitation can exist under a particular mode of production, Capps demonstrates logically and historically the diverse *forms* that modern landed property can take (see Capps 2010 in particular, and 2012b, where this argument is intonated). His work on the platinum mining industry, the chieftaincy and the state in South Africa exemplifies sensitivity to

<sup>4</sup> Along with his two other categories of essential relations: capital and wage labour. It is beyond the scope of this paper to discuss fisheries production *sensu stricto* or other dynamics of the capital-labor relation.

<sup>5</sup> The ‘modern’ in landed property denotes that the category exists under conditions of generalised commodity production. It is in distinction to other approaches to political economy (e.g. Ricardo) in that the category of ‘landed property’ and the discussion of rent is historicised. Landed property has existed through history, but its characteristics under capitalism are specific, at least in ‘its purely economic form’ (Marx 1981: 751, 755) in the struggle for surplus value in the form of ground-rent. For example, landed property under feudalism (and other ‘tributary modes of production’) was based on political coercion and the extraction of surplus through a tribute based rent).

‘historical conditions of existence’ (Capps, 2012b) to develop the broad category of ‘tribal-landed property’ that denotes the elite (chieftaincy’s) capture of property rights from occupants (‘the tribe’) residing on land of interest to mining capital.<sup>6</sup> Aside from a non-private individual performing the class role of landed property, tribal-landed property in South Africa has additional parallels with property relations in EEZ fisheries because the juridical right is mediated by ongoing and multi-scalar social, political and juridical struggles (as discussed in Section 4b below).

So far, this summary conceptualizes modern landed property as a class that is able to extract rent as a re-distributive portion of surplus value. But how does this class capture rent? And what is ‘rent’ in Marxist political economy? Once a landowning class is established, it mediates capital’s access to landed resources, but unlike capital and wage labour, modern landed property exists outside of the process of production (Marx 1981: 776). At the same time, landed property’s legal claim to ‘particular portions of the globe as exclusive spheres of their private will to the exclusion of all others’ allows it to extract a portion of the surplus value created in the production process (Marx 1981: 752, see also 908). In the abstract, this portion takes the form of *ground-rent*, i.e. ‘the form in which landed property is ... valorized’ (Marx 1981: 756).

Central here is that ground-rent is not an ahistorical and ‘natural’ given: it “‘is a product of society and not of the soil” (Marx as cited by Perelman, 1975 703). In other words, ‘natural forces’<sup>7</sup> – whether especially fertile soil, river power or an abundant fishery – enter Marx’s theoretical work to explain how one source of ‘surplus profits’ (those above the system-wide average) are produced and ‘how the laws that apply to industrial capital in general are modified by the existence of landed property’ (Fine, 1979: 242) when surplus profits are captured by landed property in the form of ground-rent.<sup>8</sup> It is precisely the dependency of rent ‘upon historically and socially specific relations between capitalists and landlords’ (Milonakis and Fine, 2009: 67) that means that rent

---

<sup>6</sup> Capps’ category tribal-landed property could be usefully deployed, with the necessary modifications to reflect particular historical and social conditions, to analyze some small scale, coastal fisheries managed as common property and overseen by customary authorities (often social and political elites).

<sup>7</sup> Just like capital appropriates ‘free gifts’ from labour in the form of surplus labour, it also appropriates the free gifts of nature. In the case of fisheries, while it costs money to fish, and these expenses have been the focus of mainstream economics’ calculations of rent, the fish reproduce without capitalist investment. The gift of natural reproduction can be described as an ‘ecological surplus’ (see Moore 2010; and for a partial extension of Moore’s approach to tuna fisheries, see Campling 2012). This article is principally about the state and the politics of property relations in industrial fisheries and cannot engage further with debates on the ‘free gifts’ of nature, fish as a means of production and what this means for ground-rent.

<sup>8</sup> For a theoretical discussion of how surplus profit is produced and then transformed into ground-rent, see Marx (1981: 780-787).



‘is immediately linked to the historical conditions of existence of landed property. Just as these conditions differ so the effects of landed property differ. *There is therefore no general theory of rent, nor can the conclusions reached for one instance in which a rent relation exists be automatically applied to others.*’ (Fine 1979: 248, emphasis added. See also Ball 1980)

In other words, to examine rent relations requires empirical analysis of the specific forms that modern landed property takes in particular places and times.

Marx elaborates different types of ground-rent – all of which are extracted from surplus-profits produced in the labour process and appropriated from nature (Marx 1981: 772). In what follows, we draw upon this typology of ground-rent and elaborate its relevance to the questions we raise in this paper. However, we do not claim that the neat delineation of these categories plays out in empirical settings. We use them here to think systematically about the relationships at play. This effort is an early step in our larger analytical project on property in the sea. Capitalist ground rent originates in legal ownership: ‘For a thing to be sold, it simply has to be capable of being monopolized and alienated’ (Marx 1981: 772, also p. 785). Landed property is able to use legal claim to ‘particular portions of the globe’ to systematically block capital from equalizing the rate of profit (Harvey 1999).

Marx’s category of differential rent I is a development of Ricardo’s theory of rent.<sup>9</sup> It focuses on the natural conditions of land (and other ‘natural forces’) and how they form a basis for ‘the exceptionally increased productivity of labour’ (Marx 1981: 786). Marx argues that rent is *created* not by a natural force alone because natural force ‘has no value, since it represents no objectified labour and hence no price’ (Marx 1981: 787; see Ricardo 1996); instead, in the case of differential rent I, surplus profit

‘is always produced as the difference between the product of two equal amounts of capital and labour, and this surplus profit is transformed into ground-rent if two equal amounts of capital and labour are employed on equal areas of land with unequal results’ (Marx 1981: 788).

Marx also thought that surplus profit could be enhanced relatively through investment, rather than solely being a result of increased labour productivity derived from a natural force. The

---

<sup>9</sup> For Ricardo (1996: 46), rent is ‘that compensation which is paid to the owner of land for the use of its original and indestructible powers’. While Ricardo assumed the qualities of soil are ‘indestructible’, Marx’s study of agronomy and soil science revealed that these qualities are changeable, citing the ‘brutal exhaustion of the soil’ driven down by ‘the entire spirit of capitalist production ... orientated towards the most immediate monetary profit’ (Marx 1981: 756 and 754 footnote 27).



category, differential rent II, arises through different levels of investment in productivity where ‘the variation in fertility is supplemented by difference in the distribution of capital (and creditworthiness) among the farmers’ (Marx, 1981: 815). After such an investment is made, it stays with the land, rather than in the hands of the capitalist.<sup>10</sup> If there are two plots of land of the same quality (differential rent I) and a capitalist farmer invests in, for example, drainage ditches in one of the plots, that plot is more productive. But all of the benefit does not accrue to the farmer. The landlord can capture the surplus profit in the form of ground-rent from the farmer, e.g. next time the land lease is up. As such differential rent II is a major axis of struggle between landed property and capital.<sup>11</sup>

This necessarily simplified overview of categories indicates the complexity of theorizing ‘rent’ not as a technical ‘thing’ to be quantified (as it is in mainstream economics), but as a qualitative relation that is an always-already existing component of the totality of capitalist development.<sup>12</sup> It points to the ways in which ground-rent is a portion of surplus value (extracted from the process of capitalist production) and is the material basis of landed property. As summarized by (Fine, 1994: 279-80):

Rent is a form in which surplus profitability can be appropriated by a landlord, thereby intervening within and influencing the pace and pattern of capital accumulation.

State sovereignty over EEZs provides a particular form of landed property relations over marine resources: a relationship that capital – as industrial fishing enterprises – must engage in order to extract fish to which we now turn. This analysis also raises important questions for food sovereignty around marine fisheries because the principle agent mediating actual and potential access to food is the state.

### 3. Property relations in capture fisheries

Conceptual confusion over fisheries property rights has underwritten the apparent urgency to create and strengthen property systems, including an emphasis on the creation of *private*

---

<sup>10</sup> ‘[T]he land bears the rent not because capital has been invested in it but rather because the capital investment has made the land a more productive field of investment than before’ (Marx 1981: 880)

<sup>11</sup> One of Marx’s major extensions of Ricardo’s theory of rent is to demonstrate that delineating between the two types of differential rent is impossible in practice because they interact with each other rather than simply being additive (e.g. a capital investment in the form of differential rent II might serve to enhance differential rent I) (Harvey 2006, 354-7). As a result, it is impossible to distinguish between the two in the empirical measurement of actual ground-rent (lease price).

<sup>12</sup> It is important to note that while in theory these three types of rent can be delineated, in practice, actual payments by capital to landed property may include more than surplus profits. For example, actual payment of ground-rent can contain ‘foreign component[s]’ such as a landlord’s capture of a portion of the average profit and/or of normal wages. Marx uses the category of *lease price* to indicate these phenomenal possibilities (Marx 1981: 763).

property rights (A/67/268, 2012; Bromley, 2008a; De Schutter 2012; FAO 2012, World Bank, 2009).<sup>13</sup>

### 3.1 *The orthodoxy*

Today, the dominant approach to fisheries management centers on codifying and deploying 'rights' to create incentives for economically 'efficient' production practices; in theory, economically efficient practices will yield environmental benefits by creating long-range incentives for holders of fishing rights. This orthodoxy emerged from a management debate in the post- World War II era: fisheries biologists proposed management tools aimed at generating the biological objective of maximum sustainable yield (MSY). To achieve MSY, proposals recommended limiting total catch. Economists criticized this framing focusing on the fish, rather than fishermen and the economics of the fishing industry (Scheiber and Carr, 1998). As an alternative, beginning in the 1950s, economists began promoting regulatory tools able to limit entry into a fishery by creating and allocating durable fishing rights. According to Gordon (1956, cited in Scheiber and Carr, 1998 31) – a founding figure in modern fisheries management orthodoxy – 'unlike the biologists, ... the objective was not to benefit the fish, or the biologists, or the fishermen, but the economy.' For the economists, the first step was creating property in fisheries systems; later, trading mechanisms, such as individual transferable quotas, were introduced to create markets for fishing 'rights' on the grounds that creating a quota that a vessel owner or interest can own *and* trade provides fishermen with a property right in the resource itself. In this vision, before the advent of property allocated to industry, there were no rights, an approach that fails to recognize the state as having the authority to establish quota systems in the first place (see below).

The logic behind this approach, now dominant, is that holding a right enables fishermen to select lower cost fishing methods, adopt technologies that can reduce efforts and improve efficiency and profit for fishers and to be compensated for leaving a fishery (Christy, 1973). Rather than having an objective focused on fish stock size, such 'rights based management' approaches that are the conceptual foundation of the World Bank and a wide range of international organizations (including the UN, environmental NGOs like WWF, and philanthropic organizations increasingly playing a key role in funding management reforms) aim at the realization of maximum economic gains created from a fishery. Notably, within this nexus, the particulars of fish as food are not explicitly planned or debated; instead, increasing efficiency becomes a means to socially optimal ends that come about through the mechanism of economic efficiency.

---

<sup>13</sup> On conceptual confusion on property rights regimes and natural resources in general, see: Schlager E, Ostrom E, 1992, "Property-rights regimes and natural resources: A conceptual analysis" *Land Economics* 68 249-262

The foundations of today's management orthodoxy are an attack on open access conditions – the lack of legitimate, recognizable and enforceable property rights – that predates Hardin's (1968) tragedy of the commons thesis by 14 years. Gordon (1954) defined overexploitation of fisheries resources as a problem that stems from the fact that open access resources yield no economic rent. By contrast, a fishery governed by a property regime can be managed to produce maximum net economic yield – a neoclassical definition of natural resource rent – and in turn, maximize efficient and socially optimal use of resources. This position defines rent as the difference between marginal costs and revenues. Maintaining a Ricardian approach, Gordon (1954) sees variation in rent as a reflection of the productivity of a fishing ground relative to others. Under these conditions, without property rights, the fish left uncaught have no value to the fisherman because they could be caught by another, resulting in the competitive race for fish, which further erodes rents through over-investment in fishing effort. The logic follows that the act of withholding fishing today and leaving fish in the sea for the future is an investment that can only pay off if the fisherman has some form of property rights relating to future fishing effort. The ability to gain returns on the investment of leaving fish in the sea hinges on the ability to exclude others from extracting the resources. These ideas reflect conceptions of property that are linked to physical things (e.g. the fish themselves, or spatial designations of land or sea), providing the conceptual justification for designating property rights based on the proportion of fish (quotas) or spatial areas (territorial use-rights) and incrementally moving towards more 'complete', private rights. In these framings, generating the greatest rent (defined from a neoclassical perspective) is assumed to be the best outcome, and thus, the objective of any institution. This is because lost rents drive overexploitation, while maximizing economic returns relative to investment in the long run provides incentives for curbing fishing effort. These approaches do not entertain social goals beyond economic efficiency, relying on the assumption that economic efficiency generates socially desirable conditions associated with stimulating productivity and limiting waste.

Chief among the institutional players steeped in this orthodox approach to highlighting the economic and ecological significance of fisheries is the World Bank, which has developed an economic lens focused on 'rents' in fisheries to define the crisis and its solution. In a 2009 modeling exercise that has become the foundation for a swathe of new fisheries reform projects,<sup>14</sup> the Bank quantified potential and actual economic rents in marine fisheries sectors (World Bank, 2009). The analysis is guided by an extension of what the Bank calls 'economic rents in the traditional (Smith-Ricardian) sense' (pg. 59, fn 4). Echoing Gordon (1954), the Bank defines rent as equivalent to 'net economic benefits', and lost benefits as the difference

---

<sup>14</sup> These figures have become the foundation for the Bank's 2012 launch of the 'Global Partnership for the Oceans', an alliance of hundreds of government agencies, international organizations, civil society groups and private sector interests formed to address threats to the health, productivity and resilience of the world's oceans.

between the potential and actual net benefits. Accordingly, the analysis offers an ‘economic justification for fisheries reform’ by demonstrating that lost economic benefits in fisheries are around US\$50 billion annually, making the economic contribution of marine capture fisheries substantially smaller than it could be. In the aggregate, current practices in fisheries have drained trillions of dollars from the global economy over the last 30 years. The World Bank attributes these lost economic benefits – lost rents according to their definition – to two interrelated factors: depleted fish stocks and massive fleet over capitalization in which too many fishers are chasing too few fish (World Bank, 2009: xix).

How, then, to combat these two rent-depleting factors? Though the size, scale and structure of fisheries systems are highly diverse, the World Bank uniformly ties its problem definition and solution to the state. On the former, the depletion of a nation’s fish stocks constitutes a loss of the *nation’s* stock of ‘natural capital’, and thus a loss of *national* wealth. On the latter, recovering and capturing lost rents is also to be a project of the state. According to the report:

‘Most marine wild fisheries are considered to be property of nations. Governments are generally entrusted with the stewardship of these national assets, and their accepted role is to ensure that these assets are used as productively as possible, for both current and future generations. ... The scale of these losses – the sunken billions – justifies increased efforts by national economic policy makers to reverse this perennial haemorrhage of national and global economic benefits’ (World Bank, 2009: 50).

The state is seen as responsible for restoring an economic logic to the fishing sector and strengthening property relations – particularly by developing *private* property rights – is the most critical reform for stemming fisheries crises and capturing lost rents (World Bank, 2009 xxi). This is because ‘the “tragedy of the commons” suggests that where forms of open access persist (which is the case in many of the world’s fisheries), profits will be dissipated’ (World Bank, 2009 38). In this vision, billions in lost ‘economic rent’ will be gained globally if states clearly define and strengthen property relations, and manage them so that ‘biomass (the fish stock) and the capital stock (fleet) are in equilibrium’ (World Bank, 2009 40).

Imprecision around the definition of property is rife in this narrative. The World Bank (2009) at once defines fisheries as property of nations (pg. 50), as operating under open access conditions (i.e. no one’s property) (pg. xxi), and as being explained by the tragedy of the commons in which forms of open access persist (suggesting that common property and open access are the same thing) (pg. 38). This confusion over property in fisheries management narratives is a common problem, but it is notable that the Bank reconciles conceptual

inconsistency through a particular lens of ‘governance’: states have failed to act on their control over fisheries as property, and in doing so have contributed to the fisheries crisis by creating *conditions* of open access.

### 3.2 *An alternative approach to the state and property in marine fisheries*

The approach to understanding property forms, rent and its class relations that we outlined in Section 2 is in stark contrast to mainstream economist-driven accounts of EEZ fisheries, including that informing the World Bank’s depiction of the fisheries crisis. This point has not gone unnoticed: while not using Marx’s categories, legal scholar (Bromley, 2008b) laments that models and policy prescriptions in fisheries economics fail to account for absolute rent, and he argues that this analytical gap is significant in both explaining and correcting the fisheries crisis. He argues that, ‘Just as the owner of agricultural land is paid rent by a tenant, the owner of the wealth of ocean fish must be paid for surrendering those fish to the private sector’ (2008b, pg. 43). He notes:

‘the standard narrative fails to tell us whether or not fishing firms are actually paying the owner of the fish for the benefits received by firms harvesting our fish and then selling them on the market. Of course, fisheries economists feel no need to raise this little detail, because they apparently believe – after approximately three decades of state property under EEZs – that no one owns the fish until those critters have been captured’ (pg. 41).

Likewise, Reiser (1997) points out that while a transferable quota of limited license system includes exclusivity rights and alienation rights, management rights remain vested in the government. Writing from a legal perspective, she defines quotas as usufruct: the right to use and enjoy the profits and advantages of something belonging to another. Because quotas are usufruct, she argues, they reduce the right holder’s incentive to invest in the resource for the long term or to ameliorate rent-seeking behavior of rights holders, such as battles over catch limits or attempts to gain entry.

Despite that Bromley (2008b) and Reiser (1997) highlight an unacknowledged ‘ownership’ relation in fisheries that underlies the formation of quota or private property systems, both analyses analysis, like that of the Bank, lack systematic treatment of the role of the state in relation to fisheries property or to rent extracting activities. This gap, along with the World Bank’s assertion that state property is only ‘efficient’ when it is used to develop private property, ignores that states are economic actors in EEZ fisheries. EEZ fisheries are not a commons. Despite the terminology of ‘tragedy of the commons’, in the absence of a legal

conception of property instituted by the state, fisheries are an open access resource: no one's property.

From this starting point, efforts to define property in the sea must be understood as elite projects associated with territory making and unmaking; examples from processes of early state formation in Europe are illustrative. The ascendancy of sea tenure between the thirteenth and seventeenth centuries, including principles of exclusivity, demonstrates that rights in the sea reflect the power that certain groups and individuals have over others' ability to access resources. In parts of Europe in the middle ages, feudal law determined marine tenure practices and feudal social relations bestowed ownership and use-rights for salmon, whales, bluefin tuna and other valuable species (Cordell, 1989; Howard, 2012; Longo and Clark, 2012).

Despite this, Grotius' work in the early seventeenth century is most commonly marked as the beginning of the struggle over property relations in the sea. His proposal in *Freedom of the Seas* was an attempt to ensure open access conditions across the oceans to support the Dutch capitalist trading regime against rival European states gaining control of shipping lanes. As part of this effort, Grotius maintained that fisheries were, in principle, inexhaustible and should be open to all peoples; an assertion that was part of a larger attempt to counter increasing English appropriation of herring fishing grounds (Grotius, 1916). In the seventeenth century, major fishing nations – England, France, Spain, Portugal and the Netherlands – were propelled into marine boundary contests that have left lasting geopolitical legacies (Cordell, 1989). In short, by the time Grotius was developing his treatise on property in the sea, pressures to define limits, use-rights, territory and ownership of the oceans were deeply entangled with the development of emerging trade patterns, shipping lanes and geo-political influence in the emerging world market of early capitalism.

The long process of creating property relations in the sea is most recently marked by the largest single enclosure in history: global recognition of state-sovereignty over exclusive economic zones (EEZ), the 200 nautical miles of waters extending from coastal states' shores. In the 1970s, large numbers of individual states' began to declare their EEZs and later this customary law was institutionalized in international law when most states ratified the 1982 United Nations Convention on the Law of the Sea. Since this legal definition took hold, EEZ fisheries must be understood as state property. This is because UNCLOS instills state sovereignty over national EEZs and the resources in them by recognizing a series of rights that individual states have over fishing activities, including for example, the right to: charge access and fishing fees (rent) to fishing firms, to define the conditions of production (i.e. resource management) and to prohibit or exclude fishers (see below). Since property is not a 'thing' but is a bundle of rights, these sovereign rights mean that EEZ fish are state property.

Clarifying that EEZ fisheries are state property is not to belie the technical complexity of creating, implementing, allocating and enforcing property relations in fisheries systems, complexity that emerges in part from the material characteristics of fisheries. The lack of geographic boundaries in the oceans and the inability to fence-off individual fish makes it difficult for states, firms and fishers to translate sovereign control over fisheries into territorially-based, authoritative relationships. It is instead to clearly identify that EEZ fisheries *are* state property regimes; this is a nuanced, though important, distinction from the World Bank's formulation that state sovereignty over resources is not efficient nor sufficiently powerful until deployed to create the institutional arrangement of *private* property.<sup>15</sup>

Overall, then, the major trend in marine fisheries for hundreds of years has been towards enclosure of open access regimes. This has been far more significant in ocean management than the polemic that 'open access' – or the lack of property relations – is both rampant and the primary driver of problems in fisheries systems, though several have noted that historical property relations in fisheries have been designed as strong, weak, private or open access according to the interests of the group doing the defining (Cordell, 1989; McCay, 1981). Therefore, overfishing, which intensified and spread with the increasingly industrial techniques and technologies of the 1950s onwards, has not occurred in the absence of property relations, but in their presence. According to (Mansfield, 2008), policy makers, though aware that fisheries are state property, generally have not treated them as a part of any property relation until *private* property regimes (and their particular relations) began to be applied in the sector. This is because in the liberal economic paradigm, state property does not create the same kinds of individual incentives for profit, rewards for stewardship and mechanism for improvement as does private property. In this vein, state property is not ignored, but is at best seen as a step toward 'real' (private) property rights, and at worst as a cover for open access (Mansfield, 2004).

In the case of the EEZ, the long history of negotiating national sovereignty over ocean spaces has created a social relation in which industrial fisheries are state property regimes, but within

---

<sup>15</sup> This paper focuses on industrial fisheries in the EEZ, rather than fisheries within 12 mile territorial waters, but it is worth noting that questions around property relations in coastal and small scale fisheries are equally contentious, important and part of the broader narrative of weak governance in fisheries. But again, these dynamics ignore that common property regimes are well developed in small scale fisheries. The often ingenious solutions to the spatial challenges of managing what are in fact common pool resources in coastal environments have been well documented. See e.g.: Cordell J, 1989 *A Sea of Small Boats* (Cultural Survival, Cambridge) Ostrom E, 1990 *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge University Press, Cambridge).



which the complex roles and multiple logics of states have largely been elided unsystematically into the story of fisheries crisis.

These clarifying points on property in the sea better equip us to explore the property-rent nexus so critical to the contemporary political construction of the fisheries crisis. We do not see property as a static ‘thing’, but a bundle of rights that is implemented and conferred by social relations and that changes over time (MacPherson, 1983). In the case of industrial fishing within EEZs, the starting point for understanding property, as duly noted but insufficiently conceptualized by the World Bank, is the state. To contribute to addressing this gap, and to heed calls for more attention to the conceptual confusion regarding property in the oceans, we return in the next section to the category of ‘modern landed property’ outlined in Section 2. We use the category to think through the ‘purely economic’ role of the state in EEZ property relations; in doing so we begin to unpack the multiple roles that the state simultaneously plays in fisheries systems, such as manager, regulator, and, in the case of state-owned enterprises, capitalist. Our hope is that the lens of modern landed property offers a fresh prism with which to view and analyze the role of the state in industrial fisheries systems and, in turn, can better reveal some of the underlying relations at play.

In the following section, we approach the state as performing the role of modern landed property in EEZ fisheries, and explore what we can learn about rent and the politics of property by looking through this lens. Throughout we denote the specificities associated with the fact that unlike mineral deposits, fish are a resource that is renewable, but exhaustible and that move within their biologically specific geographical range (Campling, 2012b) – material factors that influence the form that property relations and struggles over rent take.

#### **4. Modern landed property in industrial tuna fishing**

This section investigates the powers and capabilities of the state as landed property in industrial tuna fisheries at the national scale (within EEZs) and international scale (following the fish as they move between and outside of EEZs). Our objective is to illuminate how states act as landed property, the struggles associated with this role, and (subsequently) how the bundle of rights associated with property are shaped and tempered by actually existing capitalism.

This narrative draws attention to property as a site of social struggle. Whether retaining control over fisheries property relations or using them to create and deploy private property regimes, states do not act solely as functional rent maximizing agents, and are unlikely ever to do so. Instead, states are active players in struggles over the creation and distribution of surplus value from the production of fisheries commodities, and are deeply involved in a range of tensions

associated with mediating domestic and foreign interests and the relations among them. These tensions stem from the fact that as modern landed property in fisheries systems, states sit at the nexus of, among many other things, rent extraction and the struggles around it, geopolitics, resource management, industry regulation and capitalist production. The relations that unfold help us to understand dynamics in fisheries as social struggles, rather than a function of ‘weak governance’ and illiberal property regimes.

Section 4a briefly illustrates, in idealized form, ground-rent as it applies to tuna fisheries. We do not attempt to quantify differential rent I and II (see above); instead we treat this outline as an exploration of potential sites of struggle over surplus value and capture in EEZ fisheries and how these are mediated by property relations. In section 4b we demonstrate complications of modern landed property’s management of rent relations by highlighting examples of antagonistic relations between capital and landed property over surplus value capture. Together these sections suggest the naiveté of imploring states to promote good governance by instating and enforcing idealized private property relations, and the limitations of proposals for ‘equilibrium’ conditions and ‘rent maximization’ in EEZ fisheries.

Our analysis is a preliminary attempt to think through the problem of state property in the sea. We do not claim that the relations at play in the tuna sector can be generalized to all marine fisheries, and methodologically, the category of modern landed property cannot simply be applied or overlaid onto a fishery as blueprint theorization. Instead, the category itself needs to be worked through the ‘historical conditions of existence’ (Capps 2012b) to illuminate the relations at play. The examples that we offer do not always fit neat into the categories we use to describe them, in fact the ways that they defy neat categorization help to illuminate and complicate state-property relations.

#### *4a. Exploring modern landed property in the exclusive economic zone*

The historical development of property relations in the sea differs from that on land. On land, prior to the transition to capitalism, feudal property relations governed land use access and practices, while in the sea, property relations beyond a few miles from shore were not defined (see above). The formation of the 200 nautical mile exclusive economic zone was a politically contested and historically specific moment in which coastal states assumed the role of modern landed property and new possibilities for ground-rent extraction were created almost overnight across the global oceans. At its outset, the relations among types of rent immediately assumed a combination of forms in different places. Here we separate them for the purposes of analysis, noting that in practice maintaining the separation between them is an empirical impossibility.

Under open access conditions there is no actor assuming the role of modern landed property, thus there is not potential for the capture of ground rent and this portion of surplus value is captured as surplus profits by fishing enterprises. Coastal states' began independently declaring their EEZs in the 1970s, efforts that culminated with the 1982 conclusion of UNCLOS (Figure 1). The development of property relations through the EEZ – an 'alien force' that disrupts the movement of capital in the sea – marked the possibility of states capturing ground-rent. This primarily comes in the form of an access payment – a fee that firms pay to access and fish in a state's EEZ (see below). Following UNCLOS, the struggle over surplus profits was no longer exclusively between capitalists.

To an extent, EEZ declarations contributed to 'Third Worldist' demands to correct asymmetry in the world economy, and are often included as a part of the 1970s call for a New International Economic Order and assertions of 'resource nationalism' (Campling, 2006; Schurman, 1998). UNCLOS was seen as an institutional mechanism with the potential to coordinate a substantial redistribution of the value of natural resources from historically dominant distant water fishing fleets (primarily from the global north) to developing country interests (Copes, 1981; Pontecorvo, 1988). It had two major implications for tuna fisheries. First, countries declared sovereignty over upwards of 90 percent of the planet's tuna stocks in the largest and most rapid series of state-led enclosures in human history. Second, newly established sovereignty over these waters gave coastal states a juridical basis as modern landed property: suddenly, states were able to extract ground-rent from industrial fishing capital where previously, industrial capital undertook tuna fishing without any regulation or payment of rent.

Industrial EEZ fisheries are not only an example of the historical and institutional specificity of landed property but also show *how* different kinds of rents are entangled in practice. Differential rent I highlights that different parcels have different conditions that make them relatively more or less valuable, including natural conditions that impact relative labour productivity compared to an otherwise equal parcel. The capitalist fishing enterprise is paying the state ground rent for the right to access a parcel of the ocean and extract the resource. But unlike agricultural land, mining and forestry, the resource moves between 'landowners', making calculations of different rent I particularly complex.

As discussed above, the environmental conditions of production in tuna fisheries shape the modes of existence of rent. For example, Figure 2, a stylized annual migratory pattern of tuna populations in the Indian Ocean, shows that tuna pass through the EEZs of Mauritius, Seychelles, Madagascar, Comoros and several other coastal and island territories on their annual migratory routes. As a result, differential rent I available in a given state's EEZ varies month by month, and often year by year. Some states are able to negotiate consistently higher

rents because of the sheer volume of species movement through national waters through the year (e.g. Seychelles). Rates of rent extraction are dependent upon a wide range of human, oceanographic, climatic, etc., variables which can be environmental and cyclical (e.g. El Niño) or anthropogenic (e.g. prior catch intensity). But, given the institution of the EEZ, capitalists seeking access to tuna fisheries must enter into access relations with a number of different national 'landlords' in the Indian Ocean in order to be continuously productive throughout the year (i.e. maximize profitable investment in and rate of exploitation from constant and variable capital).

Differential rent II denotes that surplus profits can be *enhanced* through investment, rather than only being a function of especially high labour productivity generated in concert with some 'natural force'. But what kinds of investments are available in EEZ fisheries, and do these constitute permanent investments in ocean 'property'? Which actors capture value from such investments, and do they serve to augment or diminish rent in the short and long term?

Industrial fishing capitalists make investments in the landlord's property.<sup>16</sup> Fish aggregating devices (FADs) are a form of (fixed) constant capital that depreciates over time. Fish are naturally attracted to floating objects in the water, so industry have developed and deployed thousands of FADs that are tagged with GPS devices so that they can easily be located, and with sonar that can detect the size of the school that has aggregated under the device. When a large enough school has aggregated, the vessel that has deployed the FAD will return and set a net around it. These investments are designed to enhance the productivity of tuna extraction and capture of (surplus) profit in fishing zones in which they have paid an access fee to fish, if not the long-range productivity of the property. This technique increases the productivity of fishing firms (catch per set of net), a fact that explains its rapid and extensive adoption. In the Western and Central Pacific, the largest tuna fishery, between 60 and 70 percent of all catch in the sector is now taken on FADs (Miyake et al., 2010). In sum, the landlord (the state) can extract more rent from the EEZ when FADs are established because productivity is temporarily increased.

Meanwhile, a state's investment in its EEZ reveals the multifaceted role that modern landed property can play as both resource manager and landlord in industrial fisheries. For example, states invest in a range of fisheries management interventions to enhance the value of their resources in the face of extractive pressure, investments such as the creation and enforcement of fishing regulations like limits on particular gear types, fishing effort, and the creation of

---

<sup>16</sup> Fishing boats and gear are investments in the means of production rather than investments that enhance the productivity of the fishery. They are investments in extraction, rather than in enhancing the conditions for extraction.

marine protected areas where fishing activities are banned or limited on a seasonal basis to protect fish populations and ecosystems. States also invest in monitoring, control and surveillance in the form of patrol vessels, and increasingly, satellite or radio based vessel monitoring systems that track the location of fishing vessels.

But state investment in the property that is home to a resource that moves, and that can be depleted, generates tensions for landed property. For example, if one state invests in protecting spawning grounds for tuna, boats active in other waters (including the high seas, where no landed property exists) can benefit from the enhanced productivity of the fishery (i.e. more fish) without paying ground rent to the initial state. Likewise, fishing and licensing practices in one EEZ, can affect productivity in another. Conversely, capitalist investment to enhance profits such as investment in FADs, potentially harms the reproduction of tuna populations in the long term, ultimately diminishing potential surplus value available to capital *and* landed property: fish caught on FADs are often smaller than fish caught without the use of FADs, and the incidence of catching non-target species also increases on FADs. To counteract the potential long-term ecological damage of FADs in the Western and Central Pacific Ocean, eight Pacific island counties use their capabilities as modern landed property: they have implemented an annual three month ban on the use of FADs (PNA, 2010).

Figure 1: Global EEZs

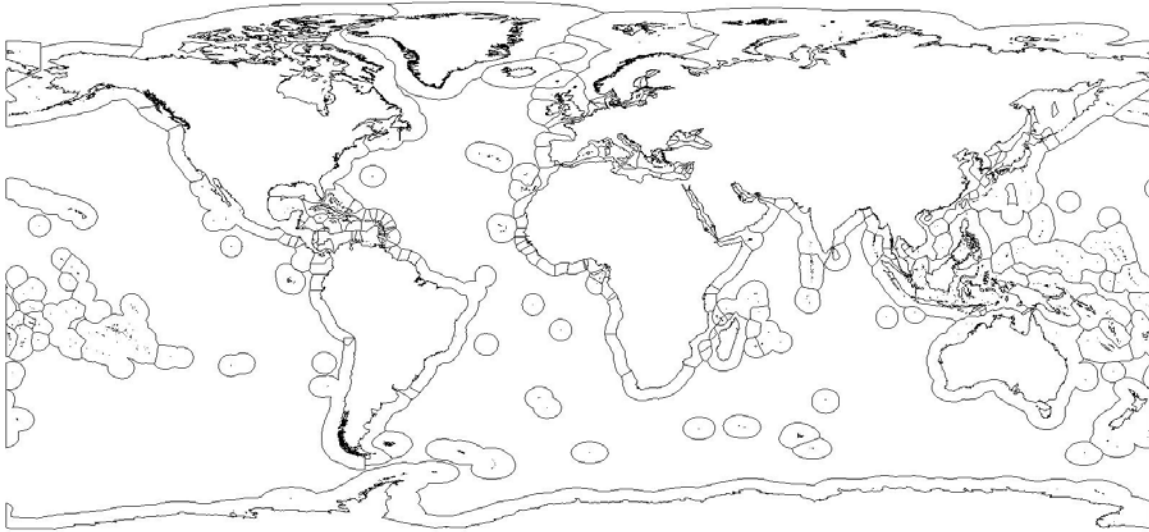
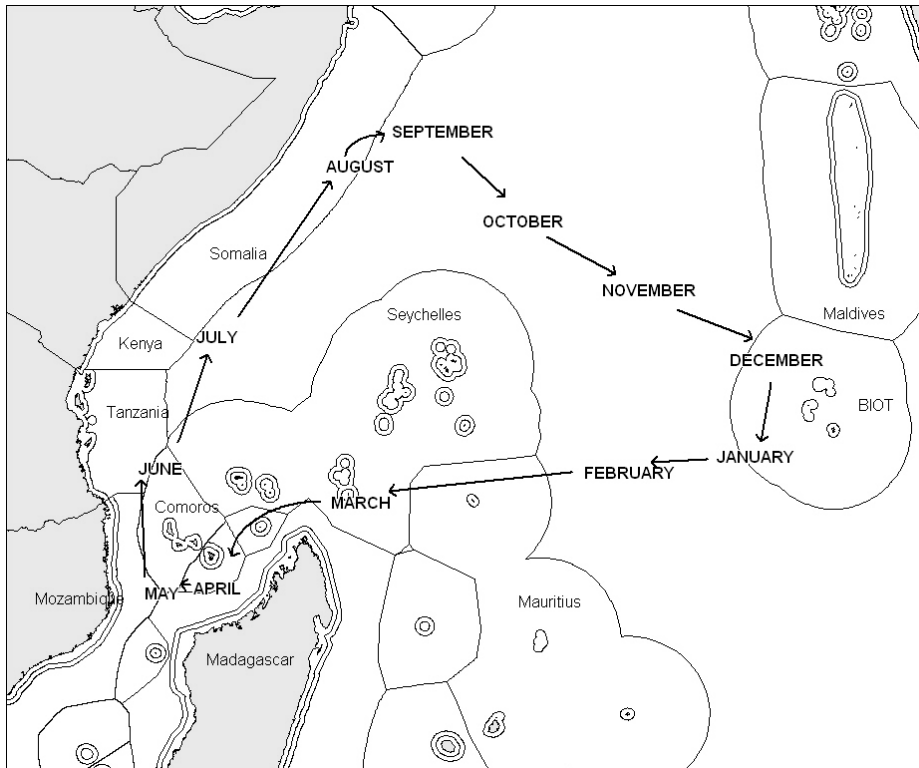


Figure 2: Annual migration of canning grade tuna species in the Western Indian Ocean



This section has offered a counterpoint to the Bank’s (2009) stated ‘Smith-Ricardian’ definition of rent in fisheries as measurable ‘net economic benefits’ (pg. xix). Instead it illustrates how the institutional realization in the form of the state of modern landed property over EEZs is the

basis for struggles over the appropriation of surplus profit. These in turn shape the socio-ecological conditions of industrial fishing.

#### *4b. Capital-landed property relations in EEZ fisheries*

It is no surprise that initial optimistic assumptions about the institutionalization of EEZs and the potential for coastal developing state appropriation of ground-rent were quickly complicated by economic and political power, ‘variables that critically mediate the relationship between property rights and income distribution’ in the sector (Schurman 1998: 133). In this section, we offer examples of how efforts by landed property (coastal and island states) to capture and regulate rents are one piece of a broader struggle over surplus value in the EEZ and beyond. The appropriation of nature in capture fisheries is mediated through rent relations marked by struggles between capital and modern landed property. These are evident in 1) the geo-economic and political power of states representing (and in some cases heavily subsidizing) the profit-seeking interests of industrial fishing enterprises, and 2) coastal states’ relative abilities to maximize extraction of ground rent as they relate to the difficulties of determining and realizing property relations over a mobile resource in the sea. The following discussion reveals that the current status and dynamics of tuna fisheries are a product of four decades of struggle over control of property and rents that play out simultaneously in international, national, public and private forums.

#### *Example 1: Struggles over surplus value in tuna access arrangements*

Identifying, much less measuring, the exact sources of coastal state revenue captured from industrial fishing in the precise terms of the category of ground-rent is fraught with problems. As discussed earlier, rather than being wholly generated through ‘pure’ ground rent in practice, access revenue could be being squeezed out of wages, the result of redistribution through government subsidies, and/or be increased or eroded by global competition as reflected in fish or fish product prices. However, this section makes clear that individual coastal states actively deploy their sovereignty to shift the struggle over surplus value in their favor. Individual coastal and island states provide (largely) foreign capital access to their fisheries resource through fishing access negotiations in return for direct and indirect revenue. In this process, foreign states often intervene to negotiate (i.e. limit) the terms and extent of rent extraction on behalf of their ‘national’ capital.

In the early period following the recognition of EEZs, coastal states’ ability to capture ground rent in access negotiations was largely overwhelmed by the economic and political power of industrial fishing capital (Schurman, 1998). From the outset, foreign firms and states far more experienced in international negotiations than developing coastal states pursued a range of strategies to secure access under the new property regime. Distant water fleets kept the terms



and conditions of access negotiations highly secretive and sought to play individual coastal states off of each other to secure the most favorable terms of access. To support access negotiations for ‘their’ distant water fleets, foreign states historically and presently pay a portion of the access fee on behalf of ‘their’ industrial fishing capitals. For example, the EU engages in direct bilateral government-to-government tuna access negotiations with African states on behalf of (largely) French and Spanish fleets. The EU directly and heavily subsidizes these agreements. The US state has a multilateral access agreement with 14 Pacific island countries where subsidies to US flagged vessels are disguised behind complex layers of legal agreements. Japanese industry associations enter into agreements with coastal states, but Japanese government agencies, present and active in negotiations, formally and informally couple aid to access negotiation outcomes (Campling, 2012a; Havice, 2010; Havice and Campling, 2010).

Coastal states have drawn from the class position of a ‘landlord’ to confront the hierarchy of states and corporate power in the negotiation of these arrangements. In the first instance, coastal states have decisively allocated tuna use-rights (e.g. an annual vessel license or a number of fishing days), rather than a durable private property right to a fishing interests. This is not because they are illiberal actors, as suggested by the Bank, but because they seek to retain and increase control over fishing rights, and the associated rents, rather than to permanently pass them off to be accumulated by foreign industry as surplus profit.

Over time, coastal states have deepened their understanding of their individual and collective bargaining power as modern landed property to strengthen the terms and conditions of access agreements. Seychelles, for example, individually ratcheted up its demands on distant water fleets as the significance of the fishery in its EEZ became clear through the 1980s and into the 1990s (Campling, 2012a). Others engaged in cooperative strategies to improve their individual control over the tuna in their waters. In 1979, the independent Pacific island countries formed the Pacific Islands Forum Fisheries Agency (FFA), an intergovernmental organization devoted to strengthening national capacity and regional solidarity so its members can control and develop tuna fisheries to their benefit. FFA not only offered technical assistance to Pacific island states seeking to establish their EEZ, but in the early days of access negotiations, provided a venue for information sharing and technical assistance that eventually helped each state improve the terms and conditions of its access arrangements (Hyndman, 2005).

In each case individual coastal states deployed their position as modern landed property vis-a-vis industrial capital to capture an enhanced share of surplus value. One rough proxy for coastal state capture of rent in access agreements is the rate of return on the landed value of the fish catch, a common metric used in negotiating such arrangements. In industrial tuna fisheries in

the Western and Central Pacific region, this increased from around 3% in the 1980s to over 10% in the 2010s as a direct result of coastal states realizing the potential of their sovereignty in the context of changing world-market and environmental conditions (Havice, 2013). Coastal states' ability or inability to capture or increase their portion of surplus value over time indicates that resource access relations are a site of struggle among states and firms.

*Example 2: Environmental conditions of production and negotiated sovereignty*

The ecological characteristics of tuna – that they are a highly migratory species whose migratory patterns geographically transcend any single state's jurisdiction – mean that multiple states can claim an interest in individual states' sovereignty over their EEZs. This shapes, and offers the potential to both erode and augment, the powers that individual states confer through sovereignty, and in turn, the ways that modern landed property affects capitalist accumulation in the oceans. In practice, this yields what we refer to here as 'negotiated' national sovereignty: an ongoing, inter-state, political process of determining the bundle of rights associated with sovereignty. Three historically sequential examples are illustrative of the relationship between the environmental characteristics of the resource and negotiated sovereignty.

First, conflicting approaches to sovereignty over, and management of, highly migratory species – especially tuna – were a central challenge in UNCLOS negotiations (Carr, 2004). On one hand, distant water fishing nations (DWFNs) argued that because highly migratory species move from one country's EEZ to another (as well as into the high seas) no single state has sovereignty over them. Building from this logic, they argued that access to highly migratory stocks should be open to all. On the other hand, developing coastal states argued that they had sovereign control over any fish while in its EEZ (Joseph, 1977 280). Perhaps the most dramatic example of how these tensions played out comes from the US, whose fleet was one of the pioneers of industrial tuna fishing in both the Eastern and Western and Central Pacific regions. The US opted out, and to date is still not a signatory, of UNCLOS. In the early 1980s, part of its reluctance to join UNCLOS had to do with its refusal to accept coastal state sovereignty over highly migratory tuna stocks. But how then could its large fleet retain access to tuna fishing?

At first, the US state blatantly rejected the UNCLOS principles of state sovereignty accorded in Part V of the Convention. The US used its geo-economic and political power to contest coastal states efforts to charge US tuna vessels access fees and to regulate their fishing activities, arguing that coastal states did not have authority over highly migratory tuna stocks (Kronmiller, 1983: 2) Coastal state apprehensions of US vessels fishing without payment did little to deter the fleet because the US government reimbursed all of the expenses incurred by the 'illegal' seizures of the US vessels. The 1967 Fishermen's Protective Act (US Code, vol. 22, sec. 1971 et

seq) provided the legal basis for the US government to pay any penalty that was imposed on a ship owner. Furthermore, the value of this penalty was subtracted from the sum of any foreign aid that would have otherwise gone to the coastal state (Van Dyke and Nicol, 1987 US Code, vol. 22, sec. 1975). The ‘Pelly Amendment’ prohibited the US from providing defense assistance to any country that seized or fined a US vessel for fishing beyond twelve miles from its coast (Hollick, 1981; Section 3, P.L. 90-629, 82 Stat. 729). The US only backed down and began to respect the EEZ when Kiribati threatened to lure Soviet fleets into its waters in the height of Cold War politics: this geopolitical moment formed the basis for the multilateral treaty noted above (Doulman, 1986; Havice, 2009).

Second, UNCLOS requires that state sovereignty over highly migratory species like tuna is realized through *cooperative* management among ‘resource owning’ coastal and island states, and ‘resource using’ distant water fishing states (UNCLOS Article 64 and 65). To comply with this requirement, the UN adopted the Fish Stocks Agreement in 1995, which outlines guidelines for creating regional fisheries management organizations (RFMO). In these organizations, coastal and islands states *jointly* determine management provisions for highly migratory stocks; provisions that often apply both to the high seas (open access areas of the ocean that are unregulated and in which vessels do not have to pay to fish) and *inside* EEZs.

In the Western Central Pacific, Pacific island countries safeguarded their sovereignty with the passage of a provision in the RFMO Convention that all agreements were to be undertaken ‘without prejudice to the sovereign rights of coastal states for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks within areas under national jurisdiction’ (Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean 2004, Article 10(1)). But Pacific island state sovereignty remains up for negotiation. For example, catch *allocation* decisions, as well as conservation mandates are made by consensus among RFMO members, suggesting that Pacific island countries can be subject to RFMO decisions when deciding on fishing practices in their own waters (Havice and Campling, 2010).

Inter-state relations don’t only serve to constrain sovereignty, they can also be deployed to strengthen the power of the state in its function as landed property vis-à-vis capital. For example, in the 2000s, a group of eight neighboring Pacific island countries used their role as landed property inside their sovereign waters to reconfigure property relations *outside* of them. These island states pooled their sovereignty over adjacent EEZs that span the migratory route of tuna to block industrial fishing effort in pockets of the high seas nestled between their interlocking EEZs. Blocking fishing in the high seas pockets redirects fishing effort into their EEZs where they can charge for and regulate fishing (Havice, 2013). Industrial fishing capital has

complied with this requirement to retain access to in-EEZ fishing, without which no fishing enterprise in the region could survive commercially as it could not ‘follow the fish’. This is an example of state property rights being pooled at the regional level and leveraged to extend control of ocean use patterns outside of national jurisdiction. Together, these three examples illustrate the contested nature of the exclusive economic zone as ‘pure’ private property, including the importance of unequal geo-economic and political power in the system of states (‘between equal rights force decides’). They also indicate the need for sensitivity to the particular characteristics of the resource and how these material factors influence the form that property relations and struggles over rent take.

## 5. Conclusion

Questions of property and rent have long been at the heart of analyses of the growing fisheries crisis. In the mainstream analyses of fisheries that are dominant in fisheries policy debates, when states do not instate private property systems, they are responsible for creating conditions of open access, which in turn, skew rent relations and drive overexploitation and socioecological crisis. Yet, conceptual confusion over property relations in fisheries is rife, and the fact that EEZ fisheries are state property is generally ignored in favor of conceptualizing private property as the only valid property relation. Within this nexus, though maximizing ‘rent’ is often deployed as a chief justification for calls for reforming fisheries management and privatizing fishing rights, definitions of rent in fisheries and explanations of how it is created, and which actors can access it – and how – are rarely explicit.

In the case of the EEZ, the long history of negotiating national sovereignty over ocean spaces has created a social relation in which industrial fisheries are state property regimes, but within which the complex roles and multiple logics of states have largely been elided unsystematically into the story of the fisheries crisis. Recognising the historical contingency of modern landed property, our account hinges on the institutional form of state sovereignty over property relations in the sea: the EEZ. We have argued that state property rights over marine resources in these waters can be understood as fulfilling the class role of modern landed property vis-à-vis industrial fishing capital. Rather than being passive, weak, failed and corrupted observers and facilitators of the fisheries crisis, coastal states are engaged in a struggle over the extraction of ground-rent from the surplus value created in capitalist fisheries. The landed property-capital relation is embedded in a combination of several complex roles and multiple logics of the state in fisheries systems. Analysing the state as landed property helps to illuminate some of the complex empirical phenomena involved in the political economy of industrial fisheries. More generally, it demonstrates that the category can be applied to rethink the significance of capitalist property relations (in often surprising ways) and their diverse phenomenal forms.

Acknowledgements: We are grateful for helpful comments from Henry Bernstein, Chris Carr, Gavin Capps, Elizabeth Clark, Louise Fortmann, David Lansing, Dick Walker. Any remaining errors are our responsibility, particularly as we continue to work towards refining this conference paper into a peer reviewed journal submission.

## References

- A/67/268, 2012, "The right to food; Note by the Secretary-General - Interim report of the Special Rapporteur on the right to food", (United Nations Secretary General)
- Ball M, 1980, "On Marx's theory of agricultural rent: A reply to Ben Fine" *Economy and Society* **9** 304-326
- Banaji, Jairus 2010, *Theory as History: Essays on Modes of Production and Exploitation*, Leiden: Brill.
- Bromley D W, 2008a, "The Crisis in Ocean Governance: Conceptual Confusion, Spurious Economics, Political Indifference" *Journal of Maritime Studies MAST* **6** 7-22
- Bromley D W, 2008b, "Rejoinder: the crisis in ocean governance: clarifications and elaborations" *Journal of Maritime Studies MAST* **6** 39-51
- Bruce J, 1993, "A review of tenure terminology", (Land Tenure Center - University of Wisconsin-Madison, Madison)
- Campling L, 2006, "A Critical Political Economy of the Small Island Developing States Concept: South-South Cooperation for Island Citizens?" *Journal of Developing Societies* **22** 235-285
- Campling L, 2012a *The EU-Centered Commodity Chain in Canned Tuna and Upgrading in Seychelles* Doctoral Dissertation, School of Oriental and African Studies, University of London, London
- Campling L, 2012b, "The Tuna 'Commodity Frontier': Business Strategies and Environment in the Industrial Tuna Fisheries of the Western Indian Ocean" *Journal of Agrarian Change* **12** 252-278
- Capps G, 2010 *Tribal-landed property: the political economy of the Bafokeng chieftaincy, South Africa. 1837-1994* Doctoral Dissertation, London School of Economics and Political Science, London
- Capps G, 2012a, "A bourgeois reform with social justice? The contradictions of the Minerals Development Bill and black economic empowerment in the South African platinum mining industry" *Review of African Political Economy* **39** 315-333
- Capps G, 2012b, "Victim of its own success? The platinum mining industry and the apartheid mineral property system in South Africa's political transition" *Review of African Political Economy* **39** 63-84

- Carr C J, 2004, "Transformations in the law governing highly migratory species: 1970 to the present", in *Bringing New Law to Ocean Waters* Eds D Caron, H N Scheiber (Law of the Sea Institute - University of California, Berkeley) pp 55-94
- Christy F T J, 1973, "Fisherman quotas: a tentative suggestion for domestic management",
- Copes P, 1981, "The Impact of UNCLOS III on Management of the World's Fisheries" *Marine Policy* **5** 217-228
- Cordell J, 1989 *A Sea of Small Boats* (Cultural Survival, Cambridge)
- De Schutter O, 2012, "'Ocean grabbing' as serious a threat as 'land grabbing'", (Press Release - United Nations, New York)
- Doulman D J, 1986, "Some Aspects and Issues Concerning the Kiribati/Soviet Union Fishing Agreement", in *Pacific Islands Development Program* (East-West Center, Honolulu) p 21
- FAO, 2010, "The State of World Fisheries and Aquaculture", (United Nations Food and Agriculture Organisation, Rome)
- FAO, 2012, "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security", (United Nations Food and Agriculture Organization, Rome)
- Fine B, 1979, "On Marx's theory of agricultural rent â€”" *Economy and Society* **8** 241-278
- Fine B, 1980, "On Marx's theory of agricultural rent: A rejoinder" *Economy and Society* **9** 327-331
- Fine B, 1994, "Coal, diamonds and oil: toward a comparative theory of mining?" *Review of Political Economy* **6** 279-302
- Gordon H S, 1954, "The Economic Theory of a Common Property Resource: The Fishery" *Journal of Political Economy* **62** 124-142
- Grotius H, 1916 *Mare Liberum (The Freedom of the Seas, or the Right which Belongs to the Dutch to Take Part in the East Indian Trade, A Dissertation)* (Oxford University Press, New York)
- Hardin G, 1968, "The Tragedy of the Commons" *Science* **162** 1243-1248
- Harvey D, 2006 *The Limits to Capital* (Verso, London)
- Havice E, 2009 *Shifting Tides: The Political Economy of Tuna Extraction in the Western and Central Pacific Ocean* Doctoral Dissertation, Environmental Science, Policy and Management, University of California-Berkeley, Berkeley
- Havice E, 2010, "The structure of tuna access agreements in the Western and Central Pacific Ocean: Lessons for vessel day scheme planning" *Marine Policy* **34** 979-987
- Havice E, 2013, "Rights-based management in the Western and Central Pacific Ocean tuna fishery: Economic and environmental change under the Vessel Day Scheme" *Marine Policy* **42** 259-267

- Havice E, Campling L, 2010, "Shifting tides in the Western Central Pacific Ocean tuna fishery: The political economy of regulation and industry responses" *Global Environmental Politics* **10** 89-114
- Hollick A L, 1981 *US Foreign Policy and the Law of the Sea* (Princeton University Press, Princeton)
- Homans F R, Wilen J E, 1997, "A Model of Regulated Open Access Resource Use" *Journal of Environmental Economics and Management* **32** 1-21
- Howard P M, 2012, "Sharing or Appropriation? Share Systems, Class and Commodity Relations in Scottish Fisheries" *Journal of Agrarian Change* **12** 316-343
- Hyndman M, 2005, "South Pacific Forum Fisheries Agency: Benefits and Costs Working Paper No. 4", in *Pacific Studies Series* (Asian Development Bank-Commonwealth Secretariat Joint Report to the Pacific Islands Forum Secretariat, Suva)
- Joseph J, 1977, "The Management of Highly Migratory Species: Some Important Concepts" *Marine Policy* **14** 275-288
- Kronmiller T, 1983, "Exclusive Economic Zone of the United States: The Question of Sovereign Rights Relative to Tuna. Statement before the US Senate Committee on Foreign Relations" *Ocean News* **27**
- Li T M, 2011, "Centering labor in the land grab debate" *The Journal of Peasant Studies* **38** 281-298
- Longo S B, Clark B, 2012, "The Commodification of Bluefin Tuna: The Historical Transformation of the Mediterranean Fishery" *Journal of Agrarian Change* **12** 204-226
- MacPherson C B, 1983 *Property: Mainstream and Critical Positions* (University of Toronto Press, Toronto)
- Mansfield B, 2004, "Neoliberalism in the Oceans: "Rationalization," Property Rights, and the Commons Question" *Geoforum* **35** 313-326
- Mansfield B, 2008, "Comments on Daniel Bromley's paper" *MAST* **6** 23-26
- Marx K, 1976 *Capital: A Critique of Political Economy Volume I* (Penguin Books, London)
- Marx K, 1981 *Capital: A Critique of Political Economy Volume III* (Penguin Books, London)
- McCay B J, 1981, "Development issues in fisheries as agrarian systems" *Culture and Agriculture* **11** 1-8
- Milonakis D, Fine B, 2009 *From Political Economy to Economics: Methods, the Social and Historical in the Evolution of Economic Theory* (Routledge, London)
- Miyake P M, Guillotreau P, Sun C-H, Ishimura G, 2010, "Recent developments in the tuna industry: stocks, fisheries, management, processing, trade and markets", in *FAO Fisheries and Aquaculture Technical Paper Number 543* (United Nations Food and Agriculture Organization, Rome)
- Neocosmos M, 1986, "Marx's third class: Capitalist landed property and capitalist development" *The Journal of Peasant Studies* **13** 5-44



- Ostrom E, 1990 *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge University Press, Cambridge)
- Perelman M, 1975, "Natural resources and agriculture under capitalism: Marx's economic model" *American Journal of Agricultural Economics* **57** 701-704
- PNA, 2010, "A Third Arrangement Implementing the Nauru Agreement Setting Forth Additional Terms and Conditions of Access to the Fisheries Zones of the Parties",
- Pontecorvo G, 1988, "The enclosure of the marine commons: Adjustment and redistribution in world fisheries" *Marine Policy* **12** 361-372
- Rieser A, 1997, "Property rights and ecosystem management in US fisheries: Contracting for the commons" *Ecology Law Quarterly* **24** 813-832
- Scheiber H N, Carr C J, 1998, "From extended jurisdiction to privatization: international law, biology and economics in the marine fisheries debates, 1937-1976" *Berkeley Journal of International Law* **16** 10-54
- Schlager E, Ostrom E, 1992, "Property-rights regimes and natural resources: A conceptual analysis" *Land Economics* **68** 249-262
- Schurman R A, 1998, "Tuna Dreams: Resource Nationalism and the Pacific Islands' Tuna Industry" *Development and Change* **29** 107-136
- Scott A, 1955, "The Fishery: The Objectives of Sole Ownership" *Journal of Political Economy* **63** 116-154
- Van Dyke J M, Nicol C, 1987, "US tuna policy: A reluctant acceptance of the international norm", in *Tuna Issues and Perspectives in the Pacific Islands Region* Ed D Doulman (East-West Center, Honolulu)
- World Bank, 2009, "The Sunken Billions: The Economic Justification for Fisheries Reform", in *Agricultural and Rural Development Sustainable Development Network* (The World Bank, Washington, DC)

# FOOD SOVEREIGNTY: A CRITICAL DIALOGUE INTERNATIONAL CONFERENCE PAPER SERIES

## Food Sovereignty: A Critical Dialogue

INTERNATIONAL CONFERENCE  
YALE UNIVERSITY  
SEPTEMBER 14-15, 2013



PROGRAM IN  
**Agrarian Studies**  
YALE UNIVERSITY

<http://www.yale.edu/agrarianstudies/foodsovereignty/index.html>

A fundamentally contested concept, food sovereignty has — as a political project and campaign, an alternative, a social movement, and an analytical framework — barged into global agrarian discourse over the last two decades. Since then, it has inspired and mobilized diverse publics: workers, scholars and public intellectuals, farmers and peasant movements, NGOs and human rights activists in the North and global South. The term has become a challenging subject for social science research, and has been interpreted and reinterpreted in a variety of ways by various groups and individuals. Indeed, it is a concept that is broadly defined as the right of peoples to democratically control or determine the shape of their food system, and to produce sufficient and healthy food in culturally appropriate and ecologically sustainable ways in and near their territory. As such it spans issues such as food politics, agroecology, land reform, biofuels, genetically modified organisms (GMOs), urban gardening, the patenting of life forms, labor migration, the feeding of volatile cities, ecological sustainability, and subsistence rights.

Sponsored by the [Program in Agrarian Studies at Yale University](#) and the [Journal of Peasant Studies](#), and co-organized by [Food First](#), [Initiatives in Critical Agrarian Studies \(ICAS\)](#) and the [International Institute of Social Studies \(ISS\)](#) in The Hague, as well as the Amsterdam-based [Transnational Institute \(TNI\)](#), the conference “Food Sovereignty: A Critical Dialogue” will be held at Yale University on September 14–15, 2013. The event will bring together leading scholars and political activists who are advocates of and sympathetic to the idea of food sovereignty, as well as those who are skeptical to the concept of food sovereignty to foster a critical and productive dialogue on the issue. The purpose of the meeting is to examine what food sovereignty might mean, how it might be variously construed, and what policies (e.g. of land use, commodity policy, and food subsidies) it implies. Moreover, such a dialogue aims at exploring whether the subject of food sovereignty has an “intellectual future” in critical agrarian studies and, if so, on what terms.

## ABOUT THE AUTHORS

[Liam Campling](#) teaches at the School of Business and Management, Queen Mary, University of London. His main research interests are in international political economy and uneven development, commodity chain analysis (with an empirical emphasis on tuna), the history of capitalism, and the political economy of development in island states in the Western Indian and Pacific oceans. He is a Book Reviews Section Co-editor of *Journal of Agrarian Change*, and a Corresponding Editor of *Historical Materialism*. He also works part time on trade policy and its politics for the Pacific Islands Forum Fisheries Agency. [Elizabeth Havice](#) is an assistant professor of international development and globalization in the Geography Department at the University of North Carolina - Chapel Hill. Her work is on the political economy of resource regulation, production and consumption in natural resource systems. Much of her empirical research is on the tuna industry that spans the Pacific Rim. Campling and Havice have co-authored articles that have appeared in *Journal of Agrarian Change*, *Global Environmental Politics* and *Environment and Planning A*. They also recently co-edited a 12 article special issue of the *Journal of Agrarian Change* on the political economy and ecology of capture fisheries. Both remain committed to policy relevant research and writing on fisheries property and access, the right to food and international trade dynamics.