

Commentary on the Colloquium on Maori and the Criminal Justice System, Napier, 26-28 November 2008

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Background

On 26 November 2008, around two hundred Maori gathered at Mihiroa Marae at Pakipaki, outside Hastings, for a powhiri. The purpose of the powhiri was for kaumatua and other members of Ngati Kahungunu to welcome manuhiri who travelled to their rohe in order to attend a two-day colloquium on Maori and the Criminal Justice system scheduled to begin the following day. The choice of marae for the powhiri said a lot about the purpose of the colloquium. Twenty years earlier, Moana Jackson's seminal report *Maori and the Criminal Justice System: He Whaipanga Hou* had been launched at the same venue.

The venue where the Colloquium itself would take place, Ormlie Lodge, Waiohiki (near Taradale, Hawkes Bay), was also significant. Ngati Kahungunu Violence Free Coordinator Roy Pawhairangi attended the Colloquium and explained the history – Ormlie Lodge stands 'where the famous Pa Whakairo once stood 130 years ago... our ancestors perished not far from here in what is called the Omarunui massacre in the early 1850s' when land had been forcibly taken for settlement... there is another name which the old people of Waiohiki gave to these hills – they called it the King's Seat, a place from which to govern'. As the Colloquium discussion unfolded, and the history of the impact of the imposition of European justice was laid bare, the history of the venue seemed especially apt.

Why a Colloquium?

The purpose of the colloquium was to provide an opportunity for Maori practitioners, researchers, academics and public servants to discuss the state of Maoridom's relationship with the criminal justice system in the twenty years since Jackson's report. It was anticipated that deliberations would also build on those that took place at the last review held in 1998 at Victoria University of Wellington.

Planning for the colloquium began in earnest in March of 2008. At this time, Ngati Kahungunu was approached to host the gathering. This

was based on the fact that Moana Jackson is a member of the iwi; a number of Ngati Kahungunu kaumatua were key advisors to Jackson over the three years he undertook his research in the 1980s and, as stated previously, the report was released in the iwi's rohe. A conference organising committee was formed, made up of key officials of Ngati Kahungunu runanga, members of the iwi kaumatua council, Jackson and the author.

One of the first tasks of the committee was to decide what type of conference we would hold. Previous discussions between Moana Jackson and the author had seen us agree on two key principles that would underpin the hui; firstly it would not be a 'typical' academic conference, with numerous papers placed in competing streams (the 'please, not another boring academic conference' principle). This style had formed the basis for the conference held in 1998, and had proved unpopular with many Maori participants who felt the streaming system placed too much emphasis on the academics and hindered in-depth, multi-layered discussion of important issues. Secondly, encouraging participation by all attendees was considered paramount over privileging the voice and expertise of the few (the 'participation by the many, not the few' principle).

To ensure both principles were actioned, it was decided to have a colloquium, rather than a conference. The term colloquium comes from the Latin to 'discuss new ideas' or 'advance a debate', and denotes a participatory gathering during which people engage on pertinent issues; as opposed to small groups of academics who gravitate towards those of a similar theoretical or subject matter persuasion, thus rarely engaging with those outside their area of academic interest. During the course of the colloquium some participants inquired as to why we used such a fancy, but perhaps unnecessarily 'academic', term to describe the gathering. Our response was that it seemed the most appropriate term to describe the structure and intent of the gathering (plus we quite liked the way the word sounded!). The structure did not move away entirely from the standard conference process as there were a number of keynote speakers, including Ani Mikaere (Ngati Raukawa), Andrea Smith (Cherokee First Nation, USA) and Wenona Victor (Stolo Nation, Canada).

The planning for the Colloquium was based around four main kaupapa:

1. to acknowledge the ongoing concerns of our people about the social harm caused when our people do not act in a tika (right) way;
2. to encourage discussion on the causes of the social harm and to consider and develop philosophies and strategies our people might use to address the issue in the future;
3. to give our people an opportunity to reflect on what has happened since 'He Whaipaanga Hou' was published and to re-visit issues covered in the conference held in 1998; and
4. to review how Crown agencies have dealt with the issue of Maori/criminal justice sector interaction over the last twenty years.

Another key difference to the typical conference was that attendance was by invitation only. This decision was based on cost and capacity (of the venue), but also by our desire to ensure a range of Maori voices and experiences would be heard. The organising committee spent a lot of time debating and selecting participants to ensure a good cross-section of academics, researchers, practitioners and programme designers. Initially, there was reluctance to invite Maori public servants, with some committee members believing that as government officials they had numerous avenues through which to publicise their opinions and policies. Plus, experience had told us that the state institutions Maori public servants worked for were better able to afford conference costs than Maori provider and so these sorts of gatherings tended to be heavily attended, and dominated, by members of the public service. In the end it was decided to invite a small number of Maori public servants from across the criminal justice system and Te Puni Kokiri (the Ministry of Maori Development). However, this decision, coupled with an earlier one that only Maori would be invited to attend, inevitably caused controversy, which will be discussed later in this report.

The Colloquium

In all 220 people were invited to the colloquium of whom around 200 attended. As already stated, they represented a cross-section of Maori working in or having experience of, the criminal justice sector. Participants were placed into discussion groups of between 12 and 16

individuals. Each group was assigned a facilitator and a note-taker. The discussion groups met a total of four times over two days to discuss issues related to the following broad themes of the colloquium (see above),

1. How did we get here? What were the factors, both past and contemporary, that explain the current status of Maori engagement with the criminal justice sector?
2. What should we do? The focus of the panel and working group discussions for this question were the changes required in the criminal justice sector and within Maori communities, to alter the current situation.
3. What lessons can we learn from Maori and other indigenous approaches to dealing with social harm?
4. Where to now? What are the immediate, medium and long term actions required to empower Maori to deal with social harm caused by members of their communities?

Discussion was further encouraged by the inclusion of two or three 'starter' or prompt questions for the use of facilitators, and by focusing on specific points made by the keynote speakers. However, by-and-large the facilitators and discussion group members largely determined the course and form of the korero.

The discussion group approach did not mean there was no role for 'experts'. As well as the keynote speakers mentioned above, a series of panels were run right before each of the key themes. The panels were made up of speakers from a range of disciplines and organisations such as Women's Refuge, prison reform, the Parole Board, community organisations, gang spokespeople, the judiciary and Police. The panels were run in the style of a TV chat show, with each panel member invited out one by one and asked their opinion on a range of questions related to the broad theme. In turn, these questions, along with the broad theme, were worked into discussion points for guiding the deliberations of the workshop groups.

Technology played a major part in the Colloquium process. All key note speeches and panel discussions were recorded (and most were filmed). The audio recordings will eventually be made available on Ngati Kahungunu runanga's website (<http://www.kahungunu.iwi.nz/>). All the notes taken during the workshops were immediately uploaded onto a PC. Three PCs were made available to participants, who could then upload

the text on to memory sticks provided in their colloquium packs. As with the audio recordings, notes from all the discussion groups are available on-line and freely accessible to all.

Observations

As one of the organisers, it is difficult for me to comment on the success (or otherwise) of the process developed to run the Colloquium in an objective way (whatever that means). However, since the end of the November 2008, I have had a number of conversations with participants that underline my own thoughts and experiences of the two days we spent together; including that:

1. that by focussing activity around discussion groups, the process encouraged participation, and empowered attendees;
2. allowing for long sessions for the workshops engendered in-depth discussion of key issues, which has
3. enabled organisers to develop not only a summary of proceedings, but also to update He Whaipaanga Hou and identify key strategies, initiatives and policies that our people may use to enhance their ability to deal with social harm, and reduce Maori engagement with the formal justice system.

In the end I believe we made the right decision not to have an ‘academic style’ conference. The process we developed took into consideration the wishes of those who had attended the previous gathering in 1998. Furthermore, the process enabled us to develop an ‘action oriented’ report on the state of relations between Maori and the criminal justice system. I am reluctant to provide significant details of the discussion had at the Colloquium, or, in particular, some of the concrete ideas, policies and initiatives that were discussed and advocated. This would be to preempt the formal report currently in the process of being finalised for release to participants (and ultimately, the general public and public service). However, I would like to make one observation on the content of discussions during the Colloquium. It was clear that a significant sea-change in attitude had occurred amongst many Maori practitioners, researchers and academics over the preceding twenty years. In 1988, and to a slightly lesser extent in 1998, much of the dialogue focused on changing governmental process and significant alterations to state policy and legislation. At the 2008 Colloquium a significant majority of participants talked of developing and implementing *their own polices and*

initiatives, outside the formal justice process. ‘Maori doing it for themselves’ is perhaps the most accurate, and colloquial way of summarising the dialogue that occurred during both the panels and the discussion group sessions. Many participants expressed a realisation that the current system was unlikely to change in any significant way. Many believed that it was more productive for Maori to look to themselves to develop effective social and whanau development policies and processes that would drive down Maori over-representation in police cells, courts and prisons.

Lastly, I want to return to the decision we made to allow only Maori to participate in the Colloquium. This decision was based on our desire to privilege the voice and experiences of Maori, as opposed to Pakeha academics and public servants. The only dissent that arose in relation to this decision came, not surprisingly, from some in the public service. This was not wholly unexpected, but the contradictions in behaviour by employees of one agency, and the source of disquiet from another, caught even this experienced public servant by surprise.

The responses to the development of the Colloquium process are indicative of something Maori often have to contend with when dealing with government agencies: ignorance, contradictory actions and self-serving rhetoric. All three were evident in the behaviour of a small number of officials from the Department of Corrections and Te Puni Kokiri, towards the kaupapa developed for the Colloquium. All their behaviour did was to underline the ‘will to control’ that so evidently drives their interactions with Maori. It also convinced us that we were right to develop a process that privileged the voice and experience of our people. It drove home the need for whanau, hapu, iwi and Maori Urban Authorities to ‘do things for themselves’ and, hopefully, becoming less reliant on government agencies for dealing with social harm that occurs in our communities.