

Indigenous environmental defenders in Aotearoa New Zealand: Ihumātao and Ōroua River

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Abstract

This article theorises the question—what is the role and nature of Indigenous environmental defenders in Aotearoa New Zealand? We explore Māori—the Indigenous people of Aotearoa New Zealand—who act as environmental defenders of their lands and waters despite the perpetual insecurity of their constitutional rights and imbalances in power and resources compared with state and corporate actors. The environmental defence of Aotearoa New Zealand by Māori began with the arrival of European explorers' intent on overturning Indigenous institutions of environmental management that has sustained their peoples for a thousand years. Stemming from case study analysis of Māori environmental defenders at Ihumātao in Māngere and Ōroua River in Manawatū, we propose whenua (land) resilience theory to explain the concomitance of environmental defence and development from an Indigenous perspective.

Keywords

Aotearoa New Zealand, environmental defenders, Ihumātao, Māori land, Ōroua, Treaty of Waitangi

Introduction

The world of the environmental defender, whether activist, wildlife ranger, or Indigenous leader, is a perilous one, with 200 reportedly killed in 2017 (Watts & Vidal, 2017), of whom around 50% were Indigenous and local peoples (United Nations Environment Programme [UNEP], 2018a). An environmental defender is “anyone (including groups of people and women human rights defenders) who defends environmental rights, including constitutional rights to a clean and healthy environment” (UNEP, 2018a, pp. 1–2). Despite over 150 countries providing environmental rights in their constitutions (UNEP, 2020), the right to clean and healthy environments is not assured for all people. Rising environmental conflict is attributed to intensifying competition for natural resources, unsustainable consumption patterns, and weak enforcement of environmental and human rights (UNEP, 2019). UNEP (2018a) has implemented a policy to protect environmental defenders. This policy entails denouncing attacks on environmental defenders, advocating for their protection, supporting the rule of law, and requesting state and corporate accountability for such attacks (UNEP, 2018b).

The environmental defence of Aotearoa New Zealand commenced in 1642, with the arrival and departure of Dutch explorer Abel Janszoon Tasman (Wilson, 2016), and intensified following the later encounter with British explorer Captain James Cook in 1769 who, unlike his European predecessor, persisted in forming relations with Māori—the

Indigenous people (Mackay, 2007). The enduring impression from these early encounters between iwi (Māori people) and tau iwi (European people) is what Metge and Kinloch (2001) describe as *talking past each other*—a cross-cultural problem that occurs when people of different cultures “misread each other’s words and actions, respond inappropriately, and judge each other . . . in the light of their own standards” (p. 9). Tragedy followed Tasman and Cook’s early forays with Māori, most definitively a colonial occupation whose legitimacy centred on reproducing racist constructions of Māori as incapable of producing knowledge and mortality rates used to justify “an extinction theory that contended that Māori would not survive colonisation” (Winiata, 2017, p. 3). The United Nations Special Rapporteur on the rights of Indigenous peoples, James Anaya, found that Māori rights are still “too vulnerable to political discretion, resulting in their perpetual insecurity and instability” (Anaya, 2011, p. 14). This is because the Treaty of Waitangi of 1840—the country’s founding document—is not entrenched in domestic law (Burrows et al., 2013). It is within this context that we

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examine the role of Indigenous environmental defenders as kaitiaki (guardians) in Aotearoa New Zealand.

This article theorises Indigenous Māori environmental defenders by asking the following research question—what is the role and nature of Indigenous environmental defenders in Aotearoa New Zealand? To answer this question we first briefly review the history of Māori land, the role of the Treaty of Waitangi, and land alienation. Second, we explore elements of Māori and Indigenous knowledge. Third, drawing on the voices of the people of the land, we present as case studies two recent Māori land contestations—Ihumātao in Māngere and Ōroua River in Manawātū. Finally, based on our analysis, the article concludes with an emerging theory we term whenua (land) resilience theory. The theory offers five principles and two inhibiting practices to explain the concomitance of environmental defence and environmental development from an Indigenous perspective. We approach this analysis from our positionalities as Māori and Indigenous scholars with academic backgrounds in management, entrepreneurship, communications and law, and a postgraduate student who identifies as Chinese with an interest in Māori development.

Literature review

From Hawaiki to Aotearoa

The islands now known as New Zealand thanks to Tasman were first sighted by Kupe and his wife Kuramārōtini around AD 950 (Buck, 1958). Williams (2015) describes their journey from Hawaiki—the original homeland of Māori (Royal, 2015), most likely in Eastern Polynesia (King, 2003)—to Te Ika nui a Māui (The great Fish of Māui; the North Island of New Zealand), as the “most dangerous journey any human had undertaken up until that point 1000 years ago” (p. 1). More Polynesian seafarers embarked on this same maritime voyage, establishing life in the land Kupe had named Aotearoa—Land of the long white cloud (Buck, 1958).

Until the time of Cook, Māori tribes owned and controlled all of Aotearoa, establishing claims over lands and marine estates under the mana (prestige, power, and authority) of tribal chiefs using a traditional system of cultural markers—naming land through taunaha whenua (discovery); *take ahi kā* (sustained settlement); *take raupatu* (conquest); and *take tuku* (gift) (Asher & Naulls, 1987; Best, 1934; Firth, 1972; Kawharu, 1977). A customary view of land posits Māori as belonging to rather than owing land (Kingi, 2007). Their cosmological system of beliefs views all living things, including humans, as descendants of Papatūānuku (Earth Mother) and Ranginui (Sky Father) (Royal, 2003). In this perspective, the word for land is whenua, which also means placenta, while people are tangata whenua—“born of the earth’s womb” (Kingi, 2007, p. 9). Māori land was collectively owned by kinship groups, comprising iwi (tribe), hapū (subtribe), and whānau (extended family) (Mika et al., 2019), with rights to land established by descent, and access and use allocated by the group (Kingi, 2007).

The Treaty of Waitangi and colonisation

Between Cook’s arrival in 1769 and the onset of the first world war in 1914, Aotearoa New Zealand “was transformed from an exclusively Māori world into one in which Pākehā [New Zealanders of European descent] dominated numerically, politically, socially and economically” (Watters, 2019, p. 1). Contact between Māori and Europeans grew with the arrival of sealers, whalers, missionaries, and settlers, not without serious incident (Watters, 2019). Yet, Māori actively engaged in trade with these early arrivals, initially importing large quantities of musket used in intertribal warfare while developing tribal economies utilising introduced technologies and supplying goods and services to growing settler and overseas populations from about 1800 to 1850 (Petrie, 2006).

With European emigration growing, British assertions of sovereignty over Aotearoa were expedited via the Treaty of Waitangi signed on 6 February 1840 by representatives of the British Crown and 40 tribal chiefs at Waitangi, and later by another 500 Māori (Hancock & Grover, 2001; Walker, 1990). While the treaty is constitutionally significant (Keith, 2008), controversy over meanings of its English and Māori texts has been ongoing since 1840 (Walker, 1990). In the English text of article 1, *sovereignty* was ceded to the Queen of England, whereas article 1 of the Māori text uses *kawanatanga* as a transliteration of sovereignty and *mana* had been used to denote Māori sovereignty in the 1835 declaration (Durie, 1998a). In article 2 of the Māori text, “*tino rangatiratanga*” was used, inferring continuing Māori independence under the authority of the chiefs (Durie, 1998a, p. 177), whereas the English text of article 2 guaranteed Māori “full exclusive and undisturbed possession of their lands and estates, forests, fisheries, and other properties” (Ministry for Culture and Heritage, 2004, p. 2). When the treaty was signed, sovereignty was effectively ceded, and state-led capitalism ensued. The colonial government invested heavily in physical infrastructure and a transition from short-lived early extractive industries—gold and quarrying—to pastoralism, financed from the sale of lands acquired from Māori, and exports to and external borrowings from Britain (Butterworth, 1990; Monin, 2009; Pool, 2015).

Contention over the meanings of the provisions of the Treaty of Waitangi has been alleviated to some extent by reference to the principles of the treaty, which allude to the spirit rather than the substance of the words themselves (Hancock & Grover, 2001). While the treaty principles have been fairly well articulated by the courts, the tribunal, and policy makers (Durie, 1998a), the Waitangi Tribunal in its enquiry into hauora (health) found that the health system relies on an outdated and minimalist expression of the treaty principles—partnership, protection, and participation—which has perpetuated structural inequalities, health inequities, and systemic underfunding of Māori health (Waitangi Tribunal, 2019). Although the enquiry concerns public health, the tribunal’s findings may, rather disturbingly, represent a commensurate assessment of the status of Māori

in other spheres, including in their roles as Indigenous environmental defenders, as *kaitiaki* of their lands and waters.

Māori land alienation

While Māori and settlers engaged in pre-treaty land transactions, the Crown applied the treaty doctrine of pre-emption (1840–1862), prescribing that only the Crown could buy Māori land, which resulted in *two-thirds* of New Zealand's total land mass being *purchased* from Māori (Boast, 2015). The land was transferred to provincial governments and on-sold to settlers, supposedly reserving adequate land for Māori, which the Crown failed to do. With 80% of the North Island still in Māori ownership in 1860, growing settler demand for land and Māori resistance to land sales in Taranaki led to the New Zealand wars between 1860 and 1873 (Belich, 1998), in which an estimated 3,000 people—mainly Māori—died (Watters, 2019). During the wars, *raupatu* (confiscation) was used by the government to take vast swathes of Māori land under the New Zealand Settlements Act 1863 (Boast, 2015). Land alienation continued through large-scale Crown purchases up to the 1920s called consolidation schemes (Mika, 2021), private sales facilitated by the Native Land Court, and land taken for public works (Boast, 2015). Today, Māori land is estimated at 1.5 million hectares, or about 5.6% of the country's total land area of 26.9 million hectares (Kingi, 2007; Rout et al., 2020).

Negotiating cultural and commercial imperatives

Given the scale of Māori land alienation and the ongoing effects of colonisation, it is unsurprising that Māori may be characterised as engaged in a contestation between cultural and commercial imperatives as antithetical objects. Reid and Rout (2016) challenge the colonial narrative, which has portrayed Indigenous peoples as favouring nonmaterial customary over material commercial wellbeing, perpetuating a view of Indigenous peoples as incapable of managing their economic resources, justifying paternalism, assimilation, and appropriation of Indigenous resources. Nefarious processes used by the Crown to appropriate Māori fishing interests and exclude Māori from commercial fisheries are a prime example (Bodwitch, 2017; Mika, 2020). As the narrative of nonmaterialism becomes entrenched in public discourse, essentialism ensues (Panoho, 2006; Smith, 1999; Sumner, 1959) where Indigenous peoples seek to re-enact “authentic Indigenous culture” by dissociating themselves from Western capitalism to the extent that any form of commerce is viewed as antithetical to one's indigeneity (Reid & Rout, 2016, p. 84). In so doing, Indigenous peoples engage in what Reid and Rout (2016) describe as reactionary traditionalism—an ultimately vain attempt to recapture an original prescription for economic wellbeing by purging oneself of capitalistic impurities. Reid and Rout (2016) point to abundant evidence, however, that shows precolonial

(1769–1839) localised Māori economies embraced Western capitalism (Moon, 1993; Petrie, 2002, 2006; Schaniel, 1985). Reid and Rout (2016) argue for the refashioning of Māori economic institutions that honour the original economic thinking of their ancestors and integrate within this, elements of modernity—for example, corporate governance, management capability, finance, technology, and business systems—that accord with a Māori worldview.

Theoretical positioning

Indigenous environmental defenders

Environmental defenders risk their safety, security, and wellbeing to preserve their right to safe and secure access to land and water that are also free from illegal and immoral use. As a consequence, in some parts of the world, environmental defenders are subject to state and nonstate sanctioned violence, which the United Nations and other institutions are challenging (Watts & Vidal, 2017). Environmental defenders rely on the rule of law, effective enforcement, institutional advocacy, and collective voice—none of which can be taken for granted in the case of Indigenous peoples (UNEP, 2018a).

Indigenous environmental defenders self-identify as Indigenous peoples, are accepted by their people as descendants of their group, and act as guardians of lands, waters, and the cultural knowledge that sustains their lifeways. Indigenous environmental defenders face higher risks of persecution—having survived colonisation, they must contend with intergenerational deprivation, ongoing discrimination, exclusion from political, economic, and social structures and systems, and intensifying demand for Indigenous owned and controlled natural resources (Lightfoot, 2016; Verbos et al., 2017). International instruments—conventions, declarations, protocols, and agreements—which recognise Indigenous rights and interests, provide important guidance for state and nonstate actors, but weak enforcement and inadequate implementation offer little of the promised protection (Katene & Taonui, 2018). In keeping with the diversity of indigeneity (World Bank, 2019), Indigenous peoples are not a uniform group; their worldviews, knowledges, languages, and cultures differ as do their historical, situational, institutional and aspirational contexts. Contingent and transdisciplinary conceptualisations of Indigenous environmental defence can thus be expected.

Indigenous knowledge

Indigenous environmental defenders in Aotearoa New Zealand situate their activities within *mātauranga Māori* (Māori knowledge). They aspire to self-determination by addressing structural inequalities. Indigenous social movements give rise and space to voices struggling to be heard and assert control of knowledge production (Dutta & Elers, 2020). *Mātauranga Māori* is localised Indigenous knowledge of Māori communities (Awatere & Harmsworth, 2014) embedded in relationships with their homelands (Bavikatte et al., 2010). The capacity for Indigenous

knowledge to sustain biological and cultural diversity was internationally recognised in the United Nations Convention on Biological Diversity, reserving to Indigenous peoples the right to maintain, innovate, and equitably share in the benefits of such knowledge (Cadena, 2019). Mātauranga Māori, then, is “everything visible and invisible existing in the universe” (Awatere & Harmsworth, 2014, p. 3). Rather than being time-bound, mātauranga Māori is dynamic and evolving (Harmsworth & Awatere, 2013; Mead, 2003), multidimensional, esoteric, and pragmatic (Mead, 2012), giving rise to a Māori paradigm.

A Māori paradigm is an “intricate, holistic and interconnected” cosmological explanation about the natural world revealed in “mātauranga Māori (Māori knowledge), te reo Māori (Māori language) and whakapapa (ancestral lineage)” (Harmsworth & Awatere, 2013, p. 274). Genealogical sequencing positions all living and nonliving things as primordial progeny, conferring upon humans a responsibility to sustain Papatūānuku and, in turn, a responsibility upon atua (departmental gods) to sustain the wellbeing of flora, fauna, and humans (Harmsworth & Awatere, 2013). Harmsworth and Awatere (2013) conceptualise this interdependency between ecosystems and humans as a “reciprocal relationship comprising manaaki whenua (caring for the land) and manaaki tangata (caring for people)” (p. 276). While inclusive of tangible and use elements, Māori values tend to be redefined in non-Māori science and policy as intangible and non-use in nature (Harmsworth & Awatere, 2013), or even dismissed as nonscience (Henry, 2021). Yet, for Māori, benefits derived from the Earth’s ecology are reciprocated through human actions which are beneficial for ecosystems—indicative of the principles of mana (power and authority) and kaitiakitanga (stewardship, guardianship) (Costanza et al., 1997; Dymond, 2013). These two principles—mana and kaitiakitanga—relate to environmental defence and development of Māori land. They are paradigmatic elements increasingly employed in environmental decision-making and sustainable development (Harmsworth & Awatere, 2013; Mika & Scheyvens, 2021; Simmonds et al., 2016).

Mana is a vital yet difficult to define concept in te ao Māori (the Māori world) closely linked to other Māori values of tapu (sanctity) and utu (reciprocity) (Parsonson, 1981; Patterson, 1992). Mana can mean “prestige, authority, control, power, influence, status, spiritual power, charisma” (Moorfield, 2011, p. 1). Mana is a human quality obtained through divine intervention from atua (Māori gods) and moenga rangatira (chiefly birth right) that renders mana tangata—the authority, vested in leaders to “control and direct the activities of the tribe” (Mahuika, 1981, p. 67). The exercise of mana over natural resources deemed tapu (sacred) “helped to alleviate deliberate destruction or careless interference” of resources considered essential to community survival and wellbeing (Waa & Love, 1997, p. 21). Mana could increase or decrease through chiefly deeds in war, procuring food, oration or artisanship, and generosity—what Mead (1995) calls ngā pūmanawa (chiefly talents). Dell et al. (2018) regard mana as constituting a theory of Māori potentiality given its transformative qualities.

Kaitiakitanga is a high order principle, which Harmsworth and Awatere (2013, p. 281) define as “an active exercise of power in a manner beneficial to the resource.” Kaitiakitanga, while sharing aspects in common with Eurocentric notions of stewardship, is “not the same thing” (Harmsworth & Awatere, 2013, p. 283). Kaitiakitanga arises from historical relationships to land, but embraces social and environmental dimensions, underpinned by an ethic of reciprocity or utu (Kawharu, 2000). Kawharu (2000) maintains kaitiakitanga must be understood as a principle of mana whenua—tribal groups who retain customary rights and interests over their ancestral lands and waters to keep in balance “human, material and non-material elements” (p. 349). Kaitiakitanga has appeared in environmental law producing new and somewhat narrow interpretations. For example, the Resource Management Act 1991 requires all those exercising power under the act to have particular regard to kaitiakitanga, typically defined in customary, intangible, and non-use terms (Crengle, 1993; Simmonds et al., 2016). Kaitiakitanga has also been considered in marine science (Jackson et al., 2017; Rout et al., 2019), agroecology and agribusiness (Hutchings et al., 2020; Johnson & Perley, 2015), and biocultural and genomic science (Hudson et al., 2019) as an Indigenous ontology of sustainability, mediating the dominance of Western science (Bohensky & Maru, 2011; Harris & Wasilewski, 2004).

Ihumātao

Eviction part I

Ihumātao is a papakāinga (village) located at the base of the Ōtutāua volcanic cone in Māngere, first settled as early as the 14th century (McLean, 2013) by the Ngā Oho people whose descendants became the Te Wai-o-Hua tribe (Taonui, 2017). Ihumātao is considered one of the oldest settlements in Auckland (Taonui, 2017) and associates with a smaller cone in the Auckland volcanic field, Te Puketāpapa tangā ā Hape also known as Pukeiti (Jones, 2020). This cone is treasured by the people of Makaurau Marae (the village courtyard and surrounding buildings) at Ihumātao. While the post code sites Ihumātao in Māngere, some argue it deserves its own identity as a place in Tāmaki Makaurau. Conflict over Ihumātao dates back to British attempts to settle and colonise Aotearoa New Zealand (Waitangi Tribunal, 1985). Unfortunately, Ihumātao became the target of an aggressive *land grab*. Confiscated in 1863, some 1,100 acres at Ihumātao was removed from Māori ownership as a punishment to those who refused to pledge allegiance to the Crown (Waitangi Tribunal, 1985). Māori that supported the Māori King movement—known as the Kīngitanga—during the Crown’s armed and violent invasion of the Waikato were penalised with land confiscations (Boast & Hill, 2009). On 9 July 1863, Governor George Grey (1863, p. 1) issued the following eviction notice by proclamation to Ihumātao residents: “All persons of the Native Race . . . are hereby required immediately to take Oath of Allegiance to Her Majesty the Queen . . . Natives refusing to do so are hereby warned forthwith to leave.” By 1867, Ihumātao lands,

comprising the 32.8-ha Ōruarangi block and part of the adjacent Ōtuataua Stonefields were sold to Gavin Wallace by Crown grant and farmed by his family for 150 years (Taonui, 2019).

Eviction part II

In 2017, the Wallace family sold the contentious site to Fletcher Building for around \$19 million on which the company planned to build a residential subdivision. An Auckland Council committee approved Fletcher Building's proposal to build 520 houses at Ihumātao and recommended to the Minister of Housing that the land in question be designated as a special housing area (Taonui, 2019). The Housing Accord Special Housing Area Act 2013 limited consultation relating to special housing areas to adjacent landowners, which meant whānau and the Makaurau Marae one block over were discounted. As a consequence, Māori were left at the margins suffering the unjust effects of communicative inequalities (Hancock et al., 2020; McCreanor et al., 2018). From 2015, Save Our Unique Landscape (SOUL), representing the Indigenous people of the land, began resisting the development. *Protect Ihumātao* represents a unique land protection movement reaching the heights of national attention and involvement when, on 23 July 2019, 120 police officers and Fletcher Building staff and contractors came to evict an occupation of Māori from their ancestral whenua for a second time (Radio New Zealand, 2019). Resistance at Ihumātao developed communicative strategies that worked to disrupt the erasure of Indigenous voices and colonising logic (Dutta & Ngā Hau, 2020). Save Our Unique Landscape mobilised a youthful demographic but, importantly, it also reached others by using a range of strategies—occupation, social media, educational work, commentary in and active engagement with mainstream media, political submissions, hīkoi (marching), and legal processes.

Contesting who had the right to determine ownership and use of Ihumātao land created multiple overlapping tensions. Fletchers argued that they had a legitimate right having purchased the property via legal means. In constructing residential properties, they were also intending to help alleviate a housing shortage. Tensions were also evident among mana whenua. Several narratives tumbled in the media attempted to delegitimise SOUL as the appropriate body to resist the development. One media-inspired narrative claimed a split between young and old, inferring that the movement consisted of over-excited adolescents. Other media narratives tried to undermine the whakapapa ties of the SOUL members, implying they were not *from there* (Hancock et al., 2020). While some kaumātua (elders) spoke against the occupation, SOUL had the support of local kaumātua (male elders) and kuia (female elders).

Mobilising resistance

For SOUL, two major issues validated the land defence effort. The first was to question the morality of the

original injustice, where a corporate entity—Fletcher Building—one of the country's largest listed companies, was set to profit from stolen Māori land. In contrast, Māori socioeconomic disparities are still considered part of the country's colonial shame, while returning land to Māori via treaty settlements is a protracted and fractious remedial process (Kawharu, 2018). Although legally sanctioned, conflict over the Ihumātao development highlights the immorality of the initial injustice. The campaign brought attention to the injustice of confiscated Māori land being outside the jurisdiction of treaty settlements because privately owned land is not available as a form of settlement redress (McLachlan, 2019; Wheen & Hayward, 2012). Save Our Unique Landscape, therefore, argued that the Crown needed to address the issue in this case, given the significance of the contested whenua. The second strategy was to argue in favour of the archaeological significance of Ihumātao, featuring remains from the earliest settlement of Aotearoa New Zealand (Fernandes, 2016). Instruments for heritage protection in Aotearoa New Zealand often favour colonial-built legacies and developer interests at the expense of Māori heritage, embodied in archaeology. Ihumātao has archaeological significance—including the contested whenua—as a cultural heritage landscape (Jones, 2020). On 28 February 2020, Heritage New Zealand granted the disputed land at Ihumātao Category 1, the highest level of heritage recognition available (Short & Hancock, 2020).

Restoring the mana of the whenua

Drawing on international instruments such as the United Nations Declaration on the Rights of Indigenous Peoples, the movement addressed the United Nations Permanent Forum on Indigenous Issues and the United Nations Committee on the Elimination of Racism and Discrimination in 2017 and 2018 (Katene & Taonui, 2018). The movement reached the Prime Minister of New Zealand, the Right Honourable Jacinda Ardern, who mediated discussions among the parties, requesting Fletcher Building pause their development until a resolution had been found.

Pania Newton, a descendant of Ihumātao and spokesperson for SOUL, comments that:

The outcome of Ihumātao has been positive in the sense that we were able to get a lot of support from not just Māori but Pākehā, Muslims, Pacific and so on who resonate with this issue. The mass swell of support prompted the Prime Minister to put a halt to the development to find a resolution for the whenua, then the Kīngitanga [King movement] came on board to unite mana whenua and support SOUL. (personal communication, 5 April 2020)

The Ihumātao case took a significant turn when the Crown agreed to purchase the contested land for around NZ\$30 million in December 2020, following a facilitated process led by the Kīngitanga. The governance and future use of the land are yet to be determined.

Ōroua River

Not just a river

The Ōroua River is approximately 140 km long and flows southward from the headwaters out of the Ruahine ranges, to the Feilding township and out to the Manawatū River, south of Palmerston North. Both the Ōroua River and the Ruahine ranges are significant landmarks for whānau, hapū and iwi of the Rangitikei and Manawatū districts. Ngāti Kauwhata (descendants of the Kauwhata tribe) cites a long-standing relationship with the Ōroua River. The Feilding Advisory group, and other wider whānau within the tribal boundaries of Ngāti Kauwhata, outlined their health and wellbeing as intertwined with the land, the river, and the environment, in a culture-centred research dialogue titled *Theorising Māori health: Voices from the margins*. One of the research questions asked participants to outline how the environment shapes their health and wellbeing.

The following three whānau participants were interviewed together:

I see that as our pepeha [tribal saying] aye it's part of my identity, so and my river the government is polluting. Yeah and because of their actions ah that they have damaged our river, our life source and damaged us by doing that. (Participant 27: 26–35 years of age, male, Ngāti Kauwhata)

We can't even drink out of our own river aye. (Participant 28: 26–35 years of age, female, Ngāti Kauwhata)

Probably healthier to drink beer than to drink out of the river. Least that water that they use will be distilled and filtered aye. I think that the land is a reflection of the people, the state that we're in so if the water is polluted then so are our veins, the blood that runs out of our veins. (Participant 29: 26–35 years of age, male, Ngāti Kauwhata)

Ōroua stopbank

Just over 6 months into the research, in early January 2020, Horizons Regional Council took possession of ancestral Māori land near the banks of the Ōroua River to construct a stopbank to prevent flooding. A flood occurrence was estimated as a one in 100-year chance, but reaction was prompted from a 2004 flood that struck the region. The council claimed legal possession of this land via the Soil Conservation and Rivers Control Act 1941, in accordance with section 137. Although, the council was required to serve notice to the legal occupier of the land, they, instead, served the lessee, not the occupier. Thus, the council served notice to the secretary of the Te Arakura Ahu Whenua Trust. Furthermore, the notice permitted a 28-day period from the date of the notice for lodging objections; however, the notice was improperly dated. In the absence of a fully dated notice—with the date, month, and year, the trustees were unable to ascertain when the 28-day objection period began or ended. Subsequently, the whānau argued that the notice was not prepared properly and was not served on all the correct parties.

Communication inequalities often arise through council consultation processes (Harmsworth, 2005). While local government give the appearance of keeping the community informed and garnering their opinions, consultation does not represent authentic communication, which was the case with the Ōroua stopbank construction. The consultation lacked engagement with all relevant stakeholders, missing interaction with some iwi, whānau members, and landowners. Those who were notified and attended the council consultation hui (meeting) reported that their voices went unheard.

Given the lack of consultation, and as the issue would effectively dispossess owners of their last remaining acres of ancestral Māori land, owners felt a breach of te Tiriti o Waitangi (the Treaty of Waitangi) was occurring. Against this backdrop, several Ngāti Kauwhata whānau, including members of the Feilding Advisory group, and the legal owners of the land—Te Ara o Rehua Ahu Whenua Trust—decided to occupy the land on the banks of the river at the construction site on 20 January 2020. The aim was to disrupt the communication erasure and to stop the illegal development. With little to no resources, power, water or shelter on the land, whānau collectivised their efforts. Kuia regularly sent baked food to frontliners, and workers stayed at night and went to work during the day. Kauwhata Marae opened its bathroom facilities to whānau and other whānau supplied make-shift cooking facilities, shelter, and tents.

Horizons Regional Council quickly agreed to meet with the whānau, in the hope that the stopbank construction would proceed. The whānau deemed the council's possession of their ancestral land unlawful. The council delivered a verbal apology in the first face-to-face meeting held between the whānau and council representatives in January 2020, with the council acknowledging their consultation was lacking. Notwithstanding the apology, whānau members issued the council a verbal and written trespass notice under the Trespass Act 1980, with a warning to stay off their ancestral land.

Voices from the margins and the culture-centred approach

A form of critical, decolonial theorising is the culture-centred approach (CCA). The culture-centred approach draws from a decolonising dialogue between subaltern studies (Spivak, 1988) and Indigenous studies (Byrd & Rothberg, 2011) theories that attend to the erasure of Indigenous voices from colonial constructions of modernisation and is anchored in the principle of communicative equality. As such, CCA puts forth the role of voice infrastructures in articulating Indigenous knowledge claims and in Indigenous ownership of community and economic development (Dutta & Pal, 2010). Culture-centred processes of co-creating voice infrastructures in solidarity with Indigenous and local communities dismantle colonial frameworks of organising development by advancing rationalities of development embedded in Indigenous knowledge systems (Dutta, 2014). The CCA, therefore,

serves as a dialogic anchor with Indigenous knowledge systems to voice knowledge claims rooted in Indigenous cultural values that form a basis for decolonising practices of community-led development (Dutta, 2015).

The struggle for meaningful inclusion of voices from the *margins of the margins* is shaped by the perpetuation of colonial inequalities (Dutta, 2014). This concomitant erasure from decision-making produced a mainstream monophony that demanded whānau Māori give up remaining ancestral land for the benefit of the town and the district. The whānau released a media statement to news outlets and to reporter Sam Kilmister, who had made repeated requests to the whānau for interviews. Despite receiving the full account, Kilmister (2020) only included a diluted version of the media statement. Comments were sought from a neighbouring local who justified the modern day land confiscation as—*for the greater good*, suffocating the initial narrative that dispossessed hapū and iwi of nearly 250,000 acres of the Rangitīkei-Manawātū block for the benefit of the district more than 150 years ago (Hearn, 2015; Severinsen et al., 2020). The stopbank construction violated the sovereignty of the whānau, challenged their health and wellbeing, and dismissed them by not engaging in participatory processes.

Restoring the mauri of the awa

Through whānau meetings, strategies were developed to physically occupy the land, to disrupt the communicative erasure of whānau voices, and to restore the mauri (life force) of the awa (river). With the solidarity of CARE, the Center for Culture-centred Approach to Research and Evaluation, whānau co-created a script and a storyboard that erases and disrupts suppressed voices. Whānau were video interviewed and snippets were created and posted online, as a means of sharing their stories and *talking back* to the local government discourse.

Whānau members were not contacted or consulted by council about the Ōroua stopbank that was being constructed on their ancestral land. The occupation, thus, foregrounded the ways in which voices from the margins emerge in discursive spaces, disrupting the colonising logic of occupation as development. The CCA attended to their voices and solutions, and in so doing, highlighted the hegemonic, discursive practices of local government. On 23 March 2020, Horizons Regional Council delivered on their verbal and written promise and reinstated the land by returning the soil to the dug up areas. The stopbank construction is still on hold at the time of writing. For now, the ancestral land remains in the possession of the whānau. Further safeguards are being investigated.

Discussion

From an analysis of the Ihumātāo and Ōroua River case studies and their contestations with state and corporate actors over Māori land, we propose whenua resilience theory as a way to explain the nature, object, and consequence of Indigenous environmental defenders. We theorise situations

and strategies for equity and justice by Māori environmental defenders in Aotearoa New Zealand, with particular attention given to the Māori world view, the Treaty of Waitangi, and the alienation of Māori land. We articulate five principles—representing values that guide and lead these movements, and two inhibitors—intimating actions required to overcome hurdles that pertain to this theory. We use the metaphor of fault lines to demonstrate the displacement and disruption that occur from jarring interactions (see Figure 1). These elements are discussed in turn.

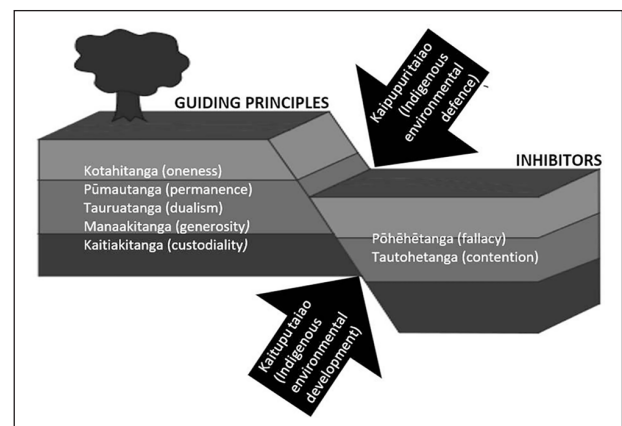


Figure 1. Whenua (land) resilience theory.

Five guiding principles

Environmental defender activity originates from a primordial epistemology, enacted as imperfect ontological accommodations, according to a normative script of bringing the two dimensions—knowing and being—closer into line, permitting kaupuri taiao (Indigenous environmental defence) and kaitupu taiao (Indigenous environmental development) to coexist within a Māori environmental economy (Rout et al., 2021). The principles behind environmental defender activity include the following: (a) kotahitanga (oneness)—acceptance of cosmic unity as a predicate for Indigenous environmental defence and development; (b) pūmautanga (permanence)—spiritual, human, and ecological agency derive from the intertemporality of indigeneity; (c) tauruatanga (dualism)—mātauranga (knowledge) is esoteric and pragmatic, able to satisfy spiritual and material needs, necessitating a synergy of use and non-use values and practices; (d) manaakitanga (generosity)—mana-enhancing behaviour is not a sociological obligation but an act of preserving socioecological and intertemporal balance and agency; and (e) kaitiakitanga (custodality) is the sustenance of collective wellbeing—material and nonmaterial—among human and nonhuman actors, facilitated by mana, sanctioned by tapu, and constituted within mātauranga as everything seen and unseen in the universe.

Two inhibitors

Two inhibiting factors conspiring against Indigenous environmental defenders are first, tautohetanga

(contention)—contending with colonising structures; and second, *pōhēhētanga* (fallacy)—the antidevelopment fallacy. In seeking to retain and enjoy their lands, Indigenous environmental defenders must contend with persisting colonising structures originating from the 1840 signing of the Treaty of Waitangi to the present. During the period 1840–1900, Māori lands were substantially transferred into non-Māori ownership, and a political economy was instituted that effectively excluded Māori from control of their resources (Mika, 2020). Māori became an ethnic minority dependent on a non-Māori economy for their livelihoods (Consedine, 2007). Colonisation devastated Māori, leaving insufficient land to meet their material and spiritual needs, and the dismantling of Māori institutions led to intergenerational deprivation and trauma (Anaya, 2011; Durie, 1998b; Winiata, 1998). Māori agitation for decolonisation gained momentum in 1975 when the Waitangi Tribunal was established to consider Crown breaches of the treaty from the time of the act, then back to 1840, as a result of changes in government policy in 1985 (Catalinac, 2004; Orange, 2011). While treaty settlements seek to resolve Māori grievances (Wheen & Hayward, 2012), post-treaty tribal development must operate within democracy and capitalism as core tenets of state functioning (Butterworth, 1990; Durie, 1998a).

Under this synopsis of the postcolony, Indigenous knowledge systems were disregarded as ineffectual (Pool, 2015). This dystopian narrative of colonial nation-building carried with it devastating socioeconomic consequences borne largely by Māori (Pool, 2015), which have since become the subject of some 2,501 claims against the Crown for breaches of the treaty registered with the Waitangi Tribunal (2016). The principles of the treaty, whether embedded in legislation or in policy, act as a restraint against what Dutta and Ngā Hau (2020) describe as the erasure of Indigenous voices from public spaces and decision-making bodies on policy that may affect them. Yet, the treaty ought to have the potential to do more than simply shield Māori rights and interests from misappropriation (Kawharu, 2020); it should form, as intended with treaty settlements, the basis for restoring all forms of *mana*: *mana tangata*—power, authority, and dignity of the people; *mana whenua*—power and authority of the land; *mana moana*—power and authority of the seas; and *mana atua*—the power and authority of the spirit (Dell et al., 2018; Durie, 2011; Reid et al., 2019). For Indigenous environmental defenders like those at Ihumātao and Ōroua River, enhancing environmental management at a regional level requires three things, according to Simmonds et al. (2016): (a) more Indigenous autonomy because self-development is empowering and transformative; (b) increasing Indigenous representation in local polity; and (c) increasing Indigenous engagement in regional development.

As the resistance at Ōroua River and Ihumātao demonstrates, the dialogic openings fostered by conversations co-create voice infrastructures owned by those at the *margins of the margins* (Dutta, 2015). This co-creative process turns to questions of power and co-option, interrogating critically the ways in which Indigenous engagement is deployed to prop up colonial extraction, and the resistive capacities of voice infrastructures in interrogating and intervening into colonial

strategies of co-option (Dutta & Elers, 2020). The voices of the margins that are often erased through colonial processes of consultation are placed at the centre through the co-creation of communicative infrastructures owned by the margins (Dutta & Ngā Hau, 2020). Through these voice infrastructures, Māori theory travels, offering registers for the decolonising struggles of Indigenous and local communities across the globe. These registers for decolonising solidarities are integral to the co-creation of global transformative imaginaries that disrupt the colonial processes of land extraction and expulsion of Indigenous peoples.

The second inhibitor—*pōhēhētanga*—is the antidevelopment fallacy. Māori desire economic prosperity, just not at the expense of the environment, and an active focus on creating intergenerational wealth, alongside, not above cultural, social, and spiritual dimensions (Durie, 2005; Hēnare, 2014). What Māori are without, however, is control of the means by which to enact economic development because their territories and the abundance that flows from them are for the most part, in the possession, ownership and control of non-Māori individuals, companies, and councils—local and regional. Despite these structural and resource inequalities, recent estimates indicate the Māori *market* economy is growing (Nana et al., 2021). It is, however, the immaterial value of the Māori *cultural* economy as spiritual manifestations of Māori indigeneity with localised idiosyncrasies that distinguishes Māori economic development (Cole, 2017; Davies, 2007; Davies et al., 2005). Māori are, therefore, not averse to environmental development that sustains people (Reid & Rout, 2016)—an important indicator of the *pūmanawa* of Māori leaders (Mead, 1995). They are, however, unwilling to accept development processes that diminish their rights and interests—customary, civic and commercial—and exclude their worldview (Simmonds et al., 2016).

When Māori engage in environmental defence as *kaipupuri taiao*, they are mistakenly cast as somehow against development—this is the antidevelopment fallacy. A fervent Māori mission of land retention dating from the New Zealand wars of the 1860s (Belich, 1998) to the present codification of Māori land law (Erueti, 2017) stems from large-scale Māori land alienation and an identity that is closely tied to *te taiao* (the environment) (Tassell-Matamua et al., 2020). Moreover, the success of precolonial tribal economies and postcolonial Māori authorities, along with modern Māori enterprises which rely on productive use of Māori land, reinforces the nonbinary nature of Māori approaches to land development (Nana et al., 2021; Petrie, 2006; Rout et al., 2020). Indigenous environmental defenders in the Ihumātao and Ōroua River cases indicate their goal is the recognition of Māori rights and interests in their lands—whether retained or alienated—and just, equitable, and inclusive development of Māori land as self-determining Indigenous peoples (Corntassel, 2008; Mika, 2019; Verbos et al., 2017). An environmentally defensive stance conditions the purpose and manner in which development of land and water might unfold. For instance, a principle of *mana* is the capacity to enhance the wellbeing of others, encompassing people and the environment in a reciprocal exchange between the land and people as kin.

And while all people have mana, mana and kaitiakitanga are ordinarily exercised by mana whenua—tribal groups who retain customary authority over their ancestral lands (Kawharu, 2000). Notwithstanding, there is a growing voice among the urban Māori milieu who also wish to have a say *as* Māori on matters that pertain to the lands on which they now live (Haami, 2018; Mika et al., 2019).

Whenua resilience theory states that when the five principles are accepted and deployed, and the two inhibiting factors are addressed, then environmental defence, which we term *kaipupuri taiao*, and environmental development, which we term *kaitupu taiao*, are likely to be concomitant. This is because a Māori worldview embraces ecological and sociological wellbeing as mutually inclusive (Mika & Scheyvens, 2021). The ancestral lands of Ihumātao and the ancestral waters of Ōroua River are not just a place upon which to stand or a place from which to drink, they are part of an extended family, a kin-group that connects humanity with the cosmos in a perpetual relationship of interdependency. The wellbeing of the human does not depend upon the diminishment of the wellbeing of the land; quite the opposite. Mana-enhancing behaviour respects the sanctity of land and water (Durie, 2001). Protection of the land upon which people depend for their existence and the quality of that existence is an important imperative of cultural preservation, reflected in the principles of mana and kaitiakitanga (Hēnare, 2011). Addressing tensions between Indigenous environmental defence and development aspirations is aided by recourse to whenua resilience theory and the customary processes that enable its enactment.

Conclusion

Indigenous environmental defenders internationally face a precarious and dangerous existence simply trying to protect their rights to clean, safe, and healthy lands and waters despite the institutional protections of the United Nations and nation-states. In Aotearoa New Zealand, Indigenous environmental defenders have been engaged in an ongoing struggle for the survival and the protection of their lands, waters, and lifeways since the earliest encounters with European explorers, traders, missionaries, and settlers. While there were some devastating initial cross-cultural encounters, the precolonial period from 1769 to 1839 perhaps came closest to resembling a mana-enhancing relationship between Māori and non-Māori before sovereignty passed from the tribal chiefs to the British Crown in 1840. The history of Māori land alienation captured in treaty claims through Crown pre-emption, confiscation, court action, policy processes, and compulsory acquisition reveals a morass of cross-cultural carnage and intergenerational trauma with which Māori still contend.

The Indigenous Māori environmental defenders at Ihumātao and Ōroua River have their ancestors' experience of colonisation as their *whakapapa* (genealogical legacy), which continues to affect the people and their hold on the land. At Ihumātao, the environmental defence strategy of land occupation and mobilising local and international

support prompted ministerial, tribal, and Kīngitanga involvement. Because the disputed land is privately owned, the outcome was potentially precedent-setting because private land is presently excluded from treaty settlements. At this juncture, resolution at Ihumātao has arrived by way of an agreement for the Crown to purchase the disputed land from Fletchers, allowing mana whenua and the Crown to work together on the future use of the land. At Ōroua River, a similar strategy of occupying the land caused, over a very short time, an acceptance by council of its failure to properly consult landowners before commencing the building of a stopbank. While the land has been restored, the experience has created a renewed sensitivity to the communicative inequality of public consultation processes.

Mātauranga Māori provides a rich foundation upon which to theorise about the nature of human relationships with natural environments and their governing institutions. Māori values such as mana and kaitiakitanga are indicative of whenua resilience theory, which contemplates a confluence of environmental defence and development because of the spiritual and physical dimensions of Māori land. Rather than confining Māori rights and interests in natural resources to customary, non-use, nonmaterial, and noncommercial elements, whenua resilience theory sees a more synergistic orientation where environmental defence and development are concomitant Indigenous ontologies, articulated in the untested potential of mana-enhancing enterprise, empirical analysis on which we hope is forthcoming.

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Supplemental material

Supplemental material for this article is available online.

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