

# **Ki te whaiao, ki te ao Mārama: Community Engagement Report for developing a National Action Plan Against Racism**

**Te Kāhui Tika Tangata New Zealand Human Rights Commission**

**November 2022**

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## **Human Rights Commission**

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Our purpose is to promote and protect the human rights of all people in Aotearoa. We work for a free, fair, safe and just Aotearoa, where diversity is valued, and human dignity and rights are respected. Information about the Commission's activities can be found on our website: [www.hrc.co.nz](http://www.hrc.co.nz)

# Authorship

This report has been written by independent parties for the Human Rights Commission. The views, analysis and recommendations in this report can be attributed to the Human Rights Commission, and the Tangata Whenua Caucus and Tangata Tiriti Caucus of the National Anti-Racism Taskforce (2021-2022).

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## Foreword

Aotearoa New Zealand has a long history of racism and a national conversation on working towards its elimination is long overdue.

Te Kāhui Tika Tangata, the Human Rights Commission (the Commission) welcomes the Government's commitment to creating a National Action Plan Against Racism (the Plan). To support this work, the Commission was asked to undertake some preliminary engagement with Tangata Whenua and civil society. The purpose of this engagement was to capture their experiences of racism and their thoughts about what should be in the Plan. This report sets out what we heard and our response to it.

We all have the right to be treated fairly, with respect, and to be free from racial discrimination. Non-discrimination and equality are fundamental principles of international human rights law. The New Zealand Government ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1972—committing to eliminating racial discrimination and promoting understanding between all races.

Yet 50 years after ratifying ICERD, many people in Aotearoa still experience racial discrimination. Tangata Whenua, and other members of civil society, told us racism negatively affected them as individuals and within their whānau and communities.

Since Te Tiriti o Waitangi (te Tiriti) was signed in 1840 between Rangatira (Māori chiefs) and the British Crown, Māori have been subjected to overwhelming racism backed by the full force of the law and Government. This continues today with many Tangata Whenua saying they can feel unsafe in almost every environment.

Some Tangata Tiriti also experience high levels of racism. This is inextricably linked with the racism that is experienced by Tangata Whenua. Racism must be

eliminated, so Aotearoa can be a modern democracy that honours both partners of te Tiriti and so all communities can flourish without fear of discrimination.

The Plan is needed. Racism continues to occur at interpersonal, institutional and internalised levels for many people. This was reflected through the experiences people shared with us throughout our engagements. We appreciate and acknowledge the many people who shared their stories and hope their voices are accurately reflected in this report.

Alongside their experiences of racism, people also shared their ideas and aspirations for a future free of racism. An Aotearoa that gives effect to the inclusive promise of te Tiriti to uphold the tino rangatiratanga of Tangata Whenua, and to provide a place to stand for all Tangata Tiriti.

This was reflected in te Tiriti and human rights-based approach we undertook for this report. An expert National Anti-Racism Taskforce (2021-2022) was appointed with a Tangata Whenua Caucus and a Tangata Tiriti Caucus. We acknowledge the Taskforce's contributions, insights and expertise from their professional and lived experiences.

We also pay our respects to the late Matua Dr Moana Jackson, who passed away during the writing of this report and the *Maranga Mai!* report. His profound mātauranga and wisdom have helped to guide both reports including *Maranga Mai!* which provides research, narrative and analysis of the dynamics of white supremacy, racism and colonisation experienced by Tangata Whenua. We acknowledge Dr Jackson for being a leader in the face of justice and racism throughout his life and his commitment to tangata whenua. He played a crucial role in *Matike Mai* and shaping, Tiriti-based futures, constitutional reform and anti-racism; and was a leader in the international Indigenous and human rights space.

Moe mai rā e te rangatira.

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We thank our staff at the Commission who have contributed to this project.

Ka mihi nui rawa atu ki a koutou.

Our hope is that the Plan will develop actions that reflect the aspirations and address the experiences that people shared in this report. After all, actions speak louder than words.

A nation that honours its founding agreement te Tiriti, and values diversity and equity, is a mature nation. We urge the Government to develop the Plan to make a significant contribution towards achieving an Aotearoa that honours te Tiriti, and which is free of racism, so all people can thrive.

Meng Foon,  
Kaikomihana Whakawhanaungatanga ā Iwi  
Race Relations Commissioner  
Te Kāhui Tika Tangata

Tricia Keelan,  
Pou Ārahi  
Te Kāhui Tika Tangata  
Feb 2020-Aug 2022

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## Definitions we have used in this report

In this section we briefly outline the key definitions we use in this report. For a fuller discussion of key concepts such as colonisation, the Doctrine of Discovery, race, racism, white privilege and white supremacy, please refer to the accompanying *Maranga Mai!* report from which we have summarised these definitions.

**Colonisation** refers to the systematic appropriation, seizure and exploitation of Indigenous lands and natural resources by another country or state.

In Aotearoa, a colony of settlement was established by the British Crown. The colonial government that was then established, undermined and disempowered Indigenous self-determination, leadership, and political structures and expropriated nearly all Māori land. The establishment of new and dominant structures through warfare, legislation, policy and practices dismantled the culture, language, and social cohesion of iwi, hapū and whānau Māori. Colonisation is an ongoing process and continues to negatively impact Māori today.

**The Doctrine of Discovery** refers to a series of decrees made by the Pope in the fifteenth century. These decrees outlined white Christian racial superiority, providing the rationale for colonisation and the seizure of Indigenous peoples' lands. These actions were premised on the basis that non-European and non-Christian peoples had forfeited their rights of occupation (and other rights) to what was presumed to be superior European power. Through a series of landmark cases, e.g. *Johnson v. McIntosh* in the United States, the doctrine became part of international law.

In Aotearoa, the doctrine underpins the establishment of the New Zealand government and its legislation and the dominance of systemic racism. Through colonisation, premised on the notions of racial superiority outlined in the doctrine,

Tangata Whenua were displaced from their traditional lands, territories, and resources.

**Equity** recognises that different people with different levels of advantage require different approaches and resources to reach equal outcomes. We have used this term in this report in preference to equality, which some people understand to mean treating everyone the same. We note, however, that international human rights instruments refer to "equality".

**Pākehā** is the te reo Māori term for Tangata Tiriti of European descent or New Zealand Europeans. We have used this word to refer to Pākehā people as well as dominant norms and values, e.g. our governmental system, which is derived from the United Kingdom.

**Race** is a social construct that emerged from fifteenth-century Christian Europe. It was used to organise people into categories based on their actual and perceived physical differences, e.g. hair, skin and eye colour, facial features, or skull shape. These categories were organised into a hierarchy that placed white Europeans at the top and equated their values and practices with civilisation. This hierarchy presumed white European superiority over non-European peoples, who were positioned as living in varying degrees of barbarism.

**Racism** uses race as the basis for prejudice and power at interpersonal, institutional and internalised levels.

- **Interpersonal racism** relates to omissions, remarks, and actions toward someone based on unfounded assumptions about their perceived race.
- **Institutional racism** refers to society's structures and institutions advantaging one group at the expense of others, based on race. In Aotearoa our structures and institutions work for the collective benefit of Pākehā rather than Māori, or the ethnic minorities. This manifests in the inequities across sectors such as education, health, justice, housing, employment, and wellbeing.

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- **Internalised racism** refers to people, stigmatised because of their race, accepting those negative ideas and messages about themselves.

**Tangata Whenua** means "people of the land" in te reo Māori and recognises Māori as the Indigenous first peoples of Aotearoa.

**Tangata whenuatanga** relates to whakapapa connections, cultural identity, language, cultural awareness and knowledge of the whenua, or distinct boundaries of land that Māori come from.

**Tangata Tiriti** means “people of the Treaty of Waitangi” in te reo Māori. It refers to all people who have migrated to Aotearoa and are not Tangata Whenua. This term recognises that Te Tiriti provides people who are not Tangata Whenua with a "place to stand" in Aotearoa. Because this term includes Pākehā, we have also used the umbrella term "ethnic Tangata Tiriti" to distinguish the experiences of ethnic minorities, including Pacific peoples.

**Te Tiriti o Waitangi** is the text of the Treaty of Waitangi in te reo Māori. It differs in significant ways to the English-language version. We have referred to te Tiriti throughout this report, as this is the version that the majority of Tangata Whenua signed and understood. The Waitangi Tribunal has recognised the te reo Māori version as the principal text.

**White privilege** is the inter-generational political, economic, social, and cultural benefits and advantages that colonial settlers accumulated through the appropriation of Indigenous lands, natural resources and wealth. In the case of Aotearoa, white privilege collectively benefits Pākehā as a group while disadvantaging others, particularly Tangata Whenua.

**White supremacy** is the presumed superiority of whiteness, that is white culture and norms. In the case of Aotearoa, this refers to the presumed superiority of Pākehā norms and values, e.g. the Westminster-based government. It is a means of maintaining institutional control of political, religious and other systems.

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# Executive Summary

## Introduction

Racism is entrenched in the fabric of society in Aotearoa New Zealand. The history of racism in this country is rooted in the Doctrine of Discovery, which underpinned European colonisation around the globe from the fifteenth century. It led to the exploration and colonisation of Aotearoa by the British Crown. Today, colonisation continues to underpin the interpersonal and systemic racism that impacts Tangata Whenua and ethnic Tangata Tiriti.

In 2017, the UN Committee for the Elimination of Racial Discrimination (CERD) recommended that the New Zealand Government (the Government) create a National Action Plan Against Racism (the Plan), with the Race Relations Commissioner playing a leadership role in community engagement. In light of CERD's recommendations, and the terrorist attacks at Christchurch masjidain in 2019, the Government committed to developing the Plan.

The Ministry of Justice (the Ministry) is leading the development of the Plan on behalf of the Government over 2022-23. To help inform initial development of the Plan, Te Kāhui Tika Tangata, the Human Rights Commission (the Commission) conducted preliminary community engagements to capture experiences of racism and to identify priority actions for eliminating racial discrimination.

To guide this work, the Commission established a National Anti-Racism Taskforce (2021-2022) (the Taskforce) of experts on racism with both a Tangata Whenua Caucus and Tangata Tiriti Caucus. The Taskforce provided guidance throughout the process. This report, *Ki te whaiao, ki te ao Mārama*, presents the themes and ideas arising from the community engagements along with the Commission's own recommendations to the Ministry on the development of the Plan.

We recommend this report be read with the accompanying *Maranga Mai!* report and its recommendations. Ahi Kaa, the indigenous rights group within the Commission, and the Taskforce's Tangata Whenua Caucus, worked together to develop *Maranga Mai!* which provides research, narrative and analysis of the dynamics of white supremacy, racism and colonisation experienced by Tangata Whenua.

These two reports are the Commission's gift to the Government and to Aotearoa to assist in the important task of eliminating racism. Read together *Maranga Mai!* and *Ki te whaiao, ki te ao Mārama* create our call to action—Rise Up! Emerge from darkness, into the natural world of life and light.

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## Summary of key themes from our engagement

This report is set out under five pou identified in July 2021 by the Tangata Whenua Caucus of the Taskforce. Alongside each pou are corresponding Tangata Tiriti pillars, representing the core themes expressed by Tangata Tiriti. This structure represents Tiriti-based approach which the Commission has applied to this kaupapa. The following two tables summarise the key themes we heard from the communities we engaged with on each pou and pillar. Fuller discussion of each follows in the body of this report.

### Tangata Whenua Pou

#### **Pou 1: Whakamana Tino Rangatiratanga, Empower and restore tino rangatiratanga through constitutional transformation**

Tangata Whenua participants identified racism as the central issue impeding their ability to develop and exercise tino rangatiratanga (absolute authority and self-



determination) which are pre-existing rights set out in te Tiriti and the rights set out in the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration). They described how their existing authority and self-determination as Tangata Whenua has been disrupted through the violent processes of colonisation. This suppressed their mana motuhake (mana through self-determination and control over identity) and exacerbated their past and present experiences of racism and injustice.

Tangata Whenua said that empowering and reaffirming tino rangatiratanga was the most effective way to reconcile and restore mana motuhake. It would also help to mitigate the harms caused by racism and to eliminate it for the future. Their visions for tino rangatiratanga were characterised by flourishing self-determined futures for all mokopuna with the full restoration of te reo Māori and connections with whānau, hapū and iwi, te ao Māori and te taiao (the natural world).

Tangata Whenua encouraged and challenged the Government—and all New Zealanders—to address and learn about the history, and distil the lessons, of colonial racism in Aotearoa. Māori pointed to te Tiriti and the UNDRIP as vehicles for addressing the racism experienced by iwi, hapū and whānau.

There needed to be constitutional transformation and a rebalancing of power structures between tino rangatiratanga and kāwanatanga (the government) so both are elevated to equal partnership at the constitutional, legislative and policy level. They pointed to *He Puapua* and *Matike Mai Aotearoa* reports as providing blueprints and guidance on how to do this.

## **Pou 2: Whakamana Te Tapu o Te Ahurea Tuakiri, Empower, decolonise and restore te ao Māori as the first culture of Aotearoa**

Tangata Whenua recognised the fundamental importance of this pou to the elimination of racism and the re-empowerment and restoration of tangata whenuatanga and te ao Māori as the first culture in Aotearoa. They spoke about the unrelenting state attacks on Māori life. This included their culture, language and histories being disparaged and supplanted by western ideologies through the pervasive, cumulative and intergenerational impacts of more than 180 years of colonisation.

Tangata Whenua want the promotion, enhancement and normalisation of cultural expression—te reo Māori, tikanga Māori, and mātauranga Māori—in all aspects of life, so that being Māori is respected and that te reo Māori and tikanga are not tokenistic gestures. Participants wanted to feel free and safe to express themselves as Māori in Pākehā spaces without feeling the need to fit in. They were concerned about their children and mokopuna being subjected to racist

behaviour. The Plan should signal how government organisations can change to help achieve this.

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Tangata Whenua also expressed a desire for their histories and art to be more visible including the restoration of original place names that tīpuna gave to their areas and the removal of names associated with their oppression.

Diversity and inclusion for all peoples was important alongside understanding and recognition, by New Zealanders, that Māori are the first people of Aotearoa.

### **Pou 3: Whakamana te Tapu o te Wānanga, Empower and restore how we educate ourselves and generations of mokopuna in te ao Māori**

Tangata Whenua respondents emphasised that, for Aotearoa to eliminate racial discrimination, te Tapu o te Wānanga must also be restored. Aotearoa needed to acknowledge its racist history and the racism that continues today. This requires hearing experiences of racism and understanding what racism is. It was particularly important for those who benefit from racism, and are either unaware or refuse to recognise it, to understand how it occurs and the negative effects.

Tangata Whenua support a comprehensive education programme about the history of racism in Aotearoa, and how to address it, as a priority for the Plan.

Tangata Whenua told us that decolonisation is integral to shifting negative attitudes and stereotypes about Māori. Through wānanga—iwi, hapū and whānau can ensure the stories of their tīpuna are accurately told and heard. Restoring wānanga and learning systems for Tangata Whenua was important to ensure they can exercise their tino rangatiratanga when educating their tamariki. This will also help grow kaupapa Māori education.

### **Pou 4: Whakamana te Tapu o te Whānau, Empower, restore and strengthen Indigenous systems to support whānau to thrive through whānau determinants of sustainable wellbeing**

Tangata Whenua highlighted that restoring the health and prosperity of whānau was central to restoring tino rangatiratanga and mitigating the negative impacts of colonisation and racism. Participants wanted to see the collective nature of Tangata Whenua social structures accepted and supported so whānau members are not left behind. Tikanga and kawa were essential to helping whānau determine for themselves what they needed to flourish. Being supported in this way would help whānau to re-connect to te ao Māori.

Support for whānau to engage with government and broader systems was also identified as important. Tangata Whenua want better outcomes across a range of

areas including access to Māori land and housing, improved health, education, employment and incomes. Earlier themes of reigniting tino rangatiratanga and restoring Pou 2: te Tapu o te Ahurei Tuakiri and Pou 3: te Tapu o te Wānanga were seen as crucial to creating an environment in which te tapu o te whānau can be supported and healed for future generations.

### **Pou 5: Whakamana te tapu o ngā iwi taketake, Empower and support Tangata Whenua to work with other Indigenous peoples to progress human and Indigenous rights and eliminate racism**

Tangata Whenua spoke about wanting to connect with and work in solidarity with Indigenous peoples around the world. This would enable them to share knowledge, experiences and solutions to better understand how to combat racism and white supremacy and to progress Indigenous rights. It would also emphasise the global origins of racism and white supremacy and draw out how they manifest in Aotearoa.

As in Pou 3: Whakamana te Tapu o te Wānanga, participants spoke about the need for honesty around racism, particularly in politics and the media. They noted the need to eliminate racism from politics and the political process. Discussion also highlighted the role of media and social media in disseminating racism, while also providing the space for anti-racist action. Participants wanted stronger regulation of media and online spaces to regulate and eliminate racism, white supremacy and hate speech.

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Tangata Whenua also discussed the important role of education more generally in combatting racism, but felt anti-racist education was a job for Pākehā allies.

## **Tangata Tiriti Pillars**

### **Pillar 1: Supporting tino rangatiratanga**

Ethnic Tangata Tiriti participants recognised that the racism they experienced and the barriers they encounter are inextricably linked to the colonisation of Aotearoa and the suppression of the tino rangatiratanga of Tangata Whenua. Many linked their experiences and place in society to the fact that constitutional arrangements in Aotearoa are founded in colonisation. Essentially it continues to be a colonised country, benefitting Pākehā as the dominant group, and needs constitutional reform.

One of the ways in which tino rangatiratanga was suppressed is in the exclusion of Tangata Whenua from the immigration policies and process. Tangata Tiriti

participants identified the immigration process as discriminatory and deeply rooted in racism. Some found the process dehumanising and called for an inquiry into the current process with a view to overhauling it. A new approach to immigration based on a balanced relationship between Tangata Whenua and Tangata Tiriti was needed.

Migrant well-being was a strong theme in relation to immigration and settlement with many ethnic Tangata Tiriti speaking of the discrimination and harassment they experienced.

## **Pillar 2: Supporting diversity and inclusion**

This pillar captures the most common theme to arise from the Tangata Tiriti engagements. Many participants identified the central barrier to achieving a truly diverse and inclusive society was the dominance of Pākehā norms and values. Most Tangata Tiriti participants identified the need for greater recognition and acceptance of the cultural, religious, ethnic and racial diversity now present in Aotearoa. In the context of continuing demographic changes, most ideas focused on creating a country where ethnic communities and migrants feel like they belong and are treated with dignity and respect. This was highlighted by the sharing of lived experiences of racism, harassment and discrimination.

Some Tangata Tiriti also identified inter-ethnic racism, and the conversations needed to address that, as well as the work Pākehā need to do to address racism by Pākehā. Inter-cultural guidance and support for engaging with all communities (including Pākehā communities) for both government and the wider public was seen as important. Increased funding for organisations engaged in anti-racism work, particularly those working across communities, was identified as an urgent need.

## **Pillar 3: Educating for a racism-free Aotearoa**

Participants discussed how racism is allowed to grow in the education system, starting from the moment a child enters school, and the current failings of the education system in its role in anti-racism education. Several felt anti-racist education should be a part of teacher training.

Many people talked about the need for anti-racism education. Learning te reo Māori and learning about te ao Māori and mātauranga Māori, along with the history of Aotearoa, were seen as essential. Many participants also said that education should reflect the multi-cultural nature of our country, focusing on the need to teach children about diversity, integrating different religious views, and for non-European languages, histories and artforms to be part of the curriculum.

## **Pillar 4: Upholding human rights**

Participants talked about the governmental responsibility to eliminate all forms of racism. This includes upholding the right to non-discrimination and equality, advancing equity and dismantling institutional racism. Most ethnic Tangata Tiriti participants shared their experiences of interpersonal and institutional racism and its

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negative impacts on them and their communities. Participants discussed the need for equity to achieve better outcomes for all people, particularly in improving wellbeing.

Ethnic Tangata Tiriti shared experiences of interpersonal and institutional racism in employment, health, housing, criminal justice and in perpetuating economic disadvantage and made a range of recommendations for improvement.

Participants highlighted that current policies and laws perpetuated racism and that it was the role of government to address institutional racism. For meaningful change to occur there needed to be institutional reform accompanied by accountability measures and monitoring. The need for a way for people to report racism—and receive a just outcome—was often highlighted.

## **Pillar 5: Transnational nature of racism**

Many participants discussed the impact and potential that both mainstream and social media have on racism. This included the way in which ethnic groups and individuals were represented on screen, often in negative and stereotypical ways, particularly in news reports. Several identified that social media and other online spaces allowed and facilitated the spread of hate and were subject to little regulation. People did note, however, that media, including social media, created the potential for connection and for developing and circulating positive stories and representations.

Participants identified the influence of far-right political organisations, particularly those originating in the United States, have had in Aotearoa. They noted these organisations had advised some political parties, helped shape public opinion on referenda, and funded and influenced protests at Parliament and around the country. White supremacy was a hidden agenda in some of this influence. People commented that the global nature of racism and white supremacy challenged the ability of Aotearoa to eliminate racism but were also clear this did not absolve the responsibility to act.

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## Human Rights Commission recommendations

The Commission makes the following recommendations to the Government for the development of the Plan. We drew on what we have heard from communities, the submissions received, the advice of the expert Taskforce, and our own research and that of others.

The recommendations should be further developed in the Plan, in partnership with Tangata Whenua, and through co-design with ethnic communities. While some of the work can be led by government, the reignition and strengthening of tino rangatiratanga can only be led by Tangata Whenua.

Tangata Tiriti support Tangata Whenua aspirations as they are expressed in the Tangata Whenua pou. Endorsement of these aspirations is explicitly addressed in the Tangata Tiriti pillar 1, Supporting Tino Rangatiranga.

## Tangata Whenua vision and recommendations

### Pou 1: Whakamana Tino Rangatiratanga

**Vision and recommendations: Empower and restore tino rangatiratanga through constitutional transformation**

We recommend the Government takes the following actions:

- commit to meaningfully honouring Te Tiriti o Waitangi to help eliminate racism
- uphold tino rangatiratanga so Tangata Whenua can determine their own lives and futures, in accordance with Te Tiriti o Waitangi
- rebalance power between kāwanatanga and tino rangatiratanga through constitutional transformation
- urgently progress discussion on a way forward for the foundational work and recommendations set out in *Matike Mai Aotearoa* and *He Puapua* to develop a Tiriti-based constitutional framework
- develop clear aims for constitutional reform, in partnership between kāwanatanga and tino rangatiratanga, take action and monitor progress
- address the land issues of Tangata Whenua using a Tiriti-based process.

### Pou 2: Whakamana te Tapu o te Ahurea Tuakiri

**Vision and recommendations: Empower, decolonise and restore te ao Māori as the first culture of Aotearoa**

We recommend the Government takes the following actions:

- support the restoration of te ao Māori as the first culture of Aotearoa and the re-indigenisation of Aotearoa through a process of decolonisation
- support Tangata Whenua to restore kawa and tikanga as the first law of Aotearoa to uphold and honour tino rangatiratanga, in accordance with Te Tiriti o Waitangi
- support Tangata Whenua to restore daily cultural practices in any environment, such as te reo, whanaungatanga, whakapapa, mātauranga and tikanga, so Māori feel accepted and safe

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- in the short term eliminate racism from key sectors (housing, employment, work and income, health, education, criminal justice) to significantly enhance the wellbeing of whānau
- create long term plans that protect and promote all forms of Māori life and cultural identity, in accordance with Te Tiriti o Waitangi
- prioritise, in partnership with Tangata Whenua, Tiriti-consistent transformation across central and local government through the implementation of the Plan
- act urgently to signal how government and other organisations can make changes to ensure Māori people, culture, mātauranga Māori, te reo and tikanga are respected.

### **Pou 3: Whakamana te Tapu o te Wānanga**

#### **Vision and recommendations: Empower and restore the way we nurture and educate ourselves and our generations of mokopuna in te ao Māori**

We recommend the Government takes the following actions:

- strengthen tino rangatiratanga, enabling Tangata Whenua to regain mana motuhake over the education of their tamariki and kaupapa Māori education systems
- develop a curriculum, in partnership with Tangata Whenua, to educate people in Aotearoa about the country's history, racism and colonisation, including resourcing specially trained educators
- using wānanga, education, decolonisation, and Indigenous approaches, knowledge and worldviews to move Aotearoa towards becoming racism-free and changing racist thoughts and beliefs
- support the mātauranga and stories of Tangata Whenua to be correctly told, articulated, and acknowledged in Aotearoa through traditional forms of education, such as wānanga, and within all education settings.

#### **Pou 4: Whakamana te Tapu o te Whānau**

**Vision and recommendations: Empower and support Tangata Whenua to eliminate racism and work with other Indigenous peoples to progress human and Indigenous rights**

We recommend the Government takes the following actions:

- provide resources and pathways to support Tangata Whenua to work with other Indigenous peoples around the world to progress Indigenous and human rights
- set expectations and clear accountability with political leaders in a plan to eliminate racism
- strengthen legislation and other standards to regulate, reduce and eliminate white supremacy and racism in all its forms across government and society.
- regulate social media and media platforms to prevent the distribution of content supporting racism and white supremacy.

#### **Pou 5: Whakamana te tapu o ngā iwi taketake**

**Empower and support Tangata Whenua to work with other Indigenous peoples to progress Indigenous and human rights**

We recommend the Government takes the following actions:

- provide resources and pathways to support Tangata Whenua to work with other Indigenous peoples around the world to progress Indigenous and human rights
- set expectations and clear accountability with political leaders in a plan to eliminate racism
- strengthen legislation and other standards to regulate, reduce and eliminate white supremacy and racism in all its forms across government and society.
- regulate social media and media platforms to prevent the distribution of content supporting racism and white supremacy.



## **Tangata Tiriti vision and recommendations**

### **Pillar 1: Supporting Tino Rangatiratanga**

**Vision and recommendations: A society that gives effect to the inclusive promise of Te Tiriti o Waitangi to uphold the tino rangatiratanga of Tangata Whenua and to provide a place to stand for all Tangata Tiriti**

We recommend the Government takes the following actions:

- commit to a process of constitutional transformation to re-balance the relationship between tino rangatiratanga and kāwanatanga and achieve the partnership envisaged in te Tiriti at the constitutional level. Other constitutional issues affecting ethnic Tangata Tiriti, such as those identified in the 2013 constitutional review, could be approached by the partners in a Tiriti-based way
- establish an independent inquiry conducted in partnership with Tangata Whenua into immigration policies and processes, including policies and processes related to the settlement of refugees and asylum seekers. The terms of this inquiry should be informed by Te Tiriti, and domestic and international human rights obligations.

### **Pillar 2: Diversity and inclusion**

**Vision and recommendations: An Aotearoa where all peoples are accepted for who they are and feel like they belong. Differences are respected and valued, intersectionality is acknowledged, and everyone is able to understand and embrace their own story. Communities are connected and care for one another and are served by a public service that reflects their diversity**

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We recommend that the Government takes the following actions:

- create opportunities for regular public conversation on social cohesion and inclusion. This will provide a forum for people to share knowledge, experiences and understandings of their cultural, ethnic and religious identities and help to establish connections between people
- prioritise the implementation of the recommendations in *Ko tō tātou kāinga tēnei: Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019* and provide clarity around work programme timeframes
- focus on the development of laws and policies that promote and enhance social cohesion and respond to instances of hatred and intolerance.

### **Pillar 3: Educating for a racism-free Aotearoa**

**Vision and recommendations: Everyone has access to values-based learning about diverse cultures, histories, languages (including te reo Māori) and artforms, anti-racism, Te Tiriti o Waitangi and human rights**

We recommend the Government takes the following actions:

- focus on eliminating racism in the education sector, including by ensuring teacher training is informed by anti-racist education and by prioritising and implementing recommendation 36 in *Ko tō tātou kāinga tēnei: Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019*
- support the development of a multi-year, multi-faceted campaign by Tangata Whenua and Tangata Tiriti groups to educate the public about racism and encourage them to take anti-racist action
- establish a national clearing-house for research on racism and anti-racism governed by a Tiriti-based structure. This research should inform future actions for the Plan and communications.

### **Pillar 4: Upholding human rights**

**Vision and recommendations: Every person is treated with dignity and their human rights respected. All people are able to flourish and the potential of children is nurtured and realised. All people are safe from physical and psychological harm and all forms of racism are eliminated**

We recommend the Government takes the following actions:

- include specific mechanisms in the Plan that either require or incentivise government, community and private sector organisations to take anti-racist action to uphold all the rights contained in the International Bill of Rights (to which New Zealand has committed). This could include:
  - requiring organisations to report on their anti-racist activities
  - mandating ethnic pay gap assessments and reporting findings
  - expanding health and safety obligations to include cultural safety and the psycho-social harm caused by racism
  - strengthening hate speech laws and complaint pathways
  - identifying and implementing the ways in which government procurement can support anti-racism
  - strengthening regulation of media and social media

—ensuring policy is co-designed with impacted communities

—developing a robust means of measuring racism using good quality data.

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- identify, adequately resource and widely publicise, including via community engagement, pathways to report racism, access support and receive just outcomes as a result.

### **Pillar 5: Transnational Nature of Racism**

**Vision and recommendations: A diverse media that creates a respectful public discourse, represents communities in fair, nuanced and non-stereotypical ways and holds those who perpetuate racism to account. National and international organisations are prevented from funding and spreading mis- and dis-information to shape the public agenda and fan racial hatred, and social media platforms are held accountable for harm caused.**

We recommend the Government takes the following actions:

- launch an inquiry into the global influence of overseas' organisations on public discourse in Aotearoa with a view to regulating their participation where possible. This includes multi-national social media companies and political organisations who have funded and enabled violent and racist action
- explore ways to encourage diversity in the media and strengthen regulation to combat racism. This could include:

—greater investment in media representing the voices of diverse communities

—requirements for training on racism and its negative effects

—stronger regulation of content that displays or encourages racism.

### **Recommendations for implementation**

The Commission has also included recommendations for how the Plan can be implemented to ensure it is successful.

### **Resource and co-ordinate anti-racism work**

We recognise there are few public sector bodies that are actively engaged in anti-racism work. Consequently, for the Plan to be successful it needs to be appropriately resourced.

We recommend the Government takes the following actions:

- provide more resource to Tangata Whenua and community organisations already engaged in anti-racism work. Funding should also be targeted at cross-sectoral ways of working to prevent initiatives or projects being done in silos
- support the co-ordination of these organisations into a network to enable a more collective focus on anti-racism. The management and governance of this network should take a Tiriti-based approach.

## **Establish a monitoring and accountability mechanism**

We recommend the Government takes the following actions:

- consider how the Plan will be implemented, monitored and reviewed from the beginning of its development, as well as what remedial action will be taken, if needed
- ensure the Plan is developed, implemented, monitored and reviewed with Tangata Whenua partners in a Tiriti-based process

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- ensure the actions included in the Plan are specific, measurable, achievable, relevant and time-bound. These drivers should not prevent the government from taking bold, long-term action. Rather they should support the Government to think practically about how to achieve sustainable system change over the medium to long term
- require public sector agencies in their annual reporting to Parliament to identify:

—what they have done to address racism and act consistently with te Tiriti within their agencies and their sector

—how many complaints of racism they have received and how they have been addressed

—whether they have been subject to a Waitangi Tribunal inquiry and how they have responded to any inquiry recommendations

—progress on any action in the Plan for which they are responsible.

- establish an independent accountability mechanism, which is critical for the Plan's success. This could be done by the Commission or a newly established body, governed according to a Tiriti-based structure. This body would be responsible for reporting to Tangata Whenua, Parliament, and to the relevant UN human rights committees on the progress of the Plan.

## Introduction

Racism is an entrenched part of everyday life in Aotearoa New Zealand. Contemporary racism has its roots in the Doctrine of Discovery, which drove European colonisation around the globe from the fifteenth century and led to the exploration and colonisation of Aotearoa by the British Crown from the eighteenth century. This report sets out the contemporary perspectives of Tangata Whenua and Tangata Tiriti on racism in this country. To provide context and position the discussion that follows we begin with a brief history of how racism developed in Aotearoa.

## The history of racism in Aotearoa begins with colonisation

Racism is a pillar of, and is underpinned by, the colonisation of Aotearoa by the British Crown. Despite the signing of Te Tiriti o Waitangi (te Tiriti) between Rangatira and the British Crown in 1840, which sought a mutually beneficial relationship, the Crown has repeatedly broken the promises it made in te Tiriti.

Instead, the Crown used violence against Tangata Whenua to enforce their dominance, through invasion and warfare, destruction of property and land confiscations. These actions were authorised by law, and used to alienate iwi, hapū and whānau from their traditional lands, territories and resources. The Crown sought to assimilate the traditional structures of Tangata Whenua through the suppression of mātauranga, te reo and tikanga through the enforcement of colonial norms. These actions undermined the tino rangatiratanga (absolute authority and self-determination) of Tangata Whenua making them landless and homeless within their own tribal boundaries.

Colonisation is not just a past event but an on-going denial of Indigenous sovereignty and the undermining of self-determination. It drives social and economic inequities, with Tangata Whenua experiencing the worst outcomes across all measures of wellbeing, including low levels of home ownership, high rates of poverty, unemployment and incarceration, and poorer education and health outcomes.

Tangata Whenua report they can encounter racism and feel unsafe in almost any setting. These settings include at work, school, sports, while out shopping, socialising, when speaking te reo, and when seeking housing and employment.

They experience racism with central and local government systems, legislation and policies.

Tangata Whenua experiences of racism are unique. More than 180 years of legislation and government policies and practices have supported and entrenched racism which directly affects them. The experiences of Tangata Whenua are like those of Indigenous peoples globally, including those in Australia, the Americas, the Arctic region and Asia. Indigenous peoples around the world have endured sub-human treatment, from those who colonised them, and their histories and voices strategically forgotten, routinely erased or minimised.

This report should be read alongside the report *Maranga Mai!* which explores, through research and narrative, and the testimony of expert voices, the dynamics and impact of colonisation, white supremacy, and racism on Māori as Tangata Whenua in Aotearoa. It outlines the history of racism experienced by Tangata Whenua, including the specific events referred to at a high level in this introduction (see Appendix One for a summary of *Maranga Mai!*).

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## **The history of racism extends to Tangata Tiriti**

Among other things, Te Tiriti o Waitangi enabled migration to Aotearoa. The Crown assumed control of migration and, along with new settlers, imported European understandings of race. As the new colony was settled, racism privileged white settlers and disadvantaged Tangata Whenua and ethnic minorities.

From the beginning of the colony ethnic migrants were marginalised and their contributions ignored, e.g. in the late nineteenth century the Government imposed a poll tax on Chinese immigrants and placed additional restrictions on their ability to migrate to Aotearoa. Anti-Chinese prejudice was rife and several overtly white supremacist organisations were established. Additional restrictions on Chinese migrants, that further entrenched white supremacy, were imposed well into the twentieth century. Other restrictions on migrants included English language testing.

Increased unemployment in the 1970s and 1980s stoked anti-immigrant feeling and the Government cracked down on migrants whose visas had expired. Pacific communities, who had been encouraged to migrate to New Zealand in the 1950s to fill labour shortages, were particularly targeted by police in dawn raids. This was despite most migrants without current visas being from the United Kingdom, South Africa and the United States. This disproportionate targeting again reflected entrenched racist systems, ideologies and attitudes.

Ethnic communities in Aotearoa experience social and economic inequities, although the picture is mixed, reflecting the diverse backgrounds, histories and cultures of these communities. A Pacific and ethnic pay gap persists, as do inequitable health outcomes. Ethnic communities continue to experience harassment, discrimination and racism, and the sense that they do not belong, no matter how long their families and communities have been present in the country. They feel marginalised and oppressed by the dominance of Pākehā norms and values.

See Appendix Two for a summary of relevant Commission work on racism experienced by ethnic Tangata Tiriti.

## **Terrorist attacks on 15 March 2019**

The terrorist attack on two Christchurch masjidain killing 51 shuhada (martyrs) and injuring many more was a violent and abhorrent manifestation of white supremacy, religious intolerance and racism. Muslim communities had been reporting attacks and threats since 11 September 2001. This had been met with little response from authorities who continued to surveil Muslim communities as potential terrorist threats.

In the aftermath of the attacks a nation-wide conversation about our national identity, the role of racism, white supremacy and islamophobia, took place. A Royal Commission of Inquiry into the terrorist attacks was announced in the following weeks.

The Royal Commission made 44 recommendations in its report Ko tō tātou kāinga tēnei Report: Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019. Many recommendations relate to building and improving social cohesion in Aotearoa, which was a recurring theme raised by affected whānau, survivors and witnesses, communities, and experts throughout the inquiry.

During their engagement with Muslim communities, the Royal Commission learned of their:

frustrations with the public sector that go back many years. Muslim communities talked candidly about racism, discrimination and experiences of being, suspected of being, or being treated as, terrorists as well as their fear of being the targets of hate speech, hate crime and terrorism.

They noted that attitudes or harmful behaviours that reduce social cohesion and inclusion have particular impact for Muslim communities. Communities identified the importance of greater social cohesion to help people feel welcome and safe, as well as to minimise the threat of violence and terrorism. Similar messages on the need for belonging and social inclusion came through strongly in engagements with Tangata Tiriti.

The Royal Commission made 15 specific recommendations to "improve social cohesion and New Zealand's response to our increasingly diverse population". These included:

- the development of a social cohesion strategic framework with communities
- appropriate measures and indicators
- enhanced ethnicity data collection
- creating opportunities for regular public conversations about social cohesion and the value of diversity
- legislative change concerning hate speech.

All of the Royal Commission's recommendations were underpinned by four key messages that we reproduce here for their relevance to the elimination of racism:

- strong government leadership and direction are required
- engaged and accountable government decision-making is required
- everyone in society has a role in making New Zealand safe and inclusive
- New Zealand needs fit-for-purpose laws and policies.

The Government agreed with the Royal Commission's findings and accepted all its recommendations in principle. It established a long-term work programme coordinated by the Department of the Prime Minister and Cabinet to implement the recommendations.

While some recommendations have been implemented, others—including legislative changes relating to hate speech—are yet to be realised. The National Action Plan Against Racism (the Plan) provides another forum for the Government to deliver on and realise some of the Royal Commission's recommendations under the social cohesion theme.

## **COVID-19 and racism**

Although the COVID-19 response in Aotearoa has been world-leading, it also provides an instructive example of how racism operates in this country. The response to the virus repeated historical patterns, exacerbated existing inequities—originating in colonisation and systemic racism—and increased existing levels of discrimination and harassment.



As the virus originated in China, before spreading internationally, some politicians around the world labelled it a "Chinese virus" and used anti-immigrant rhetoric. In Aotearoa and internationally, this led to a rise in discrimination, harassment and violence against Asian ethnic groups, particularly Chinese and East Asian communities. Asian communities in Aotearoa felt increasingly unsafe. Discrimination and harassment of this nature is also associated with a rise in depressive symptoms and reluctance to seek medical help.

### **Increase in racist incidents**

National surveys in February and March 2021 showed that racist incidents increased during the pandemic, particularly for Māori, Pacific and Asian respondents. The same surveys also found strong support to stop or reduce immigration, with a particular focus on immigrants and tourists from China, the United States, and international students. Reporting on the survey noted that "discrimination and

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racism triggered by COVID-19 are likely to compound disproportionate economic and mental health impacts among minorities" and could also negatively affect the uptake of COVID-19 vaccination among these groups due to experiences of racism in health-care settings.

Racism targeted at specific communities occurred during the Delta outbreak in August 2021 with anti-Asian sentiment directed towards Indian and South Asian communities. Early in this outbreak, the virus also affected a Pacific church community. Mainstream media identified the ethnicity of this community which led to racist vilification of the Samoan community. This is an example of the "othering" of non-Pākehā communities that is at the core of racism.

The swift lockdown in Aotearoa during the first wave of COVID-19 in March 2020, which was associated with international travel, initially prevented the virus from taking hold in vulnerable Māori and Pacific communities. However, the Government did not initially take the advice of Māori and Pacific health experts, or from its officials, that the health and communications response needed to target Māori and Pacific peoples first. This advice was based on the younger age profile of those communities, and the systemic racism in the health system that produces inequitable health outcomes for Māori and Pacific communities. Nor did the Government prioritise the vaccine roll-out for these groups in early 2021 as advised. Māori and Pacific community leaders were ready to respond and mobilise in their communities but needed funding and support to do so.

The Government eventually provided additional funding and targeted support for Māori and Pacific health providers in August 2021 to boost vaccinations and prepare communities to combat COVID-19.

Additionally, the Government met regularly with community leaders, although this occurred after communities had already mobilised to protect their own. Recalling the 1918 flu epidemic in which Māori died at seven times the rate of non-Māori, and the 2009 H1N1 influenza pandemic, where the death rate was 2.6 times, Māori mobilised early to respond to the pandemic. This quick action was an expression of tino rangatiratanga and of Māori people's distrust in government, generated by the intergenerational experience of systemic racism.

### **Māori and Pacific communities disproportionately affected**

Subsequent outbreaks linked with the border disproportionately affected Māori and Pacific communities, particularly those working at the Auckland airport and in other essential services located in South Auckland. In the August/September 2020 outbreak, ethnic inequities became more apparent. With most cases originating from community transmission in workplaces, public transport and in households, a higher proportion of cases occurred among Māori and Pacific communities. The prevalence of communal and multigenerational living in sometimes sub-standard housing was a risk factor in the higher number of cases within Pacific communities, further compounded by poorer access to healthcare and greater risks of clinically severe outcomes.

Similarly in the Delta outbreak in August 2021, Māori and Pacific health experts predicted that the impacts of the virus, combined with a loosening of COVID-19 restrictions, would negatively add to the longstanding housing crisis and racial inequities. This meant that by October 2021, 83% of infections in the Delta outbreak were Māori and Pacific New Zealanders, who combined only make up 27% of the total population. Several expert commentators expressed concern that the move away from a successful elimination strategy in late 2021 was premature, leaving vulnerable Māori and Pacific communities exposed to infection before vaccination rates could be lifted.

Māori and Pacific communities initially experienced a disjointed approach to the vaccine roll-out. Dedicated Māori and Pacific health providers, however, used the strength of their relationships and innovation to mobilise their communities to get vaccinated. They launched walk-in bookings for the whole whānau (instead of age-related bookings) and ensured people could navigate the booking system and, in the case of Pacific communities, get access to language support.

In October 2021, a Whānau Ora Commissioning Agency took the Ministry of Health to the High Court and successfully argued that vaccination data was essential to save Māori lives. The Government has since worked more closely with community leaders and with Māori and Pacific health providers, which helped lift the vaccination rates in both communities. Pacific communities have a higher double-vaccinated rate than NZ Europeans. However, due to factors such as delays in working collaboratively with providers; and the impact of vaccine mis- and dis-information, which targeted groups who already distrust government; vaccination and booster rates for Māori and Pacific children are lower than those for New Zealand European and Asian groups.

### **Waitangi Tribunal decision**

Claims to the Waitangi Tribunal about the Government's COVID-19 response were prompted by the Government's refusal to share Māori vaccination data with Māori health providers.

Examining the Government's response in December 2021, the Waitangi Tribunal found the Government had breached the principles of the Treaty of Waitangi in its decisions:

- not to adopt a lower age-adjustment for Māori in the vaccine roll-out
- to rapidly transition to a new COVID-19 protection framework before Māori vaccination rates had reached the required thresholds

These decisions had put pressure on Māori health providers. Furthermore, the tribunal found there was inconsistent engagement with Māori.

As the Omicron wave hit in early 2022, COVID-19 has continued to disproportionately affect Māori and Pacific communities. As at 9 May 2022, the ethnicity breakdown for COVID cases is Māori (19%), Pacific (12%) and Asian (13%), compared with 53% for NZ European. The double vaccinated breakdown is Māori 88.3%, Pacific 96.7%, Asian 106% and NZ European 93.3%, while the boosted breakdown is Māori 56.2%, Pacific 59.0%, NZ European 65.9% and Asian 70.9%. Researchers at Waikato University have noted that—given the history of Māori-Crown relations—Māori, in particular, are vulnerable to conspiracy theories, and that is a barrier to vaccination uptake.

### **Rise of mis- and disinformation**

During the pandemic, misinformation and disinformation circulated. Often originating with international far-right white supremacist groups mis- and disinformation have become increasingly prevalent as the Delta and Omicron waves have spread through the country.

The Disinformation Project reported in November 2021 that the "spread of mis- and disinformation point to a broader threat: that COVID-19 and vaccination are being used as a kind of Trojan Horse for norm-setting and norm-entrenchment of far-right ideologies in Aotearoa New Zealand". The researchers noted that disinformation was targeted at Māori, drawing on their long-standing distrust of government, while simultaneously there was increasing anti-Māori racism being circulated within their own circles. The protest at Parliament in February 2022 shared similar traits: neo-Nazi, antisemitic and Islamophobic slogans and tropes shared space with tino rangatiratanga and United Tribes' flags.

This summary shows how COVID-19, as the latest crisis point in the history of Aotearoa, brings together multiple experiences of racism—interpersonal, institutional and internalised—while also providing a space for overt white supremacy, driven by a far-right agenda, to grow. As the remainder of this report will show, this is only the most recent crisis point, not an isolated one.

**End of Ki te whaiao, ki te ao Mārama: Community Engagement Report for developing a National Action Plan Against Racism**