BEFORE THE WAITANGI TRIBUNAL **WAI 2700**
WAI 2872

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the Mana Wāhine Kaupapa Inquiry (**WAI 2700**)

AND

IN THE MATTER OF a claim by **Dr Leonie Pihama, Angeline Greensill, Mereana Pitman, Hilda Halkyard-Harawira** and **Te Ringahuia Hata (WAI 2872)**

BRIEF OF EVIDENCE OF DR JESSICA HUTCHINGS

Dated on this 28th day of November 2025

ANNETTE SYKES & Co.
barristers & solicitors
8 – Unit 1 Marguerita Street
Rotorua, 3010
Phone: 07-460-0433
Counsel Acting: Annette Sykes / Maia Te Hira / Kalei Delamere-Ririnui
Email: asykes@annettesykes.com / maia@annettesykes.com / kalei@annettesykes.com

TĒNĀ E TE TARAIPIUNARA:

Introduction

1. My name is Dr Jessica Hutchings. I whakapapa to Ngāi Tahu, Ngāti Huirapa, Ngāi Tuhoe and am also from Gujarati India. I hold a PhD in Environmental Studies, where I undertook a Mana Wāhine analysis of genetic modification, I also hold a Masters in Environmental Studies, both from Victoria University and a Bachelor of Resource Studies from Lincoln University.

2. I undertook post-doctoral research at Massey University funded by the Health Research Council. I have worked in the science sector and Kaupapa Māori research sector for my career, holding numerous leadership and governance roles such as a Ministerial appointment to the MBIE Science Board (2021 -2025).

3. I am the founding trustee of Te Papawhakaritorito Charitable Trust. The purpose of Te Papawhakaritorito Charitable Trust is to elevate indigenous seed, soil and food sovereignty through education, research, and practices that decolonise our current food system.[1]

Relevant experience in Mana Wāhine and Hua Parakore and Trade Agreements

4. I am nationally and internationally recognised as a leader and researcher in indigenous food systems and Māori food and soil sovereignty. The Papawhakaritorito Charitable Trust that I lead, works to uplift indigenous seed, soil and food sovereignty and Hua Parakore (Māori organics) through research, development and community practice with a focus on indigenous women.

5. I have been a member of Te Waka Kai Ora - the Māori Organics Authority for the last 22 years. I have served on their Executive and have provided leadership to support the development and implementation of the Hua Parakore system. I live on 12 acres that is Hua Parakore verified.

6. I am also a widely published author, including recent books, Pātaka Kai Growing Kai Sovereignty,[2] Te Mahi Oneone Hua Parakore: A Māori Soil Sovereignty and Wellbeing Handbook (Freerange Press 2020), *and* Te Mahi Māra Hua Parakore: A Māori Food Sovereignty Handbook.[3]

7. I have been working at the crossroads of indigenous knowledge and environmental wellbeing, indigenous social justice, organic farming and self-

[1] More about Te Papawhakaritorito Trust can be found here: https://www.papawhakaritorito.com/
[2] (Massey Univeristy Press, 2025).
[3] (Te Tākupu, 2015).

determination for the last three decades.

8. I am a Kaihautu member of Ngā Toki Whakarururanga and bring a mana Māori, He Whakaputanga and Te Tiriti critique of trade agreements for and on behalf of Māori and indigenous peoples.

Tribunal Statement of Issues for the Rangatiratanga Pou

9. This Brief of Evidence engages with the issues: 2(i)(b), and (c), and 3(i)(ii)(c) and (d) of the Tribunal Statement of Issues for the Rangatiratanga Pou.[4] These issues are outlined below for completeness:

2. What are the Crown's duties and obligations under te Tiriti/the Treaty in relation to the ability of wāhine Māori to participate in and hold leadership and decision-making roles at the local, regional, and central government levels? Including: I. in the development and implementation of legislation, policies, and international agreements – including in treaty settlement policies and processes? (b) Has the Crown breached these duties and obligations? And if so, how? (c) What, if any, is the prejudice or likely prejudice caused by these breaches? And what relief should be provided to remove or remedy this prejudice?
3. What are the Crown's duties and obligations under te Tiriti/the Treaty in relation to creating conditions for wāhine Māori to participate in and hold leadership and decision-making roles within the wider community and the non-governmental sector?[5] Including: i. in the establishment and operation of wāhine Māori-led organisations and their initiatives; and I. in ensuring the effectiveness and success of these organisations and initiatives. II. in ensuring the effectiveness and success of these organisations and initiatives. (c) Has the Crown breached these duties and obligations? And if so, how?

[4] Wai 3300, #1.4.4 Mana Wahine Kaupapa Inquiry (Wai 2700) *Tribunal Statement of Issues for the Rangatiratanga Pou* dated 4 November 2025.

[5] The 'wider community' includes, but is not limited to, Māori structures and organisations. However, the focus is on evidence of the Crown's role, actions and/or omissions that create specific conditions which impact upon the leadership and participation of wāhine Māori within these wider communities.

(d) What, if any, is the prejudice or likely prejudice caused by these breaches? And what relief should be provided to remove or remedy this prejudice?

The Mana Wāhine Declaration on Seed and Soil

10. To first understand these issues, I must first introduce the Mana Wāhine Declaration on Hineahuone, also known as the Māori Women's (Mana Wāhine) Declaration on Seed and Soil ("**the Declaration**") and how it engages with Te Tiriti o Waitangi.

11. In April 2024, as an outcome of He Whenua Rongo, an indigenous seed, soil and food sovereignty symposium that Te Papawhakaritorito Trust co-convened with Te Waka Kai Ora and Ngā Toki Whakarururanga, and following the original instructions of our tūpuna, I co-developed the Declaration with Dr Vandana Shiva, Associate Professor Jo Smith (Co-founding Trustee of Te Papawhakaritorito Trust), and Māori law and philosophy scholar, Erin Matariki Carr. Over three days, indigenous women's voices, lived experience and practices of being close to the Earth, soil and seed led the conversation.

12. A copy of the Declaration is attached at **Appendix "A".**

13. The Declaration is a form of resistance to late-stage capitalist patriarchy. At the heart of the declaration is the call for the restoration of our soil and seed. The declaration is an urgent call by indigenous women to return to ways of listening to, and being in inter-relationship with, Hineahuone (Soil Deity) and Papatūānuku (Mother Earth).

14. When nation states stop listening to the voices of indigenous peoples and indigenous women then we take matters into our own hands and make the call for the return to right relationship with nature, and call out capitalist patriarchy, this is the purpose of the Declaration.

15. The Declaration is also an example of an international agreements between indigenous women and their communities globally. It was launched on World Food Day at Navdanya Biodiversity Farm in India on the invitation of Dr Vandana Shiva. It continues to circulate amongst the networks of indigenous women globally.

16. The declaration states that:

    16.1 "As indigenous peoples, we are a human expression of the land and

therefore, natural leaders in how to live in balance with nature. The devastated conditions of our soil and seed means there is no choice but to return to this wisdom. To fulfil our obligations to the natural world that provides the conditions of life for us all".

17. The declaration calls on:

17.1 "All people to resist agri-colonialism and return to the fundamental truth held by the world's indigenous peoples, and by indigenous women - we humans are of the Earth, just as seeds are of the soil. To survive these grave times, we must honour nature's laws, to create a flourishing biodiverse world that can sustain us now, and for many more generations to come".

18. The Declaration makes six actions:

18.1 We demand that soil and seed be honoured as the heart of biodiversity and our commons. This would allow Indigenous and local food and farming systems to flourish, leaving behind global capitalist food systems as the dominant pathway for feeding people.

18.2 We say no to the extractive logic of capitalist patriarchy, the chemical poisoning of Papatūānuku, patents on lifeforms, GMOs and reductive, mechanistic worldviews that create a false separateness between humans and nature.

18.3 3)We are outraged that governments and corporations still seek unfettered growth, and colonial states continue to negotiate international treaties to advance corporate power and profit, at the expense of Papatūānuku and her descendants.

18.4 We are listening to Papatūānuku and call for an urgent return to balance between humans and nature.

18.5 We advocate for the mana (authority) and mauri (lifeforce) of the soil and seed to be elevated and call out practices that degrade the soil food web and patents on seeds.

18.6 We call on people, movements and governments across the world to reinvigorate our reciprocal relationship with Mother Earth and to generate healing grounds and food farms that grow soil and build living-seed communities.

19. In the context of Te Tiriti, the Declaration states that:

19.1 Moana Jackson reminds us of the importance of whakapapa and Te Tiriti o Waitangi as the horizons we should set our sights towards when thinking about social transformation:

19.2 *"[An ethic of restoration] derived from the lessons in the stories of the land about the potential to whaka-tika, or to make right even the most egregious wrong, and to then whaka-papa, or build new relationships. To adapt it as a tool to create non-colonising relationships is to rekindle faith in the 'ought to be' in this land; to draw upon the same land and tikanga-centered way of ordering society that was envisaged in Te Tiriti."*

19.3 A tikanga approach to soil and seeds flows from the understanding that food is our rongoā (medicine), and that the act of growing, harvesting and distributing food is also our rongoā. A pathway to bring us back to understanding ourselves as nature, as interconnected and as part of a larger whole. We have a duty of care and responsibility to soils and seeds to uplift and enhance their mauri (life force), as well as the mauri of the food they produce, the natural systems from which food comes and the mauri of the people who receive this food. It is our job as the teina (the youngest of Ranginui and Papatūānuku's children) to care for all that came before us.

20. By understanding our commitment to enhancing the mauri of soil and seed, and honouring the Declaration, we are protecting our guaranteed right under Article II of Te Tiriti to tino rangatiratanga over our taonga katoa.

Capitalist patriarchy

21. The Declaration calls out capitalist patriarchy which refers to the intersections of capitalism, patriarchy and colonialism as systems of power and oppression that are mutually reinforcing. The Crown is the central institution that ensures these systems of power and oppression are maintained. Capitalist patriarchy highlights how gender oppression and economic exploitation of workers, labour and of nature are interconnected. Capitalist patriarchy links capitalism which is an economic system based on private ownership and profit motives as operating alongside and reinforced by patriarchal structures that prioritise male dominance, gender inequality and homophobia.

22. Capitalist patriarchy is founded in extractive logic that exploit both nature and all domains of the environment as well as human labour, particularly in ways that reinforce gender hierarchies.

23. Capitalism relies on the extraction of natural resources for profit which has led to environmental degradation, climate change and a trajectory of global ecological collapse. This extractive logic is similar to and mirrors patriarchal practices by dominating and exploiting both the environment, women, Indigenous peoples, marginalised communities and people of colour.

24. The commodification of nature reflects a similar mindset to that of patriarchal control over women, seeing both women, women's bodies as resources to be utilised for economic gain.

25. An example of capitalist patriarchy is genetically modified organisms (GMOs). Which is an extension of capitalist patriarchy into the DNA of sentient beings and living organisms, mined, manipulated and altered to create a 'novel' product. Nature is there to be owned and controlled down to the very essence of life which is the seed. It is the commodification of seeds through genetic technologies and patents agreements that threatens the livelihoods of local farmers as well as the diversity of the worlds food supply. GMOs are also a threat to Hua Parakore farmers and our livelihoods.

26. The threat of GMOs is reflected in the strong global opposition by women and indigenous communities to genetically modified organisms, hence the term coined by indigenous peoples bio colonialism and biopiracy.

27. The role of the Crown in upholding capitalist patriarchy is powerful and is counteractive to any Te Tiriti based constitutional arrangements. By failing to recognise Te Tiriti as the constitutional foundation of Aotearoa, the Crown fails in its duty to give effect to the principles of the Declaration.

Issues in international agreements

28. Current Free Trade Agreements ("**FTAs**") are based on the logics of capitalist patriarchy and lock Indigenous Peoples out from negotiations and therefore protecting our lands, waters and natural resources, thus enabling nation states to continue treating our intergenerational cultural landscapes as commodities. Not being at the table in these FTA discussions or having access to financing and resources to participate in Indigenous-to-Indigenous dialogue erases us from negotiations and trade on our own Indigenous term outside of neoliberal paradigms.

29. FTAs erode both nation states sovereignty but also the sovereignty of indigenous peoples and are in breach of Tiriti and He Whakaputanga.

Issues in the wider community

30. The impact of FTA's on mātauranga Māori and Hua Parakore is not new. I joined Te Waka Kai Ora in giving evidence to the WAI 262 claim[6] where one of the issues that we presented on was the impact of FTA on Hua Parakore and healthy kai.

31. In my evidence I raised concerns about GMOs entering Aotearoa and the impact this would have on the whakapapa, mana and mauri of an organism and our ability as kaitiaki to protect our environment from this harm. GMOs are driven by global corporate interests and not by an interest to attain food security or improve health but rather to dominate and monopolise global markets for seeds, food, fibre and agri-business. This is a new global order that erodes, erases, and negates the wisdom of Māori and Indigenous food farmers and growers who are caring for ancient lines of heirloom seeds.

32. The work that is happening in the communities that I am involved in is to counter this new global order and its extractive logics that pose a threat to our environments, our culture and our very existence. An example of this work is in the food, seed and soil sovereignty space and the He Whenua Rongo symposiums.[7]

Conclusion

33. In summary the logics of capitalist patriarchy are a threat to mana wāhine, indigenous justice and food, seed and soil sovereignty. The logics upon which FTAs are based are hampering the establishment of Hua Parakore foodways in Aotearoa. The flax roots indigenous movements that are women led provide avenues for indigenous to indigenous dialogue and solidarity. The Declaration carries our aspirations for the future generations and calls for a deep return to a right relationship with nature based on indigenous wisdom and values.

DATED 28 November 2025

Dr Jessica Hutchings

[6] For a summary report of Te Waka Kai Ora evidence to the WAI262 claim see: https://www.tewakakaiora.co.nz/rauemi-resources

[7] https://www.papawhakaritorito.com/he-whenua-rongo and also see He Whenua Rongo full report