

# Is Māori food sovereignty affected by adherence, or lack thereof, to Te Tiriti O Waitangi?

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*Submitted: 15 September 2012; Revised 10 October 2013; Accepted for publication: 11 October 2013; Published :20 December 2013*

## Abstract

Māori food sovereignty was and continues to be severely affected by British colonisation and influence. This situation and its causes, both past and present, will be examined in the context of Māori culture, especially Te Tiriti, a founding document of New Zealand. The general concept of food sovereignty is introduced, and its key principle: having power over one's own food system. A brief history of Māori food systems is necessary as context—their adaptation from Polynesia to New Zealand and later, to European settlement. Te Tiriti and the Treaty of Waitangi are explained: how they were created and why Te Tiriti is authoritative. Then, different aspects of Te Tiriti are linked to various parts of Māori food sovereignty and traditional Māori concepts. Through breaching *tuku whenua* in Te Tiriti, land issues have arisen: the methods used to confiscate Māori land and the effects this had on traditional food, health and urbanisation are discussed. Culture as *taonga* is examined: the ways in which losing a food system leads to losing traditions, and how this breaches Te Tiriti. Then the (mostly negative) effects of this shift in food systems on the environment is examined, and how this relates back to *taonga* as well as the traditional duty of *kaitiakitanga* and, again, the breaching of Te Tiriti. Lastly, the underlying issue of power is examined in relation to *rangatiratanga* and overall sovereignty—this is also linked to Te Tiriti.

**Keywords:** *Food Sovereignty; Māori Land; Indigenous Rights; Colonisation*

## Introduction

This research paper will examine the past and present situations of Māori food sovereignty. This discussion will be situated within the context of Te Tiriti O Waitangi, a founding document of New Zealand and one of the key rallying points in Māori efforts for sovereignty and self-determination in New Zealand (Mutu, 2011).

Māori people have been extremely active in pursuing many areas of self-determination, including land, education and language (Mutu, 2011). However, Māori food sovereignty is not amongst these—possibly because hunger is not one of the most pressing current issues for Māori. Nevertheless, food sovereignty is severely lacking for Māori today, as this research paper will illustrate.

This research paper will look at a brief history of Māori food systems and interactions with the British, then go on to examine issues of land, culture, environment and power in the context of Te Tiriti. The information incorporated into this research paper has been obtained through a review of literature published over the last forty years.

In order to limit its scope, this research paper will refer primarily to land-, rather than water-, based food systems: however, there are many parallels between the two. Traditionally, primary food sources for Māori actually came from water, not land. Indeed, Māori were heavily affected by the 1992 Sealord deal, which greatly reduced their non-commercial fishing rights and completely removed their commercial fishing rights, as well as the 2004 Foreshore and Seabed Act which attempted to confiscate all Māori ownership of New Zealand's foreshore and seabed and vest that ownership in the Crown instead (Mutu, 2011). It should also be noted that the Wai 262 Report examined Māori intellectual property rights, but in New Zealand they are more related to medicinal uses than food, and therefore will not be discussed here (Waitangi Tribunal, 2006).

### **Theoretical framework: food sovereignty**

Food sovereignty is a global concept that incorporates the more basic elements of "the right to food" into complex notions of empowerment and sustainability. It originally arose as a response to the negative effects neoliberalism has had on food systems, formulating instead a theory focused on local agriculture that feeds its own people. It also emphasizes the value of traditional knowledge (Nyéléni, 2003). According to the Nyéléni Forum for Food Sovereignty in

2007, food sovereignty means "healthy and culturally appropriate food produced through ecologically sound and sustainable methods". This definition also includes the right of people to define their own food and agriculture system.

### **History of Māori food sovereignty**

The history of Māori food systems can be traced to Polynesia, where the peoples that were to become the Māori migrated from. Because the Polynesian climate naturally produced a lot of food, the people living there did not need to cultivate much (Best, 1976). However, upon arriving in New Zealand in the thirteenth century AD, they had to spend more time cultivating crops (many of which they had brought from Polynesia) as well as hunting and gathering. The shift towards cultivation became especially pronounced after the demise of big game, such as the moa bird (King, 2003). Māori were self-sufficient and food sovereign: however, this would gradually change after the arrival of the Europeans in the 1640s.

By the 1790s, there was active trading with Europeans. Māori found they could profit greatly from selling them European food products, especially pigs and potatoes (O'Malley, 2012).

### **History of Te Tiriti o Waitangi**

In 1840, Te Tiriti o Waitangi and the Treaty of Waitangi were signed. These were two separate treaties—one in English and one in Māori—that were supposed to be exact translations of each other. However, while Te Tiriti was a document of peace and friendship between two sovereign nations, the English version (which the Māori also signed) essentially ceded Māori sovereignty. This subsequently provided the justification for the colonisation of

New Zealand by the British. The Māori version is recognised as authoritative in international law under *contra proferentum* (Mutu, 2010). The doctrine of *contra proferentum* provides that, when ambiguous, the preferred meaning of an agreement will work against the interests of the party who provided the wording—in this case, the British, as they were the ones who were familiar with both languages at the time.

This research paper will therefore discuss Māori food sovereignty with regards to Te Tiriti, in recognition that it is the authoritative text.

### ***Tuku whenua and land***

One of the mistranslations between Te Tiriti and the Treaty regards land sales. Land was initially lent to European settlers in the tradition of *tuku whenua*: a temporary, mutually beneficial land allocation. (Mutu, 2011). In Te Tiriti, *tuku whenua* is recognised—but in the Treaty, it is translated as land sale: something much more permanent than the Māori had no concept of because they did not see land as owned, but rather as temporarily in use. With the Treaty's mistranslation, Europeans were able to insist that the transactions were permanent, and keep the land. Land was also confiscated from Māori by both forced purchasing and outright land wars (Bennion, 2004). With this lack of land, there was a subsequent lack of agency: Māori were no longer the most powerful presence in New Zealand society, as they had been before (Mutu, 2010). Being food sovereign means having control over your food system. For people who have a land-based food system, if they lose their land, that means food production drastically decreases.

In the case of Māori, many could not produce sufficient food for commercial

purposes, and sometimes not even for themselves (Waitangi Tribunal, 2004). The land the Māori ended up with was either of substandard quality or there was too little of it (Mutu, 2011). As a result of little land and European influence, the Māori diet changed: traditional food had been intensive to procure, but other foods like flour, pork and potatoes were easier to cultivate. This innutritious diet increased their susceptibility to disease, which often led to death—indeed, there was a clear link between land dispossession and health-related death rates in this period (Durie, 1998). Both the lack of food (to be 'healthy', it must be sufficient) and the lack of culturally appropriate food highlight a decrease in Māori food sovereignty (Nyéléni, 2007).

Many Māori moved to cities as a result of being dispossessed. Māori urbanisation was encouraged by the New Zealand government since it served two valuable purposes: providing labour for jobs such as factory workers in World War Two, and assimilating Māori into a European context instead of remaining in their traditional societies, which therefore became weakened (Mutu, 2011). This was exacerbated by the proliferation of European methods of intensive farming, which also reduced employment opportunities (Waitangi Tribunal, 2004). New urban lifestyles meant the Māori diet had to change. There was—and is—very little access to, and therefore consumption of, traditional foods. This coincided with a new reliance on fast food chains and supermarkets, creating even more problems for Māori health. More than malnutrition, which was the problem in rural areas, there was the problem of overeating. Issues of being underweight were quickly replaced with issues of obesity (Durie, 2007).

Again, the lack of culturally appropriate food highlights the lack of Māori food sovereignty, particularly as it is an issue of access and therefore of power (Nyéléni, 2007). This is in contrast to the previous example of diminished food sovereignty, where Māori theoretically would have had the option to change from growing Western food back to more traditional crops.

#### a) *Taonga* and culture

Inherent in a food system is culture, language and identity. Different forms of work in traditional Māori food systems were timed according to certain portents, or otherwise determined by the *tohunga* (Best, 1976). In this context, *tohunga* are spiritual leaders chosen by the gods, although they can also be a person with a particular skill (Marsden, 2003). Crops that were growing were *tapu*, a concept that implies untouchability as a result of sacredness and dedication to a deity (Matiu and Mutu, 2003). Interestingly, the *tapu* rules that applied to kumara—a Polynesian variety of sweet potato brought to New Zealand—did not apply to the potato, which was one of the reasons it became so widespread: it was easier to grow (O'Malley, 2012). By losing their food system, Māori lost beliefs and rituals too.

This loss of culture breaches another aspect of Te Tiriti: the first section of article two, which describes the right of the Māori to have power and authority over their *taonga*. The term *taonga* describes something 'greatly treasured or respected' (Matiu and Mutu, 2003). *Taonga* can be tangible—the genetic resources of indigenous plants—or intangible—cultural heritage, such as certain foods or agricultural traditions (Waitangi Tribunal, 2006). The 2007 Nyéléni declaration explains that food sovereignty should “conserve,

developed and manage localised food production . . . systems”. Hence, Māori food sovereignty would have been negatively affected because of the loss of traditional knowledge through agricultural custom.

#### b) *Kaitiakitanga* and environment

*Taonga* also refers to the natural elements, which Māori have an obligation to protect because of *kaitiakitanga*. (The traditional Māori worldview is an immanent one whereupon people are descended from the gods, the gods are manifest in the physical world as parts of nature, and thus, Māori perceive natural elements as being directly related to themselves (Marsden, 2003).) *Kaitiakitanga* is the duty of *tangata whenua*, that is, the people who hold *mana* (authority and power delegated from the gods) over a certain area of land. These *tangata whenua* have a duty to act as *kaitiaki*—guardians. The natural elements of their land have *mauri* (loosely translatable as 'life force') which *kaitiaki* must maintain healthy and strong (Matiu and Mutu, 2003). If Māori do not have power over their land and food, they are unable to act as *kaitiakitanga* and guard the natural elements—which is worrying when the current New Zealand food system is examined.

This is because there is the issue of how the people who do have the land are using it: the environment the Māori food system operated within was also colonised. European settlers damaged the existing environment and introduced their own species as well. One example of this would be the introduction of rabbits, whose massive populations caused serious soil erosion (Brooking, 2006). Environmental degradation continues to this day, especially through New Zealand's

widespread industrial farming model. Dairy farms heavily pollute waterways (Collins, 2004), apply exceptionally large amounts of harmful chemical fertilisers (Statistics New Zealand, 2006) and use foreign grasses that affect the plants and microbes in the under-story ecosystem (Brooking, 2006).

Hence, Māori food sovereignty is also threatened, because this manner of farming changes the environment. Even if Māori were able to get their land back and practice their own form of agriculture, their ability to “work with Nature” (Nyéléni, 2007) would be compromised because the environment has been changed, and their traditional methods of food production would potentially not be possible. (However, it should also be noted that currently, most Māori-owned agricultural land is used for commercial livestock production (Statistics New Zealand, 2012).)

### c) *Rangatiratanga* and power

Moreover, the core concept of food sovereignty is being able to define your own food system (Nyéléni, 2007): that is to say, having agency. This strongly ties in to one of the key points of Te Tiriti: *rangatiratanga*, which is roughly equatable with sovereignty. *Rangatiratanga* means that Māori should have the right to govern their own people and be in charge of what concerns them. It is the exercise of leadership with “spiritually sanctioned authority” that transcends man-made laws, and holds its people together (Matiu and Mutu, 2003).

While there have been many breaches of different aspects of food sovereignty since the European arrival in New Zealand, they all ultimately link back to the key point that the Māori do not have power over the own food system—which

is the most acute breach of food sovereignty. Because *rangatiratanga* is a conceptualisation of sovereignty, the total lack of Māori food sovereignty that has been demonstrated thus far constitutes a breach of Te Tiriti in itself.

### Conclusion

Māori land-based food sovereignty was highly diminished by the breaching of Te Tiriti’s *tuku whenua*, which in turn breached other aspects of Te Tiriti, notably *taonga* and *rangatiratanga*, which led to conflicts with other cultural concepts like *kaitiakitanga*. This was primarily caused by European settlement and actions in New Zealand.

European settlers and the British Crown were the first to commit these breaches. The government they subsequently established continues to maintain them, as do everyday New Zealanders, directly or not. The disempowerment of Māori through their food system ties into a wider trend of Māori, and indeed indigenous people globally, being deliberately targeted and disadvantaged through various aspects of their lives.

When Te Tiriti was signed, the Māori were a sovereign and strong group of peoples. As the European presence expanded, particularly in regard to land rights, Te Tiriti became less and less representative of the actual reality. These changes were brought about by a number of factors connected to British colonisation—amongst these was Māori food sovereignty and the eventual loss of it.

Te Tiriti O Waitangi and the concept of food sovereignty are intimately linked, because they both represent a form of sovereignty. Similarly, the breaches of Te Tiriti and food sovereignty overlap greatly in terms of health, culture, environment and self-determination.

Together, they demonstrate not only a pessimistic current situation, but more importantly a significant departure from a much better state of life, as a result of

British colonisation of, and continued presence in, New Zealand.

### Acknowledgements

I would like to thank the Future of Food project for giving me the opportunity to contribute to its journal. I am also

extremely grateful to Professor Margaret Mutu, and her invaluable guidance and knowledge.

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