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Waitakere Community Law Service 2012
Ko wai ahau

Introduction
Kaupapa

Content

- Māori – A snap shot
- The personal is political
- Waitakere Community Law Service
- Cultural Models of Practice
- Theoretical frameworks
- Applying theory to practice
In 2010, Professor James Anaya, the United Nations Special Rapport on the Rights of Indigenous Peoples, raised specific concerns to the socio-economic status of Māori, drawing special attention to the high imprisonment rates of Indigenous peoples in Aotearoa.
Māori & the Justice System

“Māori represent roughly half of all criminal justice offenders and victims, a proportion far greater than would be expected for the size of the population”

(Statistics New Zealand. 2009:22)
Māori youth offenders make up around 50% of all youth offenders, but in some youth courts the figure is as high as 80% or 90% despite Māori encompassing only about a quarter of the New Zealand population under the age of 17 years of age.

(Judge A.J Becroft  
Principal Youth Court )
The Personal is Political

Contextualising the issue

- Historical
- Cultural
- Social - Economic
- Political
- Global
An unmet legal need

- Often Māori are unaware that they have a legal issue.
- Nor, do they know the appropriate avenues to address it.
- Some Māori experience literacy and numeracy barriers.
- Face to face delivery.
- More likely to experience systemic bias and discrimination.
- They face housing, employment, debt and systemic barriers with government departments.
An unmet legal need

- Māori have a bad perception generally of the police (Roguski & Te Whaiti, 1998),
- and vice versa (Maxwell & Smith, 1998)
- Perceptions of lawyers
- Legal frameworks and social justice
- Some CLC’s find it difficult to engage with Māori
- National Māori caucus proposal for specialist Māori Services
  - National team
  - Regional kaupapa teams within each CLC’s.
Te Korowai Ture o Waitākere
Waitākere Community Law Service

Providing Access to Justice for All
The Waitakere Community Law Service (WCLS) was established in 2005.

We assist individuals who have unmet legal needs in Waitakere, North Shore and Rodney areas.

One of 24 Community Law Centres nationally.

Funded by the Ministry of Justice.
Our Values

- To give effect to Te Tiriti o Waitangi
- To treat all people with dignity and respect
- Work in ways that value diversity
- Promote sustainable and empowering ways of working
- Practice the “Waitakere Way” proactive, strengths based, collaborative, sustainable.
- Our board consists of both the community and legal sector.
- WCLS Kaumatua
- 8 paid employees
- Manager (BSoP, community development)
- Senior Lawyer
- 3 lawyers
- Law reform, Legal educator
- Receptionist
- Administrator
WHO ARE OUR PRIORITY GROUPS

- Māori represent 13% of Waitakere population
- Predominately migrated from rural areas into the city
- We have a large youth population.
- Maori population expected to grow.
- Waitakere Police had the 2nd highest Māori arrest rate nationally.
- Third largest court nationally.
- In 2009, WCLS had low numbers of Māori accessing our services.
Addressing an unmet legal need

- Māori manager
- Te Tiriti o Waitangi
- Changed our internal environment
- Targeted Community Events
- Bi-cultural approach to practice
- Staff are now reflective of our diverse community
Addressing an unmet legal need

- Student Volunteers
- It’s all about the hook ups
- Holistic legal services
- Building a relationship
- Trust and confidence
- Empowerment model
- Word of Mouth
- Outreach in Kaupapa Māori service
Cultural and Theoretical Frameworks

- Te Tiriti o Waitangi
- Kaupapa Māori Theory
- Western Theory
Te Tiriti o Waitangi
The Treaty of Waitangi

- Partnership
- Participation
- Protection
Kaupapa Māori Models of Practice

Kaupapa Māori validates and legitimises a Māori world view and being and acting Māori.

It values and acknowledges Māori language, knowledge and culture in its own right

(Smith, G., 1991)
Kaupapa Māori theory & Critical theory
Kaupapa Māori Theory

- the validity and legitimacy of a Māori worldview,
- that Te Reo Māori is vital to Māori well-being, thus highlight that survival is paramount
- Māori autonomy will only eventuate through Māori identifying their own aspirations for the future (Smith, 2003)
Te Whare Tapa Wha

Mason Durie (2003)
Western Worldview

There has been a trend that as individuals we should be self-sufficient, autonomous, independent, self-directed and governed principally by what is best for us.

But...

if you are Māori with all of these things, then that person is viewed as extremely unhealthy.

(Mason Durie, 2003)
Māori Worldview

Knowledge is obtained from the relationship that people have with wider systems, not with a relationship with our own feelings, our own thinking, or our own intelligence,

But…..

the relationship we have with the sky, the land, our families and things that are much bigger than ourselves.

(Mason Durie, 2003)
Te Whare Tapa Wha

Wairua
Spiritual

Tinana
Physical

Hinengaro
Psychological

Whanau
Family
Kaupapa Māori Research

“Kaupapa Māori in research is concerned with both the methodological developments and the forms of research method utilised. Therefore, Kaupapa Māori is “a theory and an analysis of the context of research which involves Māori and of the approaches to research with, by and/or for Māori”” (Smith, 1996 cited in Pihama).
Kaupapa Māori Research methodology

aroha ki te tangata
Respect

kanohi ki te kanohi
Face to Face

Tuakana - Teina
Reciprocal Learning

Manaaki ki te Tangata
Generosity and hospitality

Kia tupato
Engage cautiously

kaua e mahaki
Don’t flaunt your knowledge
(Tuhiwai-Smith, 1999)
Māori Values

Tika
(do things right, or make things right)

Aroha
(show care and respect to others)

Pono
(be true to yourself and others)
Community Development Theory has a dual role, one that challenges the structures that oppress, and one that empowers the community (Ife, 2006)
Community Development Principles

• Te Tiriti o Waitangi
• Holism
• Sustainability
• Acknowledges Diversity
• Organic development
• Balanced Development
• Social Justice
Community Development Values

- Valuing local knowledge
- Valuing local culture
- Valuing local resources
- Valuing local skills
- Valuing local processes
YOUTH & JUSTICE
A COMMUNITY DEVELOPMENT APPROACH

The inter relationship between Research, Theory and Practice
Youth Law identified that young people in Waitakere had a worse perception of police, than in South Auckland

(Youth Law, 2008).
YOUTH & JUSTICE

OUR FINDINGS

- 80 participants
- Māori & Pacifica descent
- Kaupapa Maori Research approach
- Human Rights & Social Justice
- Linking the personal to the political

Just because we’re brown, doesn’t mean we’re all bad!
(14 yr old girl)
YOUTH & JUSTICE
SYSTEMIC CHANGE

- Briefing Report
- Zero tolerance to policing
- New Approach by the Henderson Police towards young people in Waitakere.
- Leadership

“We need to try another approach with our youth,
(Gary Davey, Area Commander, Henderson, 2010)
YOUTH & JUSTICE

4YP Youth Forum

WAITAKERE
YOUTH FORUM 2010
\"Mahitahi mai matou, ehara ki a matou Rangatahi\"

Do it with us, not to us
YOUTH & JUSTICE
YOUTH LED, YOUTH DRIVEN

Valuing the local
Building trusting relationships
Steering group established
Young people and adults
Youth led, youth driven
Structural analysis
4YP Youth Forum

I've been waiting a long time for an adult to listen to me
(Blair, 14 yrs)

That was just awesome, I loved that!
(Kaea, 14 yrs)
Final Remarks

- Community Developers role
- Māori now make up 28% of our client base
- Ideally, Māori should represent 50% of our clients
- The utilisation of a dual theoretical framework
- Employ a Māori lawyer
- Develop a Treaty of Waitangi Policy
- A Māori strategy
- Māori caucus to hold an annual conference.
- Māori caucus proposal be accepted, valued and implemented.
Final Remarks

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E hara i te mea
E hara i te mea
Nō ināianei te aroha
Nō ngā tūpuna
Tuku iho tuku iho

It is not a new thing
now that is love
comes from the ancestors
handed down through the
passages of time

Te whenua te whenua
Te oranga mo te iwi
Nō ngā tūpuna
Tuku iho tuku iho

The land, the land
is the life for the people
comes from the ancestors
handed down through the
passages of time

Whakapono tūmanako
Te aroha ki te iwi
Nō ngā tūpuna
Tuku iho tuku iho

Faith and hope
Love to the people
comes from the ancestors
handed down through the
passages of time
Nga Patai
Questions
References


References


References


