

REVIEW

Land-based resistance: Enacting Indigenous self-determination and kai sovereignty

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This article outlines the role of land relations in the advancement of food sovereignty in the settler colonial context of Aotearoa New Zealand by exploring how land-based anti-colonial resistance movements, including the recent #ProtectIhumātao campaign, can inform food system transformation. First, this article draws on theories of Indigenous food sovereignty, land sovereignty, and critical property theory to argue that in settler colonial contexts, food sovereignty movements must take a critical approach to questions of the state and sovereignty, property relations, and Indigenous struggles for territorial authority and self-determination. Drawing on land-based resistance movements which have included food production as a method of reclamation, this article further proposes a need to understand food sovereignty in the Aotearoa context as firmly grounded in Māori land sovereignty and territorial authority. Finally, this article explores how the struggle to protect Ihumātao ruptured the seemingly settled nature of property relations and state sovereignty, opening space for the articulation of new modes of land governance and new constitutional arrangements more conducive to Māori aspirations for land management and stewardship—including food sovereignty.

Keywords: Food sovereignty, Land sovereignty, Settler colonialism, Property relations, Land relations, Constitutional transformation

Introduction

In 2015, the Indigenous-led campaign Save Our Unique Landscape (SOUL), now known as #ProtectIhumātao, set out to stop a commercial housing development on unjustly confiscated *whenua tūpuna* at Ihumātao. This *whenua* is part of a “rare cultural heritage landscape” (Menzies and Short, 2023). It is located within the Ihumātao isthmus, in Tāmaki Makaurau, Aotearoa New Zealand (hereafter Aotearoa). Ihumātao is the ancestral home of *ahi kā*—those who have ancestral ties to the *whenua* and who keep the home fires burning. Over time, the campaign progressively took action to reclaim the *whenua* and enact *ahi kā* aspirations for the *whenua* including *kai* sovereignty.

To understand the history and present of Aotearoa, a settler colonial state in the South Pacific (Hill, 2016; Jones and Linkhorn, 2017; Jackson, 2018; Comyn, 2022; Simon, 2022; McCormack et al., 2023; Simon, 2023), it is vital to understand *te Tiriti o Waitangi*, signed in 1840 between British

colonizers and (some) Māori. The *Te Reo Māori* version, agreed to by most Māori signatories, allowed for *kāwanatanga* (usually translated as governorship) by the Crown, but did not cede *tinō rangatiratanga* (usually translated as “full chiefly authority” or sovereignty). The English version sets out the reverse (O’Malley et al., 2010; O’Malley, 2019). Yet despite international law which, in cases of inconsistency, states that the version of a treaty most favorable to the more vulnerable party should be upheld, the English version has dominated treaty interpretation for the subsequent 180 years. The Crown—having assumed it gained sovereignty over Aotearoa in 1840, and following the rapid expansion of the *Pākehā* population from the mid-19th century—has used a combination of force, economic coercion, and legal mechanisms which have resulted in the confiscation of most Māori land, including Ihumātao (Boast and Hill, 2010).

Given the deep-rooted injustices that have stemmed from the Crown’s assumption of sovereignty, and the constitutional imbalance of power that makes it difficult for Māori to address these, scholars and activists have begun to address the question of constitutional transformation. In 2010, an independent, Māori-led working group on the matter was established to develop and promote a model for constitutional transformation in Aotearoa (Mutu, 2016). Through extensive consultation with Māori communities around the country, the *Matike Mai Aotearoa Report* was developed (Matike Mai Aotearoa, 2016). The report proposes a number of possible constitutional models which

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would enact an equitable relationship between Crown *kāwanatanga* and Māori *rangatiratanga* (Godfery, 2016; Lockie, 2018; Mutu et al., 2021).

The protection and eventual reclamation of land at Ihumātao draws on a long history of Māori resistance movements against colonialism and breaches to *te Tiriti o Waitangi* by the Crown. These movements sought to uphold *mana motuhake* and *tino rangatiratanga* by exercising *kaitiakitanga*. Many of these movements included *tikanga* or strategies that highlighted the bond between *kai* cultivation and the people. In contrast to the salience of these movements, food sovereignty—that is, “the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems” (Nyéléni Declaration on Food Sovereignty, 2007)—is relatively absent from the political arena in Aotearoa, with the exception of a burgeoning movement for Indigenous or Māori food sovereignty among both academics and activists (Shirley, 2013; Mc Kerchar et al., 2015; Morris and Fitzherbert, 2016; Huambachano, 2018; Stein et al., 2018).

This article shares the story of the *#ProtectIhumātao* campaign, situating it in the longer historical context of Māori land-based struggles against settler colonization and land theft. Drawing on the public communications of the campaign and the lived experiences of two of the authors, the case of *#ProtectIhumātao* is mobilized as a lens through which to analyze the nature of food sovereignty in Aotearoa. Taking seriously Nichols’ (2019) characterization of Indigenous struggles against dispossession as an “enacted and embodied mode of structural critique” (p. 85), the final part of the article entails a critical legal analysis of the campaign. In doing so, the article seeks to understand what can be learned about food sovereignty—and the reconfiguration of sovereignty and political authority more broadly—in Aotearoa from the *#ProtectIhumātao* campaign. While the focus of the campaign was on stopping a housing development proposed by a transnational corporation, and reclaiming the *whenua* as part of the broader goal of reclaiming *mana motuhake* and exercising *kaitiakitanga—mahinga kai* was both an aspiration of *ahi kā* and a means of achieving these objectives. Here, we respond to Wittman and James’ (2022) call for further work on the links between land governance and socially just food systems. Furthermore, we provide a strategic intervention that builds on scholarship which articulates the need for food sovereignty movements to challenge constitutional arrangements and the regimes of private property with which they are entangled (Trauger, 2014).

The article proceeds as follows. First, we draw on theories of Indigenous food sovereignty, land sovereignty, and critical property theory to explore the nature of food politics in settler colonial contexts characterized by the “ownership model” of property (Singer, 2000). We argue that, in such contexts, conversations and action around food sovereignty are incomplete without taking a critical approach to the entangled questions of sovereignty and the state, property relations, or Indigenous struggles for territorial authority and self-determination. We then review histories of *whenua*-based resistance in Aotearoa

that have used *kai* and cultivation as a core part of their *kaupapa* or strategies, including, most recently the *#ProtectIhumātao* campaign. Drawing on these movements, contextualized within the broader landscape of *kai* policy and activism in Aotearoa, we argue for an understanding of, and movement for, food sovereignty firmly grounded in Māori land sovereignty and territorial authority—that is, in *tino rangatiratanga* and *mana motuhake*.

Finally, we explore how the struggle to protect the *whenua* at Ihumātao and eventual (partial) resolution of the dispute there created a “rupture” in the seemingly settled nature of property relations and Crown sovereignty in Aotearoa (Lund, 2016). We suggest that these events can be seen as opening space for the articulation of new, transformed constitutional configurations which figure Māori and the Crown in genuine partnership, such as those articulated in the *Matike Mai Report* (Matike Mai Aotearoa, 2016; Jones, 2023). Such constitutional transformation could form the basis of a decolonial, *Tiriti*-based food sovereignty for Aotearoa that is grounded in *mana motuhake* and *tino rangatiratanga*.

Food sovereignty, land sovereignty, and colonial property

Sometimes referred to as a concept (Borras, 2008; Altieri and Toledo, 2011; Shattuck et al., 2015), but more comprehensively understood as “a political project and campaign, an alternative, a social movement, and an analytical framework” (Alonso-Fradejas et al., 2015, p. 433), food sovereignty is often defined as “the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems. It puts the aspirations and needs of those who produce, distribute and consume food at the heart of food systems and policies rather than the demands of markets and corporations” (Nyéléni Declaration on Food Sovereignty, 2007).

As food sovereignty movements have grown and emerged around the world, so too has the breadth and depth of scholarship that seeks both to understand them and support their development. Within this literature, a number of questions have emerged about the nature and meaning of food sovereignty in different contexts. What is the nature of the “sovereignty” it refers to (Edelman, 2014; Schiavoni, 2015)? What is the role of the state (if any) in securing or guaranteeing food sovereignty (Trauger, 2014; Lubbock, 2020; Kass, 2022)? And, how do different understandings and manifestations of property and land relations affect the possibilities for the fulfillment of such food sovereignty? In particular, increasing attention has been paid to what food sovereignty means for Indigenous peoples, especially in settler colonial states.

Indigenous food sovereignty: The sovereign and the state

The earliest definitions of food sovereignty framed it as the right of countries to determine their own food systems. Contemporary understandings invoke instead the rights of “peoples,” in recognition that states often contain

different constituencies who may each have different needs and demands when it comes to food production, distribution, and consumption (Nyéléni Declaration on Food Sovereignty, 2007; Edelman, 2014; Claeys, 2015; Roman-Alcalá, 2016). Yet in many cases, these different constituencies may have different, even incompatible, goals and strategies. Such incommensurabilities can arise for many reasons, including the differential position of constituencies within colonial and racial hierarchies, thus complicating the seemingly simple notion of the rights of “peoples” to determine their food systems (Bernstein, 2014; Desmarais and Wittman, 2014; Kepkiewicz and Dale, 2019; Sippel and Larder, 2021). In settler colonial states, like Aotearoa, the question of sovereignty is deeply contested. Under *te Tiriti o Waitangi*, Māori never relinquished *tino rangatiratanga*, and have engaged in continual resistance against the Crown's claim to absolute sovereignty (Mutu, 2019a; Elkington et al., 2020). In such contexts, the nature of “sovereignty” in food sovereignty cannot be considered uncritically.

Some have argued that the concept of sovereignty itself is embedded in problematic Western notions of political authority: underpinned by ideas of absolute control, monopolized violence and authority over life and death, and tied to rigid territorial configurations (Desmarais and Wittman, 2014; Trauger, 2014; Coté, 2016; Daigle, 2019; Clavé-Mercier, 2022). Instead, it has been argued that sovereignty might be “indigenize[d]” (Coté, 2016, p. 65) by reframing it in terms of self-determination, autonomy, and resurgence—grounded in relational responsibilities to the land and to human and non-human beings (Kamal et al., 2015; Daigle, 2019). Such an indigenized conception of sovereignty is evident in much of the literature on Indigenous food sovereignty, which is said to involve simultaneous acts of resistance to capitalist, colonial food systems and resurgence of Indigenous foodways. In Aotearoa, framing it in terms of *rangatiratanga* may provide a means of indigenizing the “sovereignty” within food sovereignty. While often translated simply as “sovereignty,” in reality *rangatiratanga* encompasses broader considerations than ownership and control, signifying a weaving together of the views of the people in a way that is more closely aligned with the ecological and relational considerations central to healthy food systems (Paora et al., 2011).

Indigenous foodways emerge from everyday practices, and are a reflection of Indigenous ontologies and epistemologies and the political and legal orders within which these are embedded (Grey and Patel, 2015; Moeke-Pickering et al., 2015; Daigle, 2019; Grey et al., 2020). Whyte (2018) argues that such Indigenous food systems, and the cultures and traditions they are associated with, are at the heart of Indigenous peoples' collective capacity to respond to social and environmental change, or “collective continuance” (p. 347). These foodways allow individuals and groups to be held publicly accountable for their ecological responsibilities, to determine processes of dispute resolution, and to facilitate diplomacy. Such an understanding resonates with the emphasis of *ahi kā* at Ihumātao on exercising *kaitiakitanga*, and their status as *tangata whenua* working with other *tangata*

whenua hapū in Aotearoa during the campaign (Taiapa et al., 2021). Settler colonialism undermines Indigenous foodways through dispossession and cultural erasure, and thus the social, cultural, ecological, and political systems of which they are part. As such, the revitalization of Indigenous food systems can be a strategically important part of decolonial struggles to regain control not only of food policy but also to transform social relations more broadly (Grey and Patel, 2015; Gupta, 2015; Whyte, 2016).

Exemplifying these complex interactions between Indigenous land management, food systems, culture, and politics in Aotearoa, Moeke-Pickering et al. (2015) describe the articulation by *Ngāti Awa* of the relationship between *kai*, culture, history, *tūpuna* and *whenua*, all of which are central to embedding and enacting important cultural, environmental, and political principles of *kaitiakitanga* (Kawharu, 2000; Smith, 2020). Similarly, Grey et al. (2020) tie the practice of gardening to Māori culture, spirituality, society, relationships to land and expressions of territorial authority. They argue that, in light of these connections, *mahinga kai* is an “important expression of what it means to be Māori” (Wehi et al., 2023). As Māori food sovereignty activist Jessica Hutchings' argues, “returning to the land to grow and nourish our whānau through the *kai* we eat is a form of everyday activism and a practical expression of *tino rangatiratanga*” (Hutchings, 2015, p. 16).

Scholars have also raised questions surrounding the appropriate role of the state in struggles for food sovereignty (Grey and Patel, 2015; Kamal et al., 2015; Schiavoni, 2015; Desmarais et al., 2017; Tilzey, 2018; Roman-Alcalá, 2021). While the state is a powerful actor that can leverage significant legal and policy tools to enable food sovereignty, an uncritical emphasis on its role can avoid deeper questions regarding the scope of its legitimate authority (Shattuck et al., 2015; Kepkiewicz, 2020). In particular, action through and by the settler state may often be in direct tension with Indigenous struggles for self-determination (Daigle, 2019; Kass, 2022).

Central to Indigenous food sovereignty is Indigenous peoples' sense of “responsibility to uphold and nurture healthy and interdependent relationships with ecosystems that provide food” (Coté, 2016, p. 65). In order for these responsibilities and relationships to be enacted and exercised, Indigenous rights to and authority over ancestral lands and territories must be fulfilled (Grey and Patel, 2015; Gupta, 2015; Huambachano, 2018). Often, food sovereignty movements in settler states seek to rectify the exclusion of Indigenous peoples from governance spaces through calls for inclusion. Yet, since their founding, settler states have worked to dispossess Indigenous peoples of their lands and resources in favor of settlers (very often farmers), premising their claim to legitimate power and authority upon that very dispossession and cultural erasure (Kepkiewicz, 2017; Rotz, 2017; Laforge and McLachlan, 2018; Whyte, 2018; Hancock et al., 2020; Beingessner, 2021; Boast, 2021).

In Aotearoa, the Crown has repeatedly breached *te Tiriti* since it was first signed in 1840 facilitating widespread dispossession, undermining Māori culture, and eroding Māori collective capacities for self-determination. In such

a context, calls for the state to recognize collective rights to food sovereignty or enact laws and policies to transform the food system ultimately validate its claims to legitimacy. Furthermore, by legitimating the authority of the settler state to govern, such calls empower it to determine the parameters of legitimate political and legal engagement and to suppress forms of action it considers illegitimate or disruptive (Grey and Patel, 2015; Lund, 2016; Daigle, 2019; Jones, n.d.). Given such observations, it could be argued that the settler state is an “impossible space” within which to pursue genuine Indigenous food sovereignty (Kepkiewicz, 2017, p. 168). It will not return lands and will not cede power, authority nor jurisdiction on an adequate scale without a fundamental transformation to the nature of governance and sovereignty themselves: that is, without decolonization (Kepkiewicz and Rotz, 2018; Elkington et al., 2020).

On the other hand, constitutional transformation, such as that envisaged in the different constitutional models articulated in the *Matike Mai Report*, would allow for moving beyond the impossibility of this space (Matike Mai Aotearoa, 2016). Grounded in Māori constitutionalism, *tikanga*, epistemologies and visions of power and politics, the constitutional models it proposes are deeply relational, and seek to shift not only the locus of sovereignty within Aotearoa, but indeed to transform the very nature of that sovereignty as multiple, horizontal, and negotiated (Clavé-Mercier, 2022). Within these models, the relationship between Māori and the Crown would also be transformed, from one of hierarchy and control to one of separate, but interconnected, spheres of *rangatiratanga* and *kāwanatanga* power (Godfery, 2016; Matike Mai Aotearoa, 2016). Such arrangements would dislodge the domination of the Crown, enabling an indigenized, relational form of sovereignty within which *kai* sovereignty might flourish (Fenton, 2018). In many ways this resonates with calls to indigenize food sovereignty through a realignment toward “respect and reciprocity” (Coté, 2016, p. 56), and reflects foundational principles of *te Tiriti* such as partnership, reciprocity, and active protection (*New Zealand Maori Council v Attorney-General*, 1987). While of course, these models do not represent the views of all Māori, and while there are significant debates regarding how these visions might be given effect to, significant support is gathering behind the *Matike Mai Aotearoa* movement and the findings of the report as a way forward for constitutional transformation (Mutu, 2016; Matike Mai Aotearoa, n.d.).

Land sovereignty

Intimately related to questions of Indigenous self-determination and decolonization is the matter of land—how it is accessed, used, and governed. Secure and stable access to land has always been “a key pillar of food sovereignty” (Roman-Alcalá, 2015, p. 545; see also Rosset et al., 2006; Nyéléni Declaration on Food Sovereignty, 2007; Trauger, 2014; Peña, 2016). Early mobilizations by La Via Campesina, the international peasant movement widely credited with popularizing food sovereignty (Edelman, 2014), opposed the neoliberal “market-led” reforms

championed by the World Bank and other multilateral financial institutions, advocating instead for “integral agrarian reform”; that is, state-led (re)distribution of private land ownership to individual peasant families within a broader context of agrarian policy change in favor of peasant farmers (Borras, 2008; Rosset, 2013).

Over time, La Via Campesina’s—and with it the global food sovereignty movement’s—focus on redistribution has broadened, becoming increasingly aligned with Indigenous and non-sedentary peoples’ struggles for ancestral and traditional territories against various forms of ecological extractivism and enclosure (Copeland, 2019). Contesting land grabs (McMichael, 2015), enacting and promoting land occupations and “land reform from below” (Wright and Wolford, 2003; Roman-Alcalá, 2015), questioning the role of private and individual land tenure (Suárez, 2013; Tilzey, 2018; Lubbock, 2020), and pursuing the right to land and territory (Claeys, 2020) have all become increasingly prevalent themes in food sovereignty movements’ and scholars’ engagements with questions of land.

Borras et al. (2015) notion of land sovereignty goes further, proposing the democratization of land control as central to food sovereignty. Yet while the framework of land sovereignty is a useful starting point for dealing with the crucial issue of land as it relates to food sovereignty, it has not adequately attended to Indigenous demands for self-determination and the return of ancestral lands and territories (Geisler, 2015; McMichael, 2015; Roman-Alcalá, 2015). For instance, the “sovereign” in land sovereignty has typically been framed as a generalized cohort of “working peoples” (Borras et al., 2015, p. 601). The tension between the demands of these “working peoples” for land system change and those of Indigenous peoples in regard to their ancestral territories is often given only cursory acknowledgment. Yet these tensions are particularly evident, for instance, in the argument that land sovereignty “connotes a sense of ‘belongingness’: the land belongs to the people who work it, care for it and live on it, and the people belong to a particular land as a people” (Borras and Franco, 2012, p. 6). While this sentiment reflects valuable notions of land governance as relational, and grounded in responsibilities, it does not consider the implications of such a position in settler colonial contexts, where framing non-Indigenous farmers as “people of the land” positions them closer to Indigenous than settler legacies, enabling the kinds of settler “moves to innocence” that pose barriers to decolonization (Tuck and Yang, 2012; Kepkiewicz, 2020).

We posit that Indigenizing land sovereignty in settler states may require foregoing an undifferentiated or uncritical emphasis on working peoples, instead centering Indigenous struggles for, relationships with, and responsibilities to land. In the Aotearoa context, such an understanding aligns with *mana motuhake*. While a number of definitions of *mana motuhake* exist, we draw here on that expressed by Ropata Paora to refer to an understanding of Māori self-determination that “derives from the land and is of the land,” centering the deep connection, grounded in *kaitiakitanga*, between *tangata whenua* and their *whenua tūpuna* (Paora et al., 2011; Short and Jones, n.d.).

It is important to note that indigenizing land sovereignty does not mean that non-Indigenous farmers should seek to “invent” new approaches to land that “build[] on” Indigenous understandings, as suggested by Iles (2021, p. 29). Such an approach risks positioning them as “becoming” Indigenous, erasing their privilege within ongoing structures of settler colonialism and capitalism (Tuck and Yang, 2012, p. 13; Kepkiewicz and Dale, 2019). Rather, what Indigenous land sovereignty requires is for non-Indigenous peoples to support Indigenous struggles for the return of land, the resurgence of Indigenous ontologies, and the reclamation of Indigenous self-determination with regard to food and other socio-ecological systems. Furthermore, Indigenous land sovereignty requires non-Indigenous peoples to take responsibility for transforming relations—and the material consequences of these relations—between themselves and Indigenous peoples, including in the context of land relations. Finally, it indicates a need for non-Indigenous peoples to develop and reconnect with their own traditions of land relations grounded in relationality and reciprocity (Kepkiewicz, 2017; Kepkiewicz and Dale, 2019; Levkoe et al., 2019).

The colonial property regime

A major barrier to the pursuit of food and land sovereignty—particularly Indigenous food and land sovereignty—is the institution of private property ownership, which is deeply entangled with the sovereignty of the state (Bhandar, 2018; Jones, 2019).

As noted above, the food sovereignty movement, globally, has engaged for many years and from many different angles with the question of land and its ownership. Yet food sovereignty is variegated, evolving and emerging differently in different regional, national, and cultural contexts (Desmarais and Wittman, 2014; Gupta, 2015; Shattuck et al., 2015). Food movements and scholarship within and pertaining to the minority world have engaged with the politics of land in a number of contexts, including corporate concentration and financialization, and exclusion from land access (Fairbairn, 2012; Brent et al., 2015; Shawki, 2015; Kepkiewicz and Dale, 2019; Calo, 2020; Smaje, 2020; European Coordination Via Campesina, 2023). While it has been argued that, in these geographies, property relations became marginal to the study of agrarian and food system scholarship between the 1970s and late 2000s (Calo et al., 2021; Sippel and Visser, 2021), more recent scholarship has begun once more to critically explore and challenge the role of land tenure arrangements—and their contestation—in food system transformations toward food sovereignty (Trauger, 2014; Roman-Alcalá, 2015; Hachmyer, 2017; Kepkiewicz, 2017; Wittman et al., 2017; Calvário et al., 2020; Blue et al., 2022; Wittman and James, 2022). This article seeks to contribute to this renewed focus.

The notion of land as primarily privately owned property—the “ownership model” (Singer, 2000)—emerged in Europe in the 18th and 19th centuries, at the same time as most colonized states were being “settled.” Entwined with capitalism and industrialization, this model emphasizes

the nature of property as a bundle of private rights, rather than a complex web of interests (Waldron, 1990; Ribot and Peluso, 2009; Dimery, 2013). Using cartographic and surveying technologies, backed up by the twin tools of violence and the law, and grounded in white supremacist racial hierarchies, settlers in colonies around the world transformed Indigenous homelands and territories into settler property (Byrnes, 2001; Blomley, 2005; Li, 2014; Bhandar, 2018; Palmer, 2020).

For Nichols (2019), private property in the settler state is preceded and recursively produced by acts of settler theft, acts which are then legitimated and “consummated” by settler law (Nichols, 2018). For example, in the 19th century, settler laws prohibiting squatting on land beyond the U.S.’s territorial frontier extended the jurisdiction of the settler state beyond its existing borders. At the same time, enforcement of this prohibition was delayed, and through the law of adverse possession, settler law allowed such extralegal squatting to be legally validated, bringing the territory it encompassed into the fold of the state (Nichols, 2019; see also Noterman, 2022). This process can also be understood as an ontological transformation of the nature of land itself (Li, 2014): from an Indigenous interest grounded in kinship relationships, responsibilities, and belongings (Wittman and James, 2022) to one of commodified ownership and the defense of individual rights against the whole world (Blackstone, 1773; Durie, 2011; Cooke, 2020).

In Aotearoa, this transformation sought to replace existing Māori relations between the people and the land with Western norms and rules of private ownership. Under *tikanga*, the ownership model of exclusive private rights over a piece of land did not exist; instead, different groups exercised differentiated and overlapping rights to use, cultivate or harvest, access, and traverse different areas. These rights entailed intimate knowledge of the land could be transferred in a number of ways, including through gifting or inheritance; yet individuals could not alienate land on behalf of the collective, and indeed permanent alienation as in the Western practice of sale was not a concept that existed under *tikanga* (Eruei, 2004; Whaanga, 2012; Comyn, 2022). The Native Land Court, created in 1865, established a legal process to individualize Māori title, thereby extinguishing this complex landscape of rights and responsibilities, and “freeing” Māori territories for settler purchase (Boast, 2017; Comyn, 2022).¹ The “settler sovereign landscapes” (Palmer, 2020) produced by such processes superimpose settler landscapes, sovereignty, and possession on top of preexisting Indigenous political orders and relationships with land, masking but not erasing them (Moreton-Robinson, 2015). These landscapes damage and undermine Indigenous collective capacities for self-determination and autonomous governance, including by way of Indigenous foodways (Whyte, 2016, 2018).

1. Although the Native Land Court no longer exists, its direct institutional descendant, the Māori Land Court, continues to have exclusive jurisdiction over Māori land.

Of course, the colonial property regime does not consist solely of private ownership: land is the necessary material and financial basis upon which the entire colonial edifice is constructed, and, as such, the settler state is also a central actor. In Aotearoa, private financial and state interests are inextricably entangled. While early settlement was carried out by the New Zealand Company, a joint stock company premised upon land speculation, the Crown soon stepped in, and by 1856 had bailed out the Company and assumed its land claims and obligations (Comyn, 2022). Over the past 180 years, the Crown has been directly responsible for much of the land loss experienced by Māori, including the confiscation of the *whenua* at Ihumātāo, through both legislative Acts and acts of war (O'Malley, 2019; Jones, n.d.). Much of this land—around 40% of Aotearoa's land area—remains in its hands (Land Information New Zealand, 2017). In light of the questions raised above regarding the nature of sovereignty in the settler colony, state ownership of land cannot be turned to as a straightforward alternative to private ownership. Indeed, from an Indigenous perspective, it can be difficult to distinguish the state from any other property developer.

Key to these points is that settler colonialism, and its racialized formations of property and sovereignty, is not a historical event, but an ongoing process which continues to structure social and ecological relationships, and which requires ongoing maintenance to be sustained (Wolfe, 2006; Bhandar, 2018). Settler states are engaged in a constant process of legally “bracketing” and bounding property, beyond which alternative arrangements—including Indigenous land relations—are made unintelligible, invisible, and unrealistic (Blomley, 2015, p. 170). Indigenous claims to territorial sovereignty within the settler state are thus rendered ontologically impossible—“chaotic” and “unconscionable,” they would make settler sovereignty untenable (Palmer, 2020, p. 806).

In such a context, any move toward land sovereignty, which fails to question the colonial imbrication of land-ownership and the settler state, is unlikely to represent a genuine move toward Indigenous food sovereignty. Indeed, demanding the recognition of rights—to food or land—by the settler state may ultimately only reinforce the authority of the latter by recognizing its legitimacy as a rights-granting entity (Lund, 2016), thereby perpetuating the erasure of Indigenous foodways and other forms of collective continuance. Yet as the above discussion makes clear, property is neither fixed nor natural. Property is a legal, discursive, and social construct which has changed, and continues to change (Rose, 2019; Shoemaker, 2019). Just as it currently upholds a colonial capitalist framework of power, in the food system and beyond, so too could it become the foundation for Māori food and land sovereignty grounded in *rangatiratanga* and *mana motuhake*.

Land-based resistance movements in Aotearoa Histories of dispossession and resistance

Between 1845 and 1872 (with some later hostilities occurring as late as 1881), conflicts between the Crown and Māori were fought over growing tensions regarding

interlinked questions of land and sovereignty, causes which were “inextricably interlinked” and underpinned by a colonial racial hierarchy that positioned *Pākehā* at “the apex of their own imagined racial pyramid” (O'Malley, 2019, p. 28). Having achieved greater territorial control of the country through war, the Crown subsequently implemented a series of legal mechanisms for dispossessing Māori, such that only 5.6% of land remains in Māori freehold title (Boast, 2013).

Despite the relentless encroachment of the Crown and settlers onto Māori territory, and persistent efforts to erode Māori *mana motuhake* and *tino rangatiratanga* through the assertion of absolute Crown sovereignty, Māori have always resisted their dispossession and political marginalization. From the 1860s forward, Māori petitioned and negotiated with the Crown for the return of confiscated lands. During the 1970s, there was a surge of Māori activism, including the famous *hīkoi*, led by Dame Whina Cooper and attracting tens of thousands of followers, to protest Māori land and cultural loss, and the promotion of *Te Reo Māori* through *Te Reo*-based education and wider support for the language. Following this upsurge of resistance, in 1975 the Waitangi Tribunal was established. The purpose of the Tribunal is to investigate claims made by Māori against the Crown for breaches of *te Tiriti* and to provide a limited form of redress (Treaty of Waitangi Act 1975). However, the Tribunal has often been criticized as being constrained, unsatisfactory, and inherently insufficient to the task of redressing the wrongs arising from the Crown's disregard for and breaches of *te Tiriti* (Kawharu, 2018; Mutu, 2019b; Wynyard, 2019a; Jones, n.d.).

Alongside such acts of cultural and political resistance and resurgence, Māori have also consistently engaged in direct land-based resistance. *#ProtectIhumātāo* is one of the most recent examples of this kind of resistance, but it has important predecessors in Parihaka, and Takaparāwhau. In the mid-1860s, a settlement was founded at Parihaka, which was the main site of a campaign of peaceful resistance against the Crown's attempts to confiscate land in the Taranaki region. Within the settlement, cultivating *kai* was an important element of asserting *ahi kā* of the protectors (Taiapa et al., 2021). Furthermore, in resistance to Crown surveying of confiscated lands, the people of Parihaka responded peacefully by ploughing the *whenua*, pulling out survey pegs and fencing off areas to assert their authority in relation to the *whenua* (O'Malley, 2019). Although many of the Parihaka followers were imprisoned without trial in the South Island—reflecting the close imbrication of settler colonialism with carceral power (Dowden, 2019; Davidson, 2023)—the protests continued. In 1881, tensions with the Crown came to a head, and 1,600 British troops carried out a violent invasion of Parihaka, arresting its leaders, destroying the village, and brutally attacking and dispersing its inhabitants (O'Malley, 2019). In 2017, after a unique, 20-year reconciliation process, the Crown passed a piece of legislation which acknowledged and apologized for these events (Te Ture Haeata ki Parihaka 2019).

Nearly a century after the atrocities at Parihaka, members of *Ngāti Whātua Ōrākei* and their supporters occupied a block of land in what is now central Auckland, at the heart of the Tāmaki isthmus as a response to nearly 100 years of land loss. *Ngāti Whātua Ōrākei* had given and sold land in the Tāmaki isthmus to European settlers to support the establishment of what would become Auckland, Aotearoa's largest city. *Ngāti Whātua Ōrākei* sought to retain a core block of 700 acres which comprised the "main base" of the *hapū* (Waitangi Tribunal, 1987); yet between 1886 and 1950 the Crown used legal, coercive, and other means to unjustly acquire the core block, despite the ongoing resistance of the *hapū*. The land at Takaparawhau in particular was gifted to the Crown in 1859 for defense purposes. The gift was made under Māori customary law, such that it was to be returned to the *hapū* if and when it was no longer required for the purposes for which it was gifted. Takaparawhau was not used by the Crown for defense, but it was never returned. In 1952, the last of *Ngāti Whātua Ōrākei's whenua* was taken prior to a visit from Queen Elizabeth II: the remaining residents were violently evicted and moved to nearby state housing, and the remaining homes and buildings on their *whenua tūpuna* were demolished and burned by the Crown.

A quarter of a century later, in 1976, the Crown announced its intention to establish an expensive housing development at Takaparawhau, and it was in response to this that *hapū* members and their supporters occupied the site for some 506 days, until they were forcibly evicted. The peaceful *tikanga* of the occupation included the planting and cultivation of food gardens (Waitangi Tribunal, 1987; Hayden, 2018). Ultimately, most of Takaparawhau, along with some other sites in the original 700-acre block, was returned to the *hapū* in 1991 following a recommendation by the Waitangi Tribunal and a Treaty settlement negotiation between *Ngāti Whātua Ōrākei* and the Crown (Ngāti Whātua Ōrākei Claims Settlement Act 2012; Orakei Act 1991).

#ProtectIhumātao

Ihumātao is among the sites of the earliest human occupation of Aotearoa and is home to the longest continuously inhabited *papakāinga* in Tāmaki Makaurau (Jones, 2020). For *ahi kā*, Ihumātao holds profound significance, deeply intertwined with their cultural identity and heritage (Mackintosh, 2019). However, over the span of more than 160 years, Ihumātao has endured relentless threats and exploitation through processes of colonization, urbanization, and the Crown's failure to uphold *te Tiriti* (Waitangi Tribunal, 1985).

On July 9, 1863, Governor Grey issued a proclamation, justified by false accusations of rebellion, which demanded the allegiance of the people of Ihumātao to the Crown. *Ahi kā* were forced into exile, their homes, canoes and gardens destroyed, and their *whenua* (more than 900 acres) confiscated. Crown surveyors subsequently surveyed the land and "lots" were "granted" to settlers. Nearly 100 years later, in the 1950s, the *tūpuna maunga* of Ihumātao were quarried to facilitate the construction of the Auckland International Airport, and in the

1960s a wastewater management plant was established in the harbor bordering Ihumātao, with the foreshore utilized for oxidation ponds to manage raw sewage and industrial waste. Then, the New Zealand Parliament passed the Housing Accords and Special Housing Areas Act 2013, which aimed to fast-track housing developments in Tāmaki Makaurau. This law removed protections under the Resource Management Act 1991; in particular, by excluding any form of participation by Māori concerning the development of their traditional customary land, regardless of the potential impact arising from the proposed development. Subsequently, Auckland Council and the Crown granted consent to a 480-housing development on ancestral land in Ihumātao.

The *#ProtectIhumātao* campaign vigorously contested the decision through various legal channels, including engagements with the Auckland Council, the Environment Court, the Māori Land Court, Parliamentary select committees, and the United Nations, yet their efforts failed to halt the planned development (Came et al., 2019). In November 2016, Pania and others moved onto the *whenua*, aiming to thwart any development and uphold *kaitiakitanga*, the active stewardship and guardianship of the land, including through *mahinga kai*—planting gardens and growing food. *Kaitiakitanga* was a fundamental pillar of the *#ProtectIhumātao* cause, nurturing both the environment and the campaigners throughout the duration of the movement.

The movement gained significant momentum and garnered widespread attention in the national media in mid-2019 following a police eviction attempt (Haunui-Thompson and Fernandes, 2019; Hayden and Rowe, 2019). The standoff between *ahi kā* and the Crown saw a partial resolution in December 2020 when, despite previous reluctance to engage or acknowledge *ahi kā*, the New Zealand government agreed to purchase the contested land and begin a process to find a positive resolution (Patterson, 2020). Despite being on the receiving end of some of the most draconian central and local government decisions seen in Aotearoa, *ahi kā* remain resilient, and are steadfastly pursuing their aspirations for *mahinga kai* and planting on the *whenua*.

Kai, tangata, whenua

Pākehā food politics in Aotearoa

The connection between Māori resistance rooted in their land and the pursuit of *mana motuhake* and *rangatiratanga* on one side, and the practice of food cultivation on the other, raises significant questions regarding the vision of food sovereignty in Aotearoa. In *te ao Pākehā*, food discourse and politics have tended to be relatively apolitical (Bartos, 2014). For example, while Māori report disproportionately high levels of food insecurity (McKerchar et al., 2015; Moeke-Pickering et al., 2015), and 17% of 12-year-olds live in food insecure households (Gerritsen et al., 2023), the realities of food inequality are rarely discussed in the mainstream, often treated instead as isolated, localized incidents rather than symptoms of deeper structural issues (Rosin, 2013, 2014). Furthermore, while in many parts of the world, food sovereignty has

been taken up as a rallying cry and political focus for agrarian and food movements, in Aotearoa this discourse has, until recently, been muted in policy and civil society discourse.

This may be in part because the pervasive narrative—adopted by government and agribusiness alike—of Aotearoa as “clean, green” and “100% pure” creates a geographical imaginary wherein food “is plentiful, apolitical, local, and environmentally sound,” masking evidence of “impurities” such as food poverty, unequal access, or environmental degradation (Bartos, 2016, p. 93; Mortland, 2023; Tourism New Zealand, n.d.). Additionally, the country’s modernist, industrial agricultural industry, which is dominated by *Pākehā* farmers and which exports most of what it produces, is driven by a productivist ideology deeply informed and shaped by the country’s colonial history. Early settler farmers were celebrated for helping to meet the food needs of the British Empire, a role which was reinforced during the world wars of the early 20th century. The UK’s entry into the European Union and the removal of all agricultural subsidies in the early 1980s only served to rejuvenate this productivist ideology, spurring the adoption of new technologies and advances in productive efficiency to ensure farmers in Aotearoa could continue to “feed the world” (Wynyard, 2019b; Campbell, 2020).

The agricultural industry, and the ruggedly individual, hardworking, farmers who populate it, have long been elevated in the national consciousness to a near mythical status—a status which has protected them from substantial or sustained criticism (Campbell, 2020).² These farmers are implicitly coded as white, despite the fact that much of the contemporary farming industry relies upon non-white migrants, often with temporary and precarious immigration status (Collins and Stringer, 2019; Collins and Bayliss, 2020; Tipples et al., 2020; see also Palomino-Schalscha et al., 2023). The family farms that these farmers operate, and their associated yeoman ideals, have proved remarkably resilient in Aotearoa, further entrenching this cultural status (Brooking, 2019). This has been compounded by the economic prominence of agricultural production, both real³ and imagined.⁴ Consequently, the discursive, ideological, and material features of the modernist industrial farm have transformed the landscape of Aotearoa and rendered other ways of producing food and relating to land—including Māori land relations—nearly invisible (Campbell, 2020). As such, it may become easier to understand, to some extent, the relative absence of a prominent food sovereignty movement in the country.

2. Though this has begun to waver in recent years thanks to major and growing ecological ruptures, with some commentators arguing that dairy farmers, at least, may be losing their “social license to operate” (Brooking, 2019; Wynyard, 2019b; Campbell, 2020).

3. Primary industries contribute around 5% of GDP and constitute around 80% of all exports (Ministry for Primary Industries | Manatū Ahu Matua, 2023).

4. Agriculture has not been the primary source of the country’s GDP since the 1970s, it is still discursively treated as such (Stats NZ | Tauranga Aotearoa, 2024).

The emerging Māori kai sovereignty movement

One important exception to the general dearth of literature or activism relating to food sovereignty is the rapidly growing field of Māori food sovereignty—or *kai* sovereignty (Shirley, 2013; Hutchings, 2015; Morris and Fitzherbert, 2016; Stein et al., 2018; Wehi et al., 2023). While here, food sovereignty has sometimes been framed in terms of food security or resilience (Rosin, 2013; McKerchar et al., 2015; Hutchings et al., 2022); and while the analytical distinction between these and food sovereignty has sometimes been blurred (Hutchings et al., 2012; Moeke-Pickering et al., 2015; Huambachano, 2018), this work is significant in its grounding in *te ao Māori* and its engagement with the particularities of what a radical politics of food grounded in principles of food sovereignty might mean in Aotearoa.

The cultivation of food is an important expression of Māori spiritual and cultural life, and a key means of enacting *tinō rangatiratanga* and *mana motuhake* (Grey et al., 2020; Wehi et al., 2023). Further, the pursuit of food sovereignty is also a deeply practical response to the food insecurity and lack of control over the food system which many Māori experience as a result of colonial dispossession and domination (Moeke-Pickering et al., 2015; King, 2023). At the same time, food sovereignty is also useful from a strategic perspective, as it can help to build relationships and solidarities with non-Māori groups toward deeper social transformation.

For instance, Hua Parakore, the Māori organic certification program, can be understood as both a means for Māori economic development and food sovereignty (Hutchings, 2015), while the current industrial food system is “an insidious form of colonisation” which undermines these goals (Hutchings et al., 2022, p. 26). In a similar vein, Wehi et al. (2023) discuss two long-standing traditional gatherings centered around food at two Waikato *marae*, exploring how these gatherings have adapted to the joint challenges of climate change, colonization, and industrialization through novel enactments of *kaitakitanga* and *manaakitanga*. The authors argue that these principles and enactments are central to *kai* sovereignty through their support for food autonomy and broader cultural resistance and resurgence.

Whenua as the basis for kai sovereignty

While the land question has historically been disregarded by many *pākehā*, especially those engaged in food and farming sectors, in *te ao Māori*, the Crown’s failure to uphold *te Tiriti* has placed *whenua* at the core of political discourse. As Shattuck et al. (2015) note, food sovereignty is not a universal ideal but rather highly situated in particular contexts: food sovereignty in different places is both shaped by, and contributes to shaping, the terrain of food politics (Brent et al., 2015). In Aotearoa, the country’s particular land histories and relations indicate that any movement for food sovereignty must engage with the fact that much of the land in question has been unjustly taken from Māori, and therefore must center *tangata whenua* and *kaupapa Māori* movements to reclaim *mana motuhake* and *rangatiratanga* (Martens et al., 2016;

O'Malley, 2019; Jones, n.d.). Indeed, for those involved in leading the #ProtectIhumātao movement, upholding the mana of the *whenua*, the enduring relationship *ahi kā* have with it, and their ability to exercise *kaitiakitanga* were paramount. Everything else, including land reclamation and the pursuit of *kai* sovereignty, needed to stem from this foundational commitment. Furthermore, and in light of the discussion of land sovereignty in the second section, such attention to land requires grappling with its distinct, and perhaps incommensurable ways in which it is known and experienced by Māori and by the settler state (Wittman and James, 2022).

Within the dominant colonial capitalist ontology in Aotearoa, land and food are separable; both are commodifiable private property, able to be alienated from their ecological and social contexts and traded as fungible assets (Holt-Giménez, 2017; Nichols, 2019; Vivero-Pol et al., 2020). However, for Māori, there is a clear ontological and cosmological relationship between land and food. Through *whakapapa*, *whenua* is understood as relational, tied to both *kai* and people: In *Te Reo Māori*, *whenua* means both land and placenta, representing the deep, relational entanglement between people and the land. Moeke-Pickering et al. (2015) describe the importance of *kai* in this relationship as “a vital connection to history, ancestors and the land” (p. 69). Kaiwaka, a participant in Ritchie's (2016) research, described the belief that “we are born with two umbilical cords. One is cut from mum but the other . . . goes straight to the Atua [gods] . . . all you have to do is touch it . . . and that touch is when we are playing with the soil” (p. 175). For *ahi kā*, the *whenua* at Ihumātao is valuable in and of itself: not an asset, but a place of ancestral, relational meaning and belonging. Even without being “productive,” the land has a nurturing quality, a kind of sustenance that stems from the *whenua* and the *kaitiaki* relationship with it.

Yet despite the importance of *whenua* in the political landscape, and to both the realization of *kai* sovereignty and *mana motuhake*, little of the relevant literature in Aotearoa addresses the question of land access or governance in a sustained way. Huambachano (2018), while arguing that an approach to food sovereignty grounded in self-determination would enable Māori to develop control over and access to land, does not explore how such access might be achieved in practice. Similarly, Stein et al. (2018) detail the importance of land to the ability of Māori to engage in sustainable food practices and achieve food security; yet they do not grapple with the question of how a lack of practical access to or political authority over land may prevent the fulfillment of this ideal. Furthermore, while Hutchings et al. (2022) mention the return of land to Māori as an enabler of soil and *kai* resilience, they do not elaborate further on the relationship between the two (see King, 2023). In contrast, the land-based resistance movement at Ihumātao centered on the reclamation of *whenua* and *mana motuhake*, with food and farming as both a method for achieving these goals, and as a likely beneficial outcome of them.

Ihumātao: A case of kai sovereignty as part of land-based resistance

Ihumātao was where some of the first Māori to arrive in Aotearoa settled, where they developed innovative techniques for creating the microclimates necessary to grow Pacific crops like *kumara*. Traditional Māori cultivation is grounded in the idea that everything has a *whakapapa* and *mauri*. Cultivation takes place according to *maramataka*, place-based lunar calendars which draw on certain signs in the natural world to dictate action. These practices are profoundly intertwined with the ecological, social, cultural, and spiritual fabric of the land, drawing strength from ancestral wisdom and deeply rooted connections to the environment (Hutchings et al., 2012; Whaanga, 2012; Small, 2020). Subsequent to the arrival of European settlers, *ahi kā* of Ihumātao were part of a burgeoning Māori horticultural economy, supplying the growing city of Auckland with *kai* (Morris and Fitzherbert, 2016; Menzies and Short, 2023).

As the #ProtectIhumātao campaign developed, *mahinga kai* activities and strategies gradually became more visible. For example, when police attempted to evict *ahi kā* from the *whenua*, they and their supporters stood their ground, and used planter boxes to prevent vehicles from accessing the land, and planted trees and gardens where the development was proposed. This gardening and tree planting on the *whenua* breeds imaginative possibilities for an Indigenous future for the *whenua* that is connected to and continuous with its past, highlighting the enduring significance of Ihumātao in sustaining traditional gardening practices and nourishing communities over generations.

For the time being, the housing development has been stopped, and *ahi kā* have been working on initiatives to return the land to its original use: feeding and nourishing people. In doing so, the #ProtectIhumātao campaign explicitly drew on the “legacy of Parihaka” (Hancock and Newton, 2022), and connections have also been made to the reclamation of Takaparawhau (Protect, 2019). The links made at Ihumātao between *whenua*, *kai*, *rangatiratanga*, and *mana motuhake* can be traced through history and to the present day at Parihaka and Takaparawhau, too. Part of the 1970s occupation of Takaparawhau involved the planting of gardens, an “assertion . . . that the land provided sustenance to Ngāti Whātua: physically, culturally, spiritually, and . . . politically” (Robb, 2018). Today, land adjacent to Takaparawhau that was returned to *Ngāti Whātua Ōrākei* in the 1991 Treaty settlement is the site of a thriving *māra kai* which provides free food to *whānau* and seeks to promote food sovereignty through the preservation of traditional practices. At Parihaka, *tangata whenua* used the acts of ploughing and fencing as a means of peacefully resisting the unjust seizure of their lands, and relied upon the cultivation of *kai* to sustain claims of *ahi kā* (O'Malley, 2019; Taiapa et al., 2021). In 2012, *Ngāti Tāwhirikura* established *māra kai* near the site of Parihaka, also drawing upon its legacy, as an “act of resistance to the Treaty claims settlement process and as a statement of *ahi kaa*” (Taiapa et al., 2021, p. 151). These links between *whenua*, *kai*, and the pursuit of *mana motuhake* and

rangatiratanga are consistent across more than 150 years of anti-colonial resistance.

Beyond its food-related history, the occupation of Ihumātao is significant because of the way it illuminates the central importance of the *whenua* to achieving the social and political goals of Māori. Interviews with a number of *kaitiaki* participating in the reclamation shared by the campaign on YouTube speak to this issue. For example, Kowhai Olsen stated that: “We are mana whenua. This land does belong to us” (Voices of Ihumātao: Kowhai Olsen, 2019). Land is not just land, though—people and *whenua* are intrinsically linked in ways that emphasize relational connections and reciprocal responsibilities (Hancock et al., 2020). The value of the *whenua* is intangible: an umbilical connection which sustains the health of *tangata whenua* physically, mentally, and socially. Thus, the reclamation by the #ProtectIhumātao campaign represents the fight not only for *whenua* but also for Māori culture and rights, and for *tūpuna* and *mokopuna*. Furthermore, the use of occupation as a key method of reclamation foregrounds the relationships *ahi kā* have with the interdependent, food-producing ecosystems on their *whenua tūpuna*. It highlights not only their responsibilities toward those ecosystems but also their right and authority to enact these responsibilities. This understanding is closely aligned with an indigenized conception of food sovereignty grounded in *rangatiratanga*. Yet, as noted above, the #ProtectIhumātao campaign exhausted most, if not all, of the official legal fora available to them to resolve the dispute over the *whenua*, to no avail, reinforcing the idea that the settler state may be an “impossible space” (Kepkiewicz, 2017, p. 168) within which to build such food sovereignty. Instead, *ahi kā* have constructed an alternative space in which to begin building *kai* sovereignty for themselves, in relationship with all those who supported them.

Indeed, different people supported the *kaupapa* for different reasons. Many *Pākehā* supporters were initially motivated by the protection of Ihumātao’s heritage or environmental values, and the campaign received support from a number of *Pākehā* farmers and gardeners across the country, who related to the food cultivation *kaupapa*. For these people, engagement with the reclamation movement helped to grow their commitment to the broader goals of *ahi kā* around enacting *mana motuhake* and *tino rangatiratanga*. Thus, a food sovereignty framing can perhaps help to bring Māori and non-Māori into a relational space that best allows care for the land and for the people (see Gupta, 2015). In many ways, then, *kai* sovereignty could be understood as one way to progress the proposals of the *Matike Mai Report* and begin building the practice of a relational sphere of decision-making, moving away from the impossibility of the settler state and toward a decolonized constitutional model for government.

The links that this section has highlighted between *kai* and *whenua*-based anti-colonial resistance movements across both time and space demonstrate that, in Aotearoa, there is a need to center Māori movements for *mana motuhake* and *tino rangatiratanga* as key sites of political and agrarian contestation. While in some instances, food

sovereignty movements in settler colonial contexts have not—at least initially—placed questions of land and Indigenous self-determination at their hearts (Roman-Alcalá, 2015; Kepkiewicz and Dale, 2019) in Aotearoa the *kai* sovereignty movement is still nascent. It is being driven, in large part, by Māori activists and producers—although it is being increasingly taken up outside of these spaces, too (Clifford, 2023). As such, there is an opportunity to ensure that *mana motuhake* and *rangatiratanga* are foundational to the pursuit of *kai* sovereignty in Aotearoa from the outset. Not only that, but the story of the #ProtectIhumātao campaign and its historical antecedents provide salient lessons for food sovereignty movements across settler colonial contexts, indicating the vital importance of ensuring that concerns regarding land and Indigeneity are not afterthoughts, but central areas of focus within the movement.

An open moment: Disrupting settlement

Ahi kā resistance at Ihumātao extends beyond demonstrating the centrality of struggles for *mana motuhake* and *rangatiratanga* to *kai* sovereignty, and vice versa. As Gupta (2015) notes, food sovereignty goes beyond questions of food, encompassing Indigenous claims to justice and the restoration of their relationships with the land. The #ProtectIhumātao campaign provides an illuminating example of how land-based resistance, enabled by *kai* sovereignty, can be a key method for disrupting the very colonial land relations—and the nature of the sovereignty and constitutional arrangements that underpin them—that undermine the ability for Māori to exercise *mana motuhake* and *rangatiratanga*. This demonstrates how such acts of resistance can push forward a radically different constitutional model, one grounded in relationality and genuine partnership between Māori and the Crown (Matike Mai Aotearoa, 2016; Fenton, 2018; Mutu et al., 2021), from which true *kai* sovereignty could flow.

The Crown’s power to determine land relations

The dispute between *ahi kā* and the Crown regarding the fate of the *whenua* at Ihumātao was partially resolved when the Crown purchased the *whenua*. The agreement pertaining to the purchase, *He Pūmautanga*, sets out the terms of collaboration among the parties and established a steering committee with representatives from the Crown and *ahi kā* to develop a vision for the *whenua* over a period of 5 years. Importantly, *He Pūmautanga* includes an agreement that the purchase does not constitute the settlement of a Treaty claim (Auckland Council et al., 2020).

Following the sale, members of opposition political parties complained about the process the government had undergone to purchase the *whenua* at Ihumātao. A review by the Auditor-General’s Office found that the expenditure fell outside the powers conferred by the relevant law, and that retroactive legislation would need to be passed in order to validate the purchase (Ryan, 2021a, 2021b). It is important to note here the general principle that retroactive legislation is contrary to the rule of law. This principle is upheld in a number of pieces of legislation and in Parliamentary rules and guidance (New Zealand Bill of

Rights Act 1990; Legislation Act 2019; Legislation Design and Advisory Committee, 2021).

As noted, property is not a fixed and naturally given object—instead it is something created by society, continuously produced by legal, cultural, and discursive performances (Blomley, 2008; Bhandar, 2018; Nichols, 2019; Rose, 2019). Property is always “in the making” and so, too, is the state. Through demanding institutions to recognize their rights—particularly rights associated with property and citizenship—individuals and groups imbue those institutions with the qualities of a state. Simultaneously the state, in creating and defining categories and principles for recognizing or ignoring claims to rights, constructs itself as a state: “the act of authorizing recursively authorizes the authorizer” (Lund, 2016, p. 1205).

In Aotearoa, the Crown controls and defines categories around claims to property rights and territorial authority. By positioning itself at the center of processes to resolve colonial injustice, the Crown reinforces its own legitimacy and claims to statehood in several ways. First, the Crown sets strict boundaries around the conditions under which Māori may legitimately reclaim land through the Treaty settlement process (Jones, n.d.). For instance, it limits the scope for negotiations through the policy of “full and final” settlement, meaning that historical grievances are to be settled through a single, Crown-defined process, and that negotiations cannot be subsequently reopened if circumstances change. Further, only Crown land is available for consideration by the Waitangi Tribunal, leaving discussion of private property—a significant portion of unjustly taken land, including the whenua at Ihumātao—off the table. Additionally, the Crown restricts political engagement and contestation over land through its preference for negotiating Treaty claims with “large natural groupings rather than individual whānau and hapū” (Office of Treaty Settlements, 2018, p. 27).

The Crown also delimits the bounds between property and territory (Blomley, 2016). What is offered back to Māori through Treaty settlements is the ownership of (some) property, not sovereignty over territory. In 1999, then Minister for Treaty of Waitangi Negotiations, Doug Graham, said that:

not only was “sovereignty” transferred by the Treaty, not only has Her Majesty’s Government lawfully exercised that “sovereignty” for over 150 years in fact, but, from a practical view, any “Maori sovereignty” is totally inconsistent with today’s world. (Graham, 1999)

Fifteen years later, the Waitangi Tribunal found that those “who signed te Tiriti did not cede their sovereignty” (Waitangi Tribunal, 2014, p. xxii); yet, then Attorney-General Chris Finlayson responded that the report did nothing to change the Crown’s view that it had unquestionable and absolute sovereignty over New Zealand (Bennett and Quilliam, 2014). While some progress toward greater co-governance between the Crown and Māori has been made over the past decade (Jones, 2023), ultimately the Crown still has a “clear disregard for any kind of Māori

authority” that comes close to *tinu rangatiratanga* or *mana motuhake* (Clavé-Mercier, 2022, p. 15). These constraints undermine the pursuit of Māori *kai* sovereignty by limiting the terrain of political contestation, foreclosing the possibility for reclaiming *mana motuhake*, and reinforcing the supremacy of private property ownership.

Many Māori have found ways to work within the constraints of the Crown’s settlement system—86 settlements, worth NZD2.6 billion have been agreed since 1995 (Neilson, 2023). Whether understood as a last resort through a perceived lack of other options, or the strategic use of settler law to advance the interests of Māori (see Persaud et al., 2020), these engagements have enabled many *iwi* to gain an apology from the Crown, have some of their land returned to them, and gain financial compensation which has been used to advance their economic and cultural interests. Nonetheless, there are severe limitations to what can be achieved through the existing settlement process, and widely recognized shortcomings and tensions. Adversarial and exclusionary, “the process has traumatised claimants, divided their communities, and returned on average less than one percent of their stolen lands” (Mutu, 2019b, p. 151). Ultimately, it upholds the myth of the Crown’s sovereignty and associated colonial systems of property, citizenship, and power (Kepkiewicz, 2017; Charters, 2022). As such, there is a “need to find mechanisms outside of the current claims and settlement process . . . to effectively address injustice” (Jones, n.d.). In this regard, struggles like that at Ihumātao—which confront settler state sovereignty and associated discourses and ontologies of commodified, private land ownership, and which assert the ongoing presence and resurgence of uniquely Māori ways of relating to and governing *whenua*—are vital (Durie, 2011).

Rupturing the power of the Crown

Despite the seeming solidity of the Crown’s power to determine the parameters of engagement and the terms of debate, political “ruptures” can produce “open moments,” which create possibilities for the radical reconfiguration of property, citizenship, and political authority (Lund, 2016, p. 1202). The reclamation of Ihumātao and the (partial) resolution of the dispute through the Crown’s purchase can be understood as one such rupture, unsettling the “power geometry” (Palmer, 2020, p. 805) of the settler state in Aotearoa. In doing so, these events can be understood as a necessary part of preparing the ground for the seeds of *kai* sovereignty in Aotearoa.

First, the reclamation of Ihumātao subverted the Crown’s carefully circumscribed parameters of legitimate political and legal engagement and asserted the authority of *ahi kā* to define these instead. It did so with regard to the type of property which could be legitimately contested: as privately owned property, the *whenua* fell outside the Crown’s established parameters for engagement, yet *ahi kā* reclaimed it anyway. More profoundly, it challenged the entire Crown-established framework for determining questions of land return: unable to make use of the Treaty settlement process, and having exhausted all other legal approaches, *ahi kā* sought to define a different

procedure on their own terms. By challenging the Crown's authority over their *wahi tūpuna*, as well as the constraints of the Crown's official legal processes, *ahi kā* have disrupted the legitimacy of the Crown's claims to political authority. At the same time, *ahi kā* have asserted their own political authority in ways that are inextricably linked to their practices of *mahinga kai*, and their assertion of *mana motuhake*. In doing so, they have clearly identified the central complexities, and perhaps incommensurabilities, in defining the "sovereign" in any conversation about *kai* sovereignty in Aotearoa.

Second, the reclamation of the *whenua* produced a discursive rupture in addition to a material one (Stiernström and Arora-Jonsson, 2022). *Ahi kā* carried out and effectively communicated extensive research about the *whenua* and its histories, producing and sharing narratives from their own point of view (Hancock et al., 2020). Through these narratives, they drew "attention to the dubious basis of the state's authority to rule Māori" (Paora et al., 2011, p. 251) and laid bare the deeply political work which goes into the maintenance of property norms and laws, and of the state itself (Blomley, 2015; Clark and Page, 2022). These narrative and moral claims resonated with a significant portion of the New Zealand populace, and by the peak of the #ProtectIhumātao campaign around 54,000 people, or around 1% of the total population of Aotearoa, had signed a petition to stop the development (Protect Ihumātao - SOUL, 2021). Through claims to moral authority and ancestral ties, *ahi kā* were able to wrest a degree of narrative control and demonstrate the legitimacy of their claims to the *whenua* and their assertion of authority over it. In doing so, they were also able to destabilize the narratives supporting the claims of the Crown that it had no jurisdiction to act.

Third, through their reclamation, *ahi kā* contested and directly confronted the colonial capitalist territorialization of the *whenua* at Ihumātao as privately owned property—characterizing it instead as a *wāhi tūpuna* embodying a source of identity, relationships, and well-being (Jones, 2020). Through "audacious hope" (Hancock et al., 2020, p. 38), *ahi kā* refused the Crown's authority to determine the nature and future of the *whenua* (Simpson, 2017), instead claiming that authority as their own. In doing so, they revealed that such property formations are deeply contingent, and can be changed. Even further, it can be argued that *ahi kā* exercised what Lund articulates as "a claim to 'state'" (Lund, 2016, p. 1202)—or, more accurately, to *mana motuhake*. Sustained resistance by *ahi kā* led the Crown to eventually purchase the *whenua*. In doing so, *ahi kā* pushed the Crown to undermine its own claims to authority while *ahi kā* claims were progressively enacted.

These elements of the rupture produced by the protection and reclamation of Ihumātao have profound implications for the reparation of colonial injustices, the establishment of "just relationships between Māori and the Crown outside of the Crown-dictated settlement process" (Jones, n.d.), and indeed the very nature of sovereignty in Aotearoa. This has potentially wide-ranging implications that go far beyond *kai*, gesturing toward the

possibility of, and need for, constitutional transformation (Matike Mai Aotearoa, 2016).

While the events at Ihumātao may appear isolated in the broader national context of ongoing settler colonialism, Crown power, and Māori dispossession, we argue that they are indicative of a change, both material and discursive, in how disputes over *whenua* are taking place: "[w]here once the focus was Crown land and not private, the goalposts have [now] been shifted" (Fisher, 2021). As Gilbert (2023) argues, while direct action tactics such as occupations or blockades have sometimes been dismissed as ineffectual and easily co-opted, they can also act as "catalyst[s]" for transforming not only the subjectivities of those involved, but can also "force a reconsideration of . . . the structures of daily life" (p. 16).

Materially, there has been a surge of reclamation activity around the country, and a seemingly greater Crown willingness to engage positively with this kind of action. To take one example, a year after its purchase of the *whenua* at Ihumātao, the Crown bought *whenua* near the Taipa River in Northland, which had been occupied for a mere 5 weeks by *Ngāti Kahu* (Fisher, 2021). That land is currently being held in reserve by the Crown so that it can be offered back during Treaty settlement negotiations. As such, this could be seen as just another instance of state co-option of Māori activism to incorporate Māori within a mythological, singular nation dominated by *Pākehā* sovereignty and law (Paora et al., 2011; Sykes, 2020). Yet there is evidence, and opportunity, for these events to represent the beginnings of a process that goes beyond the colonial Treaty settlement process (Jones, n.d.). As Wi Popata, a representative of *Ngāti Kahu*, said following the purchase of the *whenua*: "[t]here's another 10,000 to 20,000 hectares that still needs to come back. Once we go home and get energized, we might just sit ourselves somewhere else" (Fisher, 2021).

It is also possible to detect the beginnings of a discursive shift. For instance, a number of recent publications and policy documents have argued for a greater focus on the role of private purchasers in the alienation of Māori land, and for bringing private land back within the remit of Crown reparation processes (Boast, 2017; Charters et al., 2020). These can, in turn, be linked to broader debates and conversations regarding the constitutional foundation of Aotearoa itself, as articulated in the *Matike Mai Report* (Matike Mai Aotearoa, 2016). The events at Ihumātao raise fundamental questions about Aotearoa's identity and the source of political authority within it. They point not only to the need for the Crown to step back and make space for Māori to develop and enact their own visions for their *whenua tūpuna*, but also provide a concrete example of how this can happen. And they do so in ways that are not only discursive but which actively and materially challenge the Crown authority while positioning *ahi kā* as legitimate political actors with the authority and the ability to govern the land (Hancock et al., 2020).

As discussed throughout this article, Māori *kai* sovereignty requires critically interrogating the nature and locus of that sovereignty, and centering questions of *whenua*: what it is, what it is for, and who governs it. Not only

that, but as this section has elaborated, questions around who owns and governs the *whenua* are centrally tied to questions of who rules the territory—that is, where *mana motuhake* lies. By materially challenging existing colonial capitalist power structures of sovereignty, statehood, and private property ownership, as well as the narratives which sustain them, *ahi kā* can be said to have undertaken a form of “expressive insurgency” (Nichols, 2019, p. 159), opening space for the development of alternative visions of the *whenua*, and of *Tiriti*-based governance more broadly. This is in line with the proposals of relational constitutionalism held within the *Matike Mai Report*. These visions are grounded in Māori ontologies of the *whenua* as inseparable from either people or *kai*, deeply grounded in relationships of *kaitiakitanga* (Short and Jones, n.d.). Furthermore, by asserting their *mana motuhake* with regard to the *whenua* at Ihumātao, and by placing *kaitiakitanga*—with *mahinga kai* as part of this—at the heart of their vision for the future of the *whenua*, *ahi kā* have begun building a landscape within which a truly decolonial movement for *kai* sovereignty can be nurtured and grown.

Conclusion

This article has described the protection and reclamation of *whenua tūpuna* at Ihumātao, Aotearoa by *ahi kā*—those with ancestral ties to the *whenua*, who live on the *whenua*, and who have asserted their authority to envision the future of the *whenua*. We have built upon existing interventions on land sovereignty and Indigenous food sovereignty to further demonstrate the ways in which *kai* sovereignty in the settler colonial context of Aotearoa is complicated by questions regarding the nature and locus of sovereignty, the state, and a nuanced appreciation for the central importance of land. Furthermore, we have critically appraised the place of privately owned property in the advancement of food sovereignty grounded in Indigenous territorial authority and self-determination. We have concluded that in Aotearoa, *kai* sovereignty can best be understood through the notion of *rangatiratanga*, while land sovereignty is best conceptualized as entailing *mana motuhake*.

The story of Ihumātao is linked to a long history of food production and *whenua*-based resistance by *tangata whenua* to the ongoing colonialism of the Crown. While many of these resistance movements across Aotearoa have involved an element of *mahinga kai*, their focus has been primarily on the reclamation of the *whenua*. This emphasis speaks to the profound interconnection in Māori ontologies of people, *kai* and *whenua*, and to the central importance of *whenua* in the political landscape of Aotearoa. Ultimately, what this analysis suggests is the need to focus on *mana motuhake* as a key pillar of the nascent *kai* sovereignty movement in Aotearoa.

Furthermore, we have argued that the *#ProtectIhumātao* campaign and its aftermath have ruptured the facade of Crown sovereignty, opening space for new possibilities within constitutional relationships between Māori and the Crown that reflect the ideals envisioned by *te Tiriti* in 1840. Such constitutional transformations are the necessary foundation for the realization of a *kai*

sovereignty which is grounded in *rangatiratanga* and *mana motuhake*. Our analysis points to the need to more closely investigate the entanglement of food sovereignty, land sovereignty, the state and dominant regimes of property, particularly in settler colonial places. More work is needed to understand how these different dynamics interact and come together in different contexts, creating diverse terrains for political and territorial contestation around the nexus of food. In describing the events at Ihumātao, we have elaborated one strategy for challenging the authority of the state in a particular settler context, while simultaneously asserting alternate, Indigenous visions for land governance, food sovereignty, and territorial authority. Future work could explore similar strategies in other geographies—either in other settler colonies or indeed in states within the imperial core. Additionally, our work opens avenues for further research into the strategies and methods which can hold open the ruptures produced by movements such as *#ProtectIhumātao* in order to leverage even broader transformations in the politics of food, land, and the arrangements of governance, authority and political power that underpin them.

Glossary of Te Reo Māori language terms used in the text

Ahi Kā: people with ancestral connection to the land; those who keep the home fires burning; continuous occupation of land
Hapū: kinship group, typically part of larger iwi; sub-tribe
Hiko: walk, march
Iwi: extended kinship group, tribe
Kai: food
Kaitiaki: guardians
Kaitiakitanga: guardianship
Kaupapa: principles, values, plans
Kāwanatanga: governorship
Kumara: sweet potato
Mana motuhake: Māori self-determination, autonomy
Mātauranga Māori: Māori ancestral knowledge
Ngāti Awa: an iwi or tribe in Aotearoa
Ngāti Kahu: an iwi or tribe in Aotearoa
Ngāti Tāwhirikura: a hapū or sub-tribe in Aotearoa
Ngāti Whātua Orākei: a hapū or sub-tribe in Aotearoa
Mahinga kai: food cultivation
Manaakitanga: hospitality
Māra kai: food garden
Marae: traditional meeting place of an iwi, hapū or whānau
Moana: ocean
Mokopuna: descendants, grandchildren
Pākehā: non-Māori New Zealanders of European descent
Papakāinga: village
Rangatiratanga (Tino rangatiratanga): chieftainship/full chiefly authority, often translated as sovereignty
Tangata whenua: people of the land, with ancestral ties to the land
Te Reo Māori: the Māori language
Te Tiriti o Waitangi (Te Tiriti; Tiriti): the Treaty of Waitangi; a treaty between some Māori and the Crown in 1840

Tikanga: Practices and values informed by mātauranga Māori

Tino rangatiratanga (Rangatiratanga): chieftainship/full chiefly authority—often translated as sovereignty

Tūpuna: ancestors

Tūpuna maunga: ancestral mountains

Wahi tūpuna: ancestral landscape

Whakapapa: genealogy; ancestry; relation

Whānau: extended family

Whenua: land, placenta

Whenua tūpuna: ancestral land

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