

# Permanent Forum on Indigenous Issues

## Joint Intervention: Aotearoa

(Comprising the Te Rūnanga o Te Rarawa, the Ngāti Kuri Trust Board, Te Rūnanga-a-Iwi o Ngāti Kahu, and Ngāti Kahungunu Iwi Incorporation)

14 May 2012

Check against delivery

### 11th Session

New York 7-18 May 2012

#### Item 6:

The rights of Indigenous Peoples to food and food sovereignty.

Delivered by Rachel Witana (representing Te Rūnanga o Te Rarawa)

---

Mr Chair,

Honorable Indigenous brothers and sisters (in particular, our relatives in the Pacific Caucus and the Indigenous Peoples of this land), and other Delegates to the Permanent Forum,

1. This joint statement is made on behalf of the Māori Iwi (First Nations Peoples') Authorities of Te Rūnanga o Te Rarawa, the Ngāti Kuri Trust Board, Te Rūnanga-a-Iwi o Ngāti Kahu and Ngāti Kahungunu Iwi Incorporation.
2. The Māori Caucus accepts and supports the Jokkmokk Agreement statement (made 19 June 2011 in Sweden) that Food Sovereignty is the right of all peoples, including Indigenous 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. Furthermore, in light of the Theme of this Session of the Permanent Forum, the “**doctrine of discovery**”, we agree that “a nation cannot be sovereign if it cannot feed its people”.<sup>1</sup>

Mr Chair,

The protection and authority in relation to food and indeed all the bounty of Mother Earth has always resided in, and been part of, our political and constitutional power as iwi and hapū (or Māori Nations) as reaffirmed in Te Tiriti o Waitangi 1840.

---

<sup>1</sup> <http://www.ienearth.org/food-sovereignty.html>

3. Because of that, we wish to draw to the attention of the Permanent Forum Members our deep concern about the legislation being currently imposed by the New Zealand Government which will not only diminish our authority, but pose grave threats to the civil and political rights of everyone in New Zealand.
4. Mr Chair, the New Zealand Government is currently considering a **Food Bill** which it argues is necessary because of obligations under the **World Trade Organisation's** (WTO's), **Food and Agricultural Organisation's** (FAO) and **World Health Organisation's** (WHO) '**Codex Alimentations**' (Food Book) scheme. However, this scheme by 'sleight of hand' forces the New Zealand Government to actually legislate food sovereignty rights violations. This in turn prevents Māori from fully protecting our tino rangatiratanga (absolute authority) concerning food sovereignty as guaranteed under Te Tiriti.
5. This situation is contrary to the very values upon which the United Nations is founded on. Some of the most disturbing features of this legislation are as follows:
  - i. It essentially takes away the human right to grow food, and replaces it with a regime of horticulture as approved by Government.
  - ii. It imposes a strict regime of food distribution rules which threaten the existence of small farmers markets and home selling in favour of agri-business interests.
  - iii. It empowers the New Zealand police to raid food premises without a warrant if they have cause to believe that food is being grown or distributed in breach of the Bill.
  - iv. It empowers members of agri-business corporations to act as Food Safety Officers with the same authority to raid food premises as the police, and gives such officers immunity from civil and criminal prosecution.
  - v. It turns basic food stuffs such as grain seed, seed potatoes, rice, etc, as controlled substances which may be subject to the same restrictions as illegal drugs which are presently the only controlled substance under New Zealand Law.

6. Mr Chair, those are only some of the more draconian provisions in the legislation. Regrettably, it is just one example of the many concerns that we as Māori have about the sort of restrictive practices the New Zealand Government is agreeing to as part of the WTO. It privileges multi-national companies over Māori, and indeed all other New Zealanders. It is a fundamental breach of Te Tiriti o Waitangi and the guarantees we have in relation to our lands and forests, and is of course in contravention of the **International Covenant on Civil and Political Rights (ICCPR)**, the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, and the **Declaration on the Rights of Indigenous Peoples (the Declaration)**.
7. We will address the matters further in our proposed intervention on Transnational Corporations later in the week, but would like to again draw to the attention of the Permanent Forum Members the fact that this proposed legislation is also contrary to the claims made in the **WAI 262 Flora and Fauna claim** lodged with the Waitangi Tribunal at home.
8. Mr Chair, we are aware that other WTO member states will also be bound by its rules to implement similar legislation, and we offer our support to other Indigenous Peoples who may be faced with similar legislation.

## **Recommendations**

9. We make the following specific recommendations: that the Permanent Forum:-
  - a. *Recommend to the State Party* that, as proposed legislation that breaches numerous human rights instruments, the New Zealand Government withdraws its Food Bill; and
  - b. *Requests* an urgent revision of WTO, FAO and WHO rules and powers, in particular mechanisms such as the Codex Scheme, which appear to enable those UN Agencies to force the New Zealand Government to legislate food sovereignty rights violations.

Thank you Mr Chair.