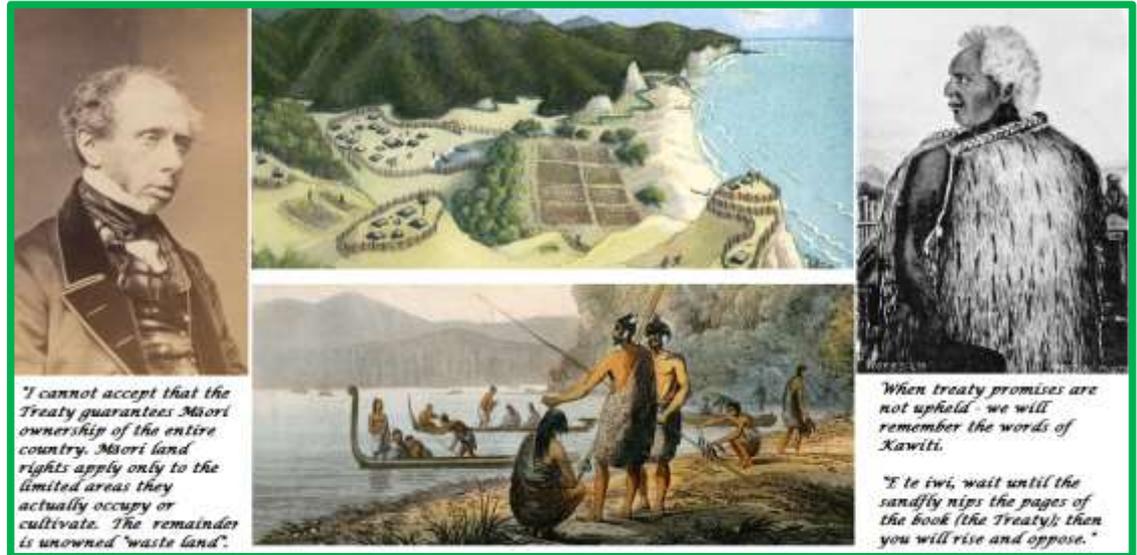


CONTINUED CONFRONTATION — by Anahera Herbert-Graves

Another confronting cultural shibboleth that surfaces from time to time amongst some Pakeha is the claim that, because Maori were not living on or 'farming' all of our land in 1840, it was OK for the settler government to steal it from us and give or 'sell' it to settler colonials.



Recently a self-declared historian on the [Radio New Zealand website](#) claimed rather quaintly, *"It was VIRGIN land no human had ever used it to farm of [sic] anything else before [my English ancestors] 'legitimately' took ownership of their farm."* She seemed unaware that she was actually talking about the Crown's racist "wasteland policy".

In 1997, researcher historian Peter Adams examined that policy in detail in his book, *Fatal Necessity*. Under the policy, any Maori land not directly used for cultivation, or not 'settled', was able to be declared 'wasteland' belonging to the Crown. Of course Maori were not notified or consulted at the time about the policy. But even if they had been, they would have had to prove their occupation and cultivation of the land if they wanted the Crown to recognise they owned it.

The racist nature of that policy is highlighted [by the fact](#) that neither the Crown nor the colonisers, were required to occupy and cultivate the land in order to assert ownership over it. As researcher historian Alan Ward noted in his 1999 book, *An Unsettled History*, the 'uncultivated hunting lands of the English nobility were considered a different matter altogether'; there the fact that the land was left idle, or used only for the sport of hunting, did not affect its ownership, or leave it vulnerable to claims by the Crown or anyone else.

In 1840, there was considerable pressure from many settler colonials in New Zealand for the wasteland policy's implementation. However, others recognised Maori ownership over the islands of New Zealand in 1840, and knew that a guarantee of our lands had been necessary to convince Maori to sign Te Tiriti o Waitangi.

Further, as researcher historian James Belich noted in his 1996 book, *Making Peoples*, Maori commanded significant political and military power at the time. And as researcher historian Claudia Orange noted in her 1999 book, *The Treaty of Waitangi*, if implemented, the policy would have provoked Maori rebellion, resulting in a "serious crisis" for the project of colonisation. So the policy was suspended in 1847, and for a while after that Maori land was obtained through the pre-emption clause of the English Treaty. However the racist attitudes of assumed superiority behind it remained firmly embedded and continue to surface to this day.

The latest iteration of it is the current government campaign to create a [Marine Sanctuary](#) around the Kermadecs. Apparently, because Maori have not taken up our legal right under the [1992 fisheries settlement](#) to fish the species within the proposed 620,000 sq km reserve, the government has deemed it can steal it off us and give it to the world. The confrontation continues.

