'A Fair Go For All':
A Problematic Contribution to Anti-Racism Praxis
in Aotearoa

Working Paper based on a talk given 10 June 2012 as part of a Master class in anti-racism praxis at Kotare Centre for Social Change.

Abstract

In New Zealand, the Human Rights Commission is the lead agency in countering institutional racism. They have recently undertaken a major research project, *A Fair Go For All* (Human Rights Commission 2011), to inform the development of a national strategy/approach to counter structural discrimination. This paper, from an activist scholarship standpoint argues their chosen approach has ignoring the power relations inherent in researching racism. Furthermore their approach has minimised both the historic element of racism against Māori and the significance of *Te Tiriti o Waitangi*[1] to anti-racism praxis in Aotearoa. Rather than endorse an ad hoc approach with a focus on practitioner bias (personally-mediated racism), and addressing ethnic inequalities (the outcome of institutional racism) this paper advocates for a Tiriti based systems change approach to transform institutional racism as it manifests in the neo-colonial context of Aotearoa.

Key words: Institutional racism, anti-racism praxis, activist scholarship, *Te Tiriti o Waitangi*

Background

Racism is the product of particular socio-historical contexts. Emerging evidence from Dunn and Geeraert (2003) argue convincingly that racism has a geographic specificity. Expressions of racism can also be affected by particular events. Bakalian and Bozorgmehr (2009) argue for instance, that the 11 September 2001 twin-tower bombings profoundly intensified racism against Muslims and people of Middle Eastern descent in the United States. In New Zealand, Don Brash's (2004, January) *Nationhood* speech has been widely recognising as negatively impacting on racial climate (see Barber, 2008; Callister, 2007; Johansson, 2004). Jones (2003) describes these fluctuation of racism as racial climate, a phenomenon that can be either quantitatively or qualitatively measured. A key challenge in developing an enduring national strategy to counter structural discrimination is to make it robust enough to endure changes in racial climate.

In their annual race relations report the Human Rights Commission (2010, 2011b, 2011c) continues to track widespread racism within Aotearoa; including entrenched racism targeting Māori. In critiquing the Human Rights Commission work in this area; this paper focusses on addressing systemic racism against Māori, the indigenous people of New Zealand. This focus was chosen in the first instance to highlight the New Zealand governments' obligations to protect the interests of Māori as treaty partners as outlined within *Te Tiriti o Waitangi*. Secondly to affirm the collective indigenous rights as defined in the *Declarations on the Rights of Indigenous Peoples* (United Nations, 2007). Thirdly, as a public health practitioner

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[1] By Te Tiriti o Waitangi I am referring to the Māori text of the Treaty of Waitangi as signed by Hobson and the majority of Māori rangatira (chiefs) on behalf of hapū (sub-tribes) on 6th February 1840 at Waitangi - not the later developed English version (Huygens, Murphy, & Healy, 2012).

I suggest addressing institutional racism as enacted by the action and inaction of government entities against indigenous people (given the significant life expectancy gaps worldwide) has become a matter of life and death (Gracey & King, 2009; King, Smith, & Gracey, 2009).

Analysis of institutional or structural racism entered public policy discourse in Aotearoa in the 1980s as a result of the release of a series of key reports (see Berridge et al., 1984; Herewini, Wilson, & Peri, 1985; M. Jackson, 1988) including the landmark *Puao Te Ata Tu* (Ministerial Advisory Committee, 1988). These reports challenged the proposition of the neutrality of the public service by suggesting mono-cultural practice was widespread and the New Zealand government's obligations to *Te Tiriti o Waitangi* were not being adequately fulfilled. Thirty years on, much has happened within the public sector. Neoliberal imperatives of cost-effectiveness, down-sizing bureaucracies and the growth of the mantra of individual responsibility have been the driver of radical reform (Asp, 2001; Kelsey, 1995).

Through these turbulent decades, challenging institutional racism quietly fall from the public policy agenda in favour of pathways that are more consistent with a neoliberal point of view purporting to address persistent inequalities between Māori and Tauiwi (non-Māori). In 2010, in a move welcomed by anti-racism activists, the New Zealand Human Rights Commission courageously identified structural or institutional racism as a priority area for attention. To advance work in this area they undertook a research project, *A Fair Go For* All (Human Rights Commission, 2011a) looking into structural discrimination and systemic barriers to ethnic equality.

This paper is an exploration of the methodology of this research project and reflection on its contributions to anti-racism praxis. As a piece of activist scholarship, this paper sits alongside the ongoing efforts of anti-racism activists to effectively collaborate with the Human Rights Commission around our joint aspirations to transform institutional racism.

Research Standpoint

As a Pākehā Tiriti worker I am committed to honouring *Te Tiriti o Waitangi* and transforming institutional racism and strongly support in principle the work of the Human Rights Commission. My standpoint is informed by activist scholarship (see Hale, 2008; Sudbury & Okazawa-Rey, 2009) and critical race theory (see Crenshaw, Gotanda, Peller, & Thomas, 1995). Both approaches are founded on the traditions of action and participatory research; and argue for the mutual intersection of research and political action to challenge existing power relations.

This paper has been generated from horizontal dialogue with anti-racism activists and has been peer reviewed by activist colleagues. This work builds on a submission generated by Network Waitangi Whangarei (Came, 2011) in response to the release of the Human Rights Commission's preliminary discussion document on their research. It also draws on my doctoral research (Came, 2012) into institutional racism and is informed by decades of anti-racism activism.[2]

Synopsis of a Fair Go For All

Within *A Fair Go For All,* the Human Rights Commission utilises the State Services Commission's (1997, p. 22) definition of structural discrimination: discrimination '…that occurs when an entire network of rules and practices disadvantage less empowered groups while serving to advantage the dominant group'. Rejecting cultural deficit theory (Valencia, 1997), the Human Rights Commission study attempts to isolate the structural barriers that have led to systemic inequalities within New Zealand. The project's (Human Rights Commission, 2011a, p. 6) stated parameters were to; '…examine ethnic inequalities through a structural lens by focusing on five key sectors: the justice system; the education system; the health system; the economic system and the public service system'.

The project aimed to identify levers and value-systems operating within each sector to review 'whether the government is doing enough to address inequalities'. They were also interested in promoting discussion around best practice interventions to achieve systemic change, assuming that a consistent approach is likely to be the most effective to address inequalities within and across the public sector. As outlined in the *Tūi Tūi Tuituiā Race Relations Report* (Human Rights Commission, 2011b, p. 5) the Commission is interested in '...identifying and working to remove any structural or institutional barriers to racial equality in the enjoyment of civil, political, social and economic rights'.

The project's methodology contains five phases: i) review of academic literature, ii) primary research via interviews and meetings, iii) presentation of a discussion paper at the annual Diversity Forum,[3] iv) further feedback and discussion and v) a final report. The project team met with thirty five individuals from a range of government departments and agencies and a pair of universities.[4] Their semi-structured interviews (Human Rights Commission, 2011a, p. 7) centred around the questions:

- What are the structural barriers that may contribute to ethnic inequalities in your area of work?
- What interventions have your agency developed that seek to address these structural barriers?
- How effective have these interventions been so far?

Informants were given the opportunities to comment on a draft of the discussion paper and a series of interagency workshops were held with Crown agencies to generate dialogue and encourage collaborative action to address structural barriers. Input was also sought from community members and non-governmental organisations during the Diversity Forum and through a submission process.

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[3] The Diversity Forum is an annual national convention focusing on race relations, human rights and cultural diversity focused on sharing ideas and best practice.

[4] They met with Ministry of Education, Ministry of Justice, Department of Corrections, New Zealand Police, Te Puni Kōkiri, Ministry of Pacific Island Affairs, Ministry of Health, Treasury, Department of Labour, State Services Commission, New Zealand Qualifications Authority, Pharmac, Auckland University of Technology and Waikato University.

Methodological Flaws

Racism is a powerful term within our society whether you are accused of it or whether you are targeted by it. Researching racism is in many ways a specialist area of enquiry, given the complex political issues surrounding naming and challenging racism (Back & Solomos, 1993). Came and da Silva (2011) maintain that those undertaking work in this area require a base level of political competencies to successfully navigate the complexities of the 'smoke and mirrors' that often work to mask the workings of institutional racism.

As with all research what questions are asked, who is asked, where data is sourced and how the questions are asked, all determine the outcome of a research process. On the surface the Human Rights Commission's research design seems reasonable and a relatively standard approach. However from the viewpoint of an activist scholar this approach raises a range of methodological concerns in the context of researching racism. Firstly, the design does not include adequate historical analysis to contextualise institutional racism. Secondly, the research design ignores the inequitable power relations and violence inherent in racism that need to be considered within data collection design and analysis. Thirdly, the project's focus on structural or institutional racism has morphed into how to address ethnic inequalities; an outcome of, rather than a driver of, institutional racism.

Lack of Historical Analysis

The primary focus of critical race theory (see Crenshaw, et al., 1995) as a methodological approach is on studying racism; how it has been created and maintained and ultimately how to reshape, challenge and disrupt power relations. Central to this tradition is placing racism within both historical and contemporary contexts (see Solorzano & Yosso, 2002) in an attempt to disrupt libertarian discourses of 'colour-blindness' and 'meritocracy' which mask the power differentials that drive racism. The Human Rights Commission project only addresses institutional racism from the launch of the *Puao te Ata Tu* (Ministerial Advisory Committee, 1988).

Institutional racism has not always existed in Aotearoa; rather I suggest it was a phenomenon that was introduced through the colonial processes of colonisation and assimilation. Primary research in the 1980s (see Berridge, et al., 1984; Herewini, et al., 1985; M. Jackson, 1988; Ministerial Advisory Committee, 1988) and more recently in the 2010s (see Came, 2012; Just Speak, 2012) demonstrates that the State's active involvement perpetuating institutional racism is ongoing. This position is reinforced by a plethora of Waitangi Tribunal reports, (Waitangi Tribunal, 1986, 1996, 1998, 2004, 2011) which have relentlessly documented the role of the New Zealand Government in perpetuating racism against Māori.

I suggest the state has not been and is not neutral or even a well-intentioned benevolent force to Māori, as assumed by the Human Rights Commission. Given this history, any response to structural racism needs to present a critical assessment of how Crown agencies are continuing to perpetuate institutional racism. Indeed, as respected Māori academic, Jackson (2000, pp. 6-7) maintains: '…it is an unwise person who attempts to discount the continuity between past and present and in the Māori context it would be culturally impossible and intellectually incomprehensible to do so'.

Racism as Violence

Institutional racism, is a pattern of differential access to material resources and power determined by race, which advantages one sector of the population while disadvantaging another (Came, 2012, p. i). This pattern of behaviour, I suggest, enables a violent system to survive, thrive and produce inequitable racist outcomes.

In the 1980s Pākehā Tiriti workers adapted the Duluth power and control model (www.theduluthmodel.org) (see figure 1) to illustrate the violence inherent in structural racism. These experienced anti-racism practitioners asserted that the same power and control dynamics present in domestic violence were also visible in cultural violence. In this context these forces escalate to a societal level and are embedded within the routine operations of government.
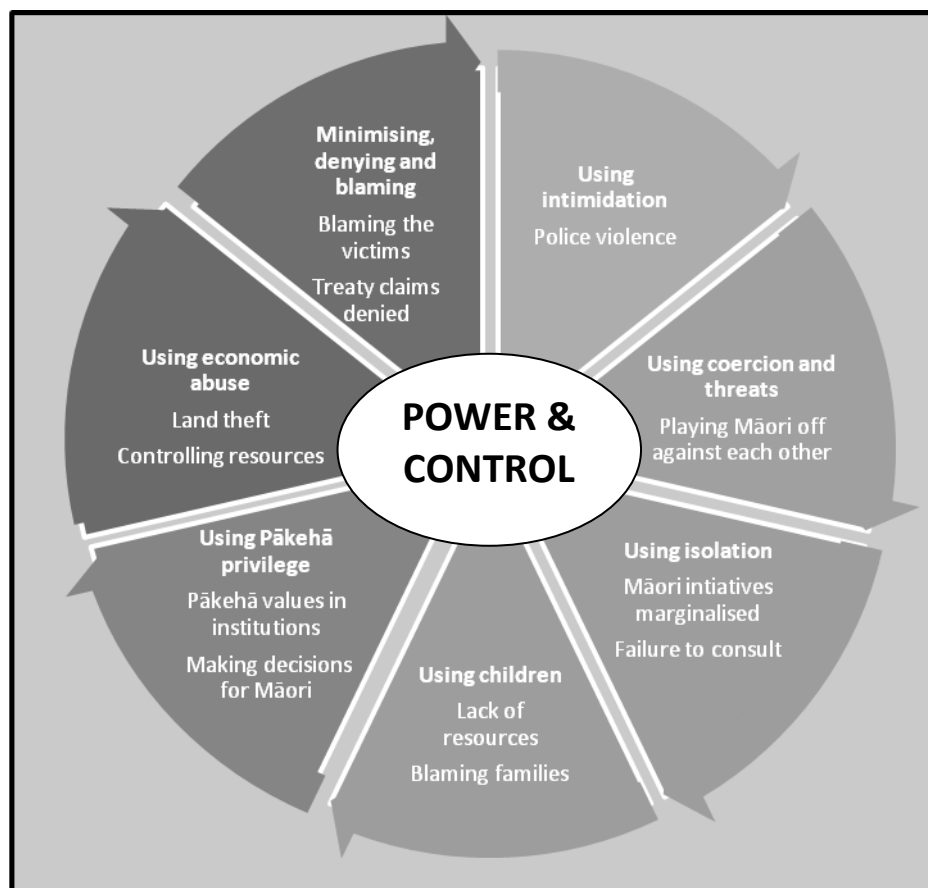
Figure1: Racism & Cultural Violence Wheel. The author of this adaptation of the Duluth power and control wheel is unknown. This figure is based on a document retrieved from the archives of Network Waitangi Whangarei. If and when the creator is identified, future publications will include this information and relevant permissions will be sought.

If one accepts the arguments of Awatere (1984), Sherwood and Edwards (2006), that racism is a form of violence, then a logical extension of that idea is that within the power and control dynamic there are those that perpetuate racism and those that are targeted by it. In critical race theory this is echoed in the distinction between master narratives, (i.e., the discourses of the powerful dominant group), and counter narratives, (i.e., the less often heard perspectives of minorities). The Human Rights Commission in their stated research design primarily relied

on the master narratives of Crown agencies about how they are addressing structural racism and ethnic inequalities. Their design was not inclusive of counter narratives from both those targeted by racism and those engaged in anti-racism activism from outside government agencies.

From a research design perspective privileging the viewpoints of master narratives is problematic and I assert goes some way to compromise the research findings. Additionally, the data collected from Crown agencies as presented in *A Fair Go For All* appears to have been accepted without critical assessment or commentary. Given the overwhelming evidence of Crown involvement in perpetuating structural racism, this seems an unlikely choice of method.

Exclusive Focus on Ethnic Inequalities

Through *Te Tiriti o Waitangi* and commitments made under both the *International Convention on the Elimination of All Forms of Racism* (United Nations, 1966) and the *Declaration on the Rights of Indigenous Peoples* (United Nations, 2007) there are profound imperatives for the New Zealand government to address ethnic inequalities. Within the health sector this is also embedded within the New Zealand Public Health and Disability Act 2000. I suggest addressing ethnic disparities in health, education and justice outcomes is critical and important work but is not the same as addressing institutional racism.

Within the public health community, there is a much shared parable about a village where, over time, babies came floating down the river. As the babies arrived, the village rallied and took care of the babies - feeding them, clothing them and finding families to care for them. After some months of the babies coming, the villagers called a public meeting to strategise how to deal with the relentless flow of babies. The solution for that village was to send someone up the river to find out where they were coming from. I suggest the Human Rights Commission; in the face of systemic ethnic inequalities have overlooked the critical question of what are the causes of these ethnic inequalities?

The dynamics of institutional racism are complex and multi-layered. I maintain, at least in part, that Crown policy and practice fine-tuned over a hundred and seventy years remains a key driver of institutional racism in Aotearoa. This pattern of Crown-led racism is documented in Waitangi Tribunal reports and has remained constant across the race relations policy platforms of colonisation, assimilation, biculturalism and more recently neoliberalism (Came, 2010, June).

Problematic Contributions to Anti-Racism Praxis

Racism impacts on the lives of those that it targets and also the lives of those that it privileges. Globally, for hundreds of years, there has been formal and informal movements of people mobilised to resist structural racism. This anti-racism praxis can take the form of contributing to either peaceful or violent revolution, the development of international and domestic legislative protections, grass-roots and board-room based education programs and direct action campaigning within and outside the law. Over time a body of anti-racism literature has been built (see Fanon, 2004/1961; S. Jackson, 1989; Kirton, 1997; Lorde, 1984; Mandela, 1994; Martin & DiRienzo, 2012; McIntosh, 1988; Mikaere, 2001; Nakata, 2001; Paradies, 2005). A wealth of practical expertise and additional knowledge about how to

transform racism is also held within communities targeted by racism and within activist communities.

Within the context of Aotearoa, Māori have an unbroken record of resistance to state racism and engagement in decolonisation processes and actions (Walker, 1990). Historically Tauiwi have had ad hoc individuals and groups from a variety of standpoints attempting to transform racism against Māori alongside the work of agencies such as the Human Rights Commission. Since the 1980s these informal groupings have formed an increasingly organised movement of Tauiwi Tiriti workers across Aotearoa (Huygens, 2007). Often working in what Freire (2000/1970) calls co-intentional relationships with Māori, Tiriti workers have worked as allies (see Margaret, 2010; Nairn, 2009, December) to support Māori aspirations of tino rangatiratanga (sovereignty) (see Cook, 1984; Kelsey, 1987), to prevent breaches of *Te Tiriti o Waitangi* and to promote Tiriti based constitutional change (see Kāwanatanga Network, 1996). Significant work has been invested in educating and mobilising Tauiwi to politically engage in processes of decolonisation (Kelsey, 2004; McCreanor, 2009). Central to these efforts are attempts at power-sharing (Huygens, 2001). A range of informal and formalised accountability structures are also often in place between Tiriti workers and Māori. It is unusual for Tiriti workers to operate independently of a dual accountability system; to Māori and other Tauiwi Tiriti workers. [5]

Beyond methodological concerns, the Human Rights Commission project also makes a problematic contribution to anti-racism praxis in relation to three other matters. Firstly, they omit from their analysis the widely advocated option of the New Zealand government honouring its *Te Tiriti o Waitangi* obligations as a means of addressing structural discrimination against Māori. Secondly, they over emphasize personally-mediated racism in the form of practitioner bias as the focus of their proposed interventions. Thirdly, despite advocating for a consistent systems-based approach to addressing structural racism within their report, the Human Rights Commission have outlined an ad hoc project based solution.

Minimising Role of Te Tiriti o Waitangi
The Treaty then was not just a political and legal covenant but also a spiritual one... Because of the Treaty, Māori believe right to this day that they are equal partners and yet they know from experience that is not so (Henare, 1987, p. 7).

In 1840, many Māori rangatira (chiefs) signed *Te Tiriti o Waitangi* with a representative of the English Crown to outline the terms and conditions of English settlement of Aotearoa and to define this emerging new relationship (Orange, 1987). The Māori text guaranteed the continuance of Māori tino rangatiratanga, granted the English kāwanatanga (governorship) and promised Māori ōritetanga (equity) with British subjects.

Many Māori and Tauiwi alike steadfastly affirm the importance of *Te Tiriti o Waitangi* as the founding document of New Zealand. It is embedded in legislation within a plethora of government policies, it is taught in New Zealand secondary schools and universities across a range of disciplines, it is also written into community groups' vision statements and is

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[5] Voluntary ethical guidelines (see Network Waitangi Otautahi, 2002) have been adopted within this movement: emphasizing the importance of relationships; accountability; indigenous control and leadership.

debated regularly in parliament. Research commissioned by the State Services Commission (UMR Research, 2004) suggests approximately 50% of New Zealand know a lot or a fair amount about the Treaty of Waitangi. Breaches of *Te Tiriti o Waitangi* commitments made to Māori remain contested political ground within Aotearoa and the source of considerable frustration for many (Humpage & Fleras, 2001; Stokes, 1992).

In short, Te Tiriti is a living document that consistently frames debate about race relations in Aotearoa. If the New Zealand Government honored its Te Tiriti commitments, particularly its article three obligations in relation to ōritetanga, structural racism against Māori potentially could be eliminated. To enable this transformative power-sharing there are a significant pool of New Zealanders that have experience working with Te Tiriti and a range of tools and resources have been developed to expedite this process (see E. Durie, 1989, April; M. Durie, 1989; Hayward, 1997; Health Promotion Forum, 2000; M. Jackson, 2009; Kelsey, 1987). Indeed, the Committee for the Elimination of All Forms of Racism (2007) in their most recent feedback to New Zealand's (on our performance in addressing racism) recommended further action to embed Te Tiriti. I maintain the Human Rights Commission need to reconsider what part Te Tiriti plays in the transformation of structural racism against Māori.

Focus on Practitioner Bias

Much research on racism focuses on linking ethnic inequalities to the attributable actions of practitioners in their provision of goods and services to the public (Harris et al., 2006; Howell & Hackwell, 2003, July). This tracking of racism is a valuable contribution to understandings of how racism manifests. Practitioner bias, however, only paints part of the complex picture of where systemic racism resides.

Different groupings of practitioners wield different levels of influence over how society is organised and who gains access to what level of resources. Teachers, for instance, have control over what happens in their respective classrooms, but have less control over curriculum, class sizes, textbooks and what professional development opportunities are available to them. Policy makers and senior managers have considerably more influence within the sector. A teacher can have significant negative impact on a students and/or a group of students experiences of school. A policy maker that develops a mono-cultural curriculum and/or legislation that bans the use of Te Reo Māori[6] (Māori language) for instance has a larger and more far-reaching impact on students and their families.

The Human Rights Commission project highlights work on cultural competency and cultural safety as a means to address structural racism. Certainly the inclusion of cultural competency within the Health Practitioners Competency Assurance Act 2003 was welcomed by anti-racism activists. Evidence is also building that cultural competency programs improve levels of service delivery to minority and/or indigenous communities (see Bennett, 2006; Chipps & Simpson, 2008) . However, experienced Tiriti trainer Susan da Silva (cited in Came, 2012, p. 178) anecdotally maintains that policy makers and senior managers rarely attend *Te Tiriti o Waitangi* or cultural competency training; rather, such courses are populated by front-line staff with client contact. Within the health sector most health professionals are bound by legislative requirements to be culturally competent, while those same standards are not

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[6] The Native Education Act 1847 established English as the only official language and as the medium of instruction in schools (Pihama, 2001).

applied to policy makers and senior managers. This lack of accountability poses significant risks in terms of enabling environments where structural racism can thrive.

Just as ethnic inequalities are the outcomes of institutional racism, the absence of robust quality assurance systems and management processes that can detect and prevent structural racism creates an environment where personally mediated racism and practitioner bias thrives. As with the parable of the babies coming down the river, the Human Rights Commission needs to ask the critical question, "what is enabling personally-mediated racism to thrive within the systems they are examining?".

Systems Change Theory versus Ad hoc Programs

Systems change theory is applicable to a situation when one is dealing with a complex problem that requires sweeping and sustained transformative impact. This approach is recommended when organisations and institutions face complex problems such as those that require systematic, multi-level change (Midgley, 2006). Griffith, Mason and Jonas et al (2007) maintain when systems theory is applied to institutional racism a multi-pronged approach is required. A sole emphasis on a particular element of a system is usually insufficient for sustained transformation.

The Human Rights Commission project has uncovered a range of best practice examples of programs they maintain are addressing structural discrimination and/or ethnic inequalities. These projects included, amongst others, the well-established Te Kotahitanga (Bishop, Berryman, Cavanagh, & Teddy, 2009) program which is running in the education sector, a neighbourhood policing program in Counties-Manukau, Rangatahi[7] and Pasifika youth courts and Māori focus units in prisons (Department of Corrections & Kahui Tautoko Consultancy, 2009). Some of this work has been subject to the rigor of evaluation processes to measure the reach and impact of this work, for others this information is not yet available.

The commonality across these best practice programs is that they are discrete and clearly defined programs of work, not a system-wide approach to addressing racism. They are also frequently initiatives developed by Māori for Māori. In the case of the policing, courts, and prison projects, these interventions are occurring at a point when these traditionally mono-cultural systems have already failed Māori (Reid, 2002). Initiatives such as the promising Whānau Ora program (Whānau Ora Taskforce, 2010) are changing the way services are purchased by some government departments, but as this work is still in its infancy it is premature to assess its effectiveness as a response to structural racism. To deal with something as complex as institutional racism I maintain the Human Rights Commission need to utilise a systems approach.

Conclusion

The Human Rights Commission are a lead agency in the fight against structural racism in New Zealand. They are independent of government and have access to considerable resources and expertise through the community of activists, academics and community members that value and variously support their work. Within the research project *A Fair Go For All,* the Human Rights Commission has made some problematic decisions in regards to their methodological approach which has compromised their findings. Racism is a violent system

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[7] Rangatahi is the Māori word for adolescent.

and using Crown agencies that continue to perpetuate structural racism as the primary source of information in a research project about how to eliminate racism seems a key methodological flaw.

Ethnic inequalities are not the drivers of racism; rather they are the outcome of a systemically racist system. Dealing with racism against indigenous peoples within the New Zealand context requires honouring *Te Tiriti o Waitangi* and the entering into a power-sharing relationship with Māori. Unravelling the complexity of structural racism requires more than a focus on practitioner bias and personally-mediated racism. Disrupting and transforming racism needs the mobilisation of a well-resourced systems level approach, rather than tinkering with projects that attempt to mop up the devastating impacts of institutional racism on indigenous New Zealanders.

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