

Module 3

Working with Māori in restorative
justice

He taha Māori

Restorative Justice

Facilitator Induction Training



Resolution
Institute



This training programme is funded by the Ministry of Justice – Tāhū o te Ture.

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Introduction

Whakatauki



E ngā iwi, e ngā reo.

Addressing the peoples and languages present.

Purpose

One of the principles of best practice in restorative justice is that of being, '**Flexible and responsive**'. A component of this principle is that restorative justice processes need to be appropriate and responsive to the culture of participants.

For facilitators to be responsive to the culture of the tangata whenua (people of the land) of New Zealand they need an understanding of Māori culture. While many facilitators already have this understanding, this module is targeted at those who have not yet acquired it. The purpose of the module is to reach a knowledge and understanding starting point.

Recognizing that this module is merely a start point leads to some important personal development opportunities:

1. Know one's strengths and limitations, build a network of contacts in your community, and consult those with more expertise as needed.
2. Consider building your knowledge of Māori culture and te reo Māori (Māori language) as part of your continuing professional development.
3. Work with facilitators who know their tikanga (Māori right ways) and te reo Māori (Māori language).

Learning objectives



In this module you learn to:

1. Explain clearly and correctly:-
 - Some traditional Māori concepts of justice and how these relate to restorative justice
 - Some values and dynamics of whānau Māori
 - Some tikanga (right way) and kawa (protocol) related to restorative justice on a marae
 - Some tikanga and kawa related to working with Māori in restorative justice
2. Given some typical scenarios related to working with Māori in restorative justice, identify what actions to take in each case. Actions taken will align with cultural needs and restorative justice principles.
3. Prepare a plan to meet your own personal development needs in relation to working with Māori.

What's in this module

In this module you will learn about:

- Some traditional Māori concepts of justice
- Some values and dynamics of whānau Māori
- Some tikanga and kawa related to restorative justice on a marae
- Expectations of restorative justice facilitators
- Some tikanga and kawa related to working with Māori
- Building your expertise in tikanga, kawa and te reo Māori

Pre-requisites

You need to have completed the first two modules: *Restorative Justice Process and Principles* and *Victim and Offender Issues in Restorative Justice* before you commence this module. That is because restorative justice process and principles and victim and offender issues are referred to in this module and your knowledge and understanding of this is assumed.

Instructions for working through this module

- First ensure that you have the latest version of this module. The module date is on the footer. The Resolution Institute website has the latest version of each module.
- Work through this module at your own pace, or work through the module with one or more colleagues if you wish. Group learning can be easier and more fun.
- Complete the practice exercises and check your answers against the feedback that follows each practice.
- Access the references included in the module for further information.
- When you have completed the module, go to the Resolution Institute website and complete the on-line assessment for module 3. Full instructions are given at the end of this module
- **Note** that if you are already confident in your knowledge of tikanga and kawa, you can go straight to the on-line assessment. It would pay, however, to look at the practice exercises first so that you know the sort of questions that will be in the assessment.

Our Te Tiriti o Waitangi responsibilities



Signed by the Crown and over 500 rangatira in 1840, Te Tiriti o Waitangi (the Treaty) is a founding document of Aotearoa New Zealand. Te Tiriti is an agreement between the Crown and hapū, intended to ensure an on-going relationship of good-faith, power-sharing and mutual benefit between tangata whenua (the first peoples of Aotearoa), and tangata Tiriti (all others who have come here).

In brief, Te Tiriti:

- ❖ Provided the Crown with the right of **kāwanatanga**: the responsibility to govern tangata Tiriti (non-Māori) for the benefit of all
- ❖ Affirmed the **tinio rangatiratanga** of hapū¹ - absolute authority and control over their lands and all their resources
- ❖ Assured **ōritetanga** – equitable outcomes for tangata whenua
- ❖ Provided the assurance that religious and spiritual freedom – **wairuatanga** would be respected.

¹ This built on the recognition of tinio rangatiratanga expressed in He Whakaputanga o te Rangatiratanga o Nu Tireni (the 1835 Declaration of Independence).

There are many ways in which we might understand our Te Tiriti responsibilities, one reason facilitators are bound by the Treaty is:

The Treaty was signed by the Crown.



The Ministry of Justice is part of the Crown.



The Ministry of Justice provides restorative justice services.



Those services must be in alignment with Te Tiriti.



Facilitator performance must be in alignment with Te Tiriti.

The legitimacy of the Crown and therefore our services provided under the Ministry of Justice rests on Te Tiriti o Waitangi being honoured.

Questions we need to ask ourselves

Provider groups and facilitators need to review the following on an ongoing basis.

Kāwanatanga: Are our processes, actions and decision-making informed and shaped by both tangata whenua and tangata Tiriti worldviews/perspectives?

Do we work in partnership with tangata whenua?

Tino Rangatiratanga: Do we support tangata whenua led processes, actions and decision-making through sharing power and resources?

Ōritetanga: Do we undertake specific actions to ensure equitable outcomes for tangata whenua?

Wairuatanga: Are tangata whenua worldviews, values and wairuatanga present in our work?

Te Tiriti in our practice

In practice Te Tiriti requires facilitators and providers to ensure that:

- ❖ At both facilitator and provider level, there is a need to understand Te Tiriti and the on-going impacts of colonisation to understand the context in which we work.
- ❖ Processes must work for Māori and should reflect Māori worldviews as outlined later in this module. We must meet victim and offender needs and ensure a safe process for all.
- ❖ Māori are diverse - it is critical to provide options rather than make assumptions.
- ❖ Provider groups should be committed to upholding Te Tiriti o Waitangi within their organisations. If you have questions, first talk to your provider manager.

Further learning

Providers and facilitators are encouraged to learn about Te Tiriti through discussion and reading. Some suggestions for initial learning about Te Tiriti are:

The videos and other information about He Whakaputanga and Te Tiriti on the National Library website: <https://natlib.govt.nz/he-tohu>

The clear, accessible answers to key questions about Te Tiriti in: <https://nwo.org.nz/wp-content/uploads/2018/06/QandA.pdf>

For suggested further reading and useful websites see this list: <https://groundworkorgnz.files.wordpress.com/2019/02/te-tiriti-o-waitangi-information.pdf>

Tangata Tiriti providers wanting to engage more with Te Tiriti at the organisational level can refer to *Ngā Rerenga o Te Tiriti: Community organisations engaging with the Treaty of Waitangi* <https://trc.org.nz/application/nga-rerenga-o-te-tiriti>

Learning about the specific context of the region you are working in is also important. The websites of local hapū, iwi and urban Māori organisations are a useful starting point for this learning.

Some traditional Māori concepts of justice

Introduction

In many ways the restorative justice process has an alignment with traditional concepts of Māori justice. It is important to understand the traditional Māori concepts for two reasons –

1. To ensure that the restorative justice process you use supports and aligns with these Māori concepts
2. To be able to explain the alignment to participants.

The concepts of Māori justice are founded in ancient values and traditions.

It is not possible to cover all the concepts in depth but we want this short overview to whet your appetite to read more about Māori custom and tradition.

The concepts we cover here are:

- Whakapapa
- Collective responsibility
- Utu and muru
- Ea

Whakapapa

In Māori society, social structure is based on whakapapa or genealogy. Individuals belong to a whānau (family) which in turn is part of a hapū (wider sub-tribal group). The hapū in turn is part of the iwi (tribe) that was identified by territorial boundaries which were of great social, cultural and economic importance.

In whakapapa, vertical lines of descent are important, as are horizontal connections between different branches of the larger whānau, hapū, or iwi. Seniority of birth can also be important, with more status or attention being placed upon senior, rather than junior, lines of a whānau or hapū.

Within the iwi, there are strong kinship ties (whānaungatanga) and it is very important to establish these ties. For this reason, facilitators need to allow time for presentation and discussion of whakapapa (if the parties so wish). This links to the restorative justice principle of ***“flexible and responsive”***.

The restorative justice process needs to allow time for Māori participants to acknowledge their whakapapa.

Example

A young Māori offender had stolen a car and after driving it for an hour or so, took it out to the beach and torched it. The owner of the car was Māori.

At the restorative justice conference, whānau support for both parties attended. In the presentation of whakapapa it emerged that the victim and offender shared a common great grandmother. This recognition was beneficial to the participants and helped them to agree outcomes.

Collective responsibility

Historically, the concept of collective responsibility has been that the group's interest often overrode those of the individual. Individual rights were usually indivisible from the whānau, hapū and iwi welfare. If an individual wronged another individual or kin group, the whānau and hapū of that individual took responsibility for those actions. The offender feels whakamā (loosely translated as shame and remorse) not only for himself and his actions but also for the shame he has brought upon his whānau.

Similarly, the wronged party was not just the individual but also the family group behind that individual, so not only the individual but the family group would seek restoration.

For this reason, inclusion of whānau support needs to be sought in restorative justice. Some whānau may suffer some disconnection and may find this difficult, however, their involvement can be invited.

Whānau should be included and encouraged to attend restorative justice conferences.

Example

A young offender with a history of failure to pay court fines or front up for community work was finally referred to a restorative justice conference. His whānau attended and shared responsibility for the offending and the impacts of it. They ensured the agreed reparation was paid on time, ensured the agreed community work was carried out and reported back to the facilitator as soon as the agreements had been completed. Through this the young offender achieved some understanding of the effects of his actions on his whānau.

In line with the principles of **'understanding'** and **'flexible and responsive'**, facilitators need to allow sufficient time for decision making. This applies at pre-conference when victim and offender (in line with the Māori concept of collective responsibility) will need time for the whānau to be fully informed and have input into whether to proceed to conference. This may require the facilitator to consult more than once before a decision is reached.

Similarly, at the conference, members of the whānau group may need time to discuss issues in detail and this should be allowed

for. However the facilitator will continue to ensure the focus remains on the victim when balancing discussion.

Whānau are allowed time to consult and make decisions at their own pace.

Example

An offender, living in Auckland city needed to consult with whānau in Northland. She wanted two family members to be able to attend the conference and asked about transport assistance for the cost of this. The facilitator explained that no monetary assistance was available but that he would delay the proposed conference date for 2 weeks if the victim agreed, to allow time for whānau to see if they could arrange transport to get to Auckland.

The restorative justice principle of 'safe' requires that voluntary agreements are carried through since failure to adhere to agreements can lead to re-victimisation of the victim. It is important to ensure agreements are able to be met and monitored. In line with this '**safe**' principle, whānau may volunteer to follow up on agreements.

Whānau can be asked to take collective responsibility to monitor the achievement of agreements.

Example

An agreement included an offender re-painting property he had painted graffiti onto, and doing community service gardening for the local council. The whānau supervised this, ensured everything was done and reported back to the facilitator.

Also in line with *the restorative justice principle of 'safe'*, whānau of the victim may take responsibility for the care and support of the victim.

Whānau of the victim can take responsibility for care and support.

Utu and muru

Utu in its purest form conveys a sense of reciprocity. Utu could be both positive – like the pākehā saying, ‘one good deed deserves another’, and negative– like the pākehā maxim, ‘an eye for an eye and a tooth for a tooth’.

Reciprocity or ‘give and take’ is about being even, being fair. There was no word for ‘thanks’ in early Māori society. A gift was simply received and the expectation was that it would be repaid in kind – sometimes a long time later. Return gifts were expected to be equal or greater than the original gift. That was considered fair and proper and to give less was an insult. Similarly, transgressions were expected to be “repaid”.

Muru, a form of utu, was a means for seeking justice in traditional Māori society, through compensation and retribution. The form of compensation could traditionally involve the offended party (or whānau) taking property belonging to the offender, his or her whānau, or hapu. The offender often allowed, or even welcomed this taking of property as it allowed things to be put right and status restored.

Muru acted as a form of restorative justice. The protocols and practices involved in muru would be determined by various factors, mainly the extent to which the mana of the victim had been undermined or harmed. Both the victim and the offender could view the muru process positively because of the benefits each received through it. The offender’s mana would be recognized as a result of the muru process, as would the victim’s. Also, the victim and his/her whānau and hapū would be compensated through the muru process. Thus, muru was an effective form of social control, governing the relationships between kin and groups.

A muru had a set protocol and process. Before a muru was actually engaged, the matter of what would be taken and the quantity of the produce was discussed. The discussion was often quite formal and structured.

The concept of muru aligns with the restorative justice principle of offender accountability.

The process of discussing and reaching agreements in the restorative justice process aligns with the practice of muru.

The restorative justice process provides for discussion of possible reparation and for the making of reparation agreements – this aligns with the practice of muru.

Example

A driver hit and killed a young pedestrian. He was unlicensed and over the limit. The muru agreed between the offender (and his whānau) and the victim's whānau included:

- *Community work*
- *Payment of money*
- *Letter of apology*
- *Attending a drug and alcohol clinic*

Māori concept of ea

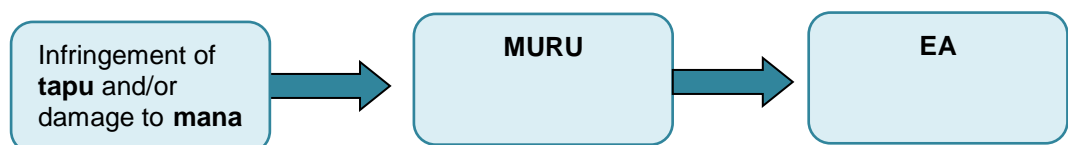
The concept of ea relates to tapu, mana and muru.

Tapu, difficult to translate directly into English, is the ‘setting apart’ or ritual restriction of something from ordinary usage so as to protect it and prevent it being interfered with. This aspect sometimes means the word ‘tapu’ is translated as ‘sacred’. Tapu applies to people, objects, elements (earth, fire, water) and so on. For example, access to a kumara crop could be made tapu to prevent outsiders seeing the crop or stealing it. Tapu acts as a corrective and logical power within Māori society. A crime will often be an infringement of tapu.

Mana can be similarly important in determining if a crime has occurred. An individual’s status or authority is determined by his or her place within the kinship group, taking into account factors such as ancestry and birth order. Actions by individuals and collectives can add to or diminish the mana of individuals. If the actions of a group or individuals undermine someone’s (or a group’s) mana, harm has occurred and restoration will be needed.

When a crime is committed, it will be very likely that both mana and tapu will have been breached. Muru may well be required to restore the balance. Once the muru has been effected then a state of satisfaction is achieved: ‘ea’. The statement ‘kua ea’ might be used. Roughly translated, this means – “It is over, it is done, we start from here as if the crime had never happened.”

The concept can be represented as a process:



Restorative justice conferences should aim to debate and agree muru (the agreements) and follow up completion of the agreements so that a state of ea can be attained.

This is in line with the restorative justice principle of offender accountability.

Practice 1: Traditional concepts of justice



This practice checks your knowledge of the traditional Māori concepts of justice and requires that you relate these concepts to restorative justice.

Check your answers against the Practice 1: Feedback that follows.

1. In the restorative justice process, both the victim and offender are encouraged to bring whānau support. How does this relate to Māori concepts of justice?
2. Offences could be dealt with by muru. How does muru fit with restorative justice?
3. Māori concepts of justice can be represented as a process of tapu – muru – ea. Explain this and how it relates to restorative justice process and principles.

Practice 1: Feedback

Check your answers against those given below. Your answers may be worded differently.

1. In the restorative justice process, both the victim and offender are encouraged to bring whānau support. How does this relate to Māori concepts of justice?

Māori believed in collective responsibility so the transgression of one person brought shame on the whole group. The whole group felt responsible for righting the wrong. Similarly the victim was not just the direct victim but the whole family group.

To exclude whānau support from a restorative justice process would be to deal with only a small fraction of the issue.

2. Offences could be dealt with by muru. How does muru fit with restorative justice?

Muru was the taking of property to compensate for a wrongdoing and to restore equilibrium. This is very similar to the practice in restorative justice of making an agreement between offender and victim that will be seen as restorative.

3. Māori concepts of justice can be represented as a process of tapu – muru – ea. Explain this and how it relates to restorative justice process and principles.

Tapu was a corrective power within Māori society. A breach of tapu was a crime as was damage to mana. Committing a crime led to a muru – which was a means for seeking justice in Māori society through compensation and retribution. The muru is directly relevant to restorative justice process where agreements are reached. The agreement on muru and completion as agreed led to a state of ea, which meant the crime was finished and dealt with and all parties move forwards. This aligns with the restorative justice principle of offender accountability – if the offender is accountable and completes the muru then ea can be achieved.

Some values and dynamics of whānau Māori

Traditional values and dynamics

Māori have a concept of wellbeing, directly relevant to the concept of restoration. The concept, recognized by the World Health Organisation, is relevant to ALL cultures. It says that wellbeing needs to encompass all aspects of a person – not simply their physical or mental health.

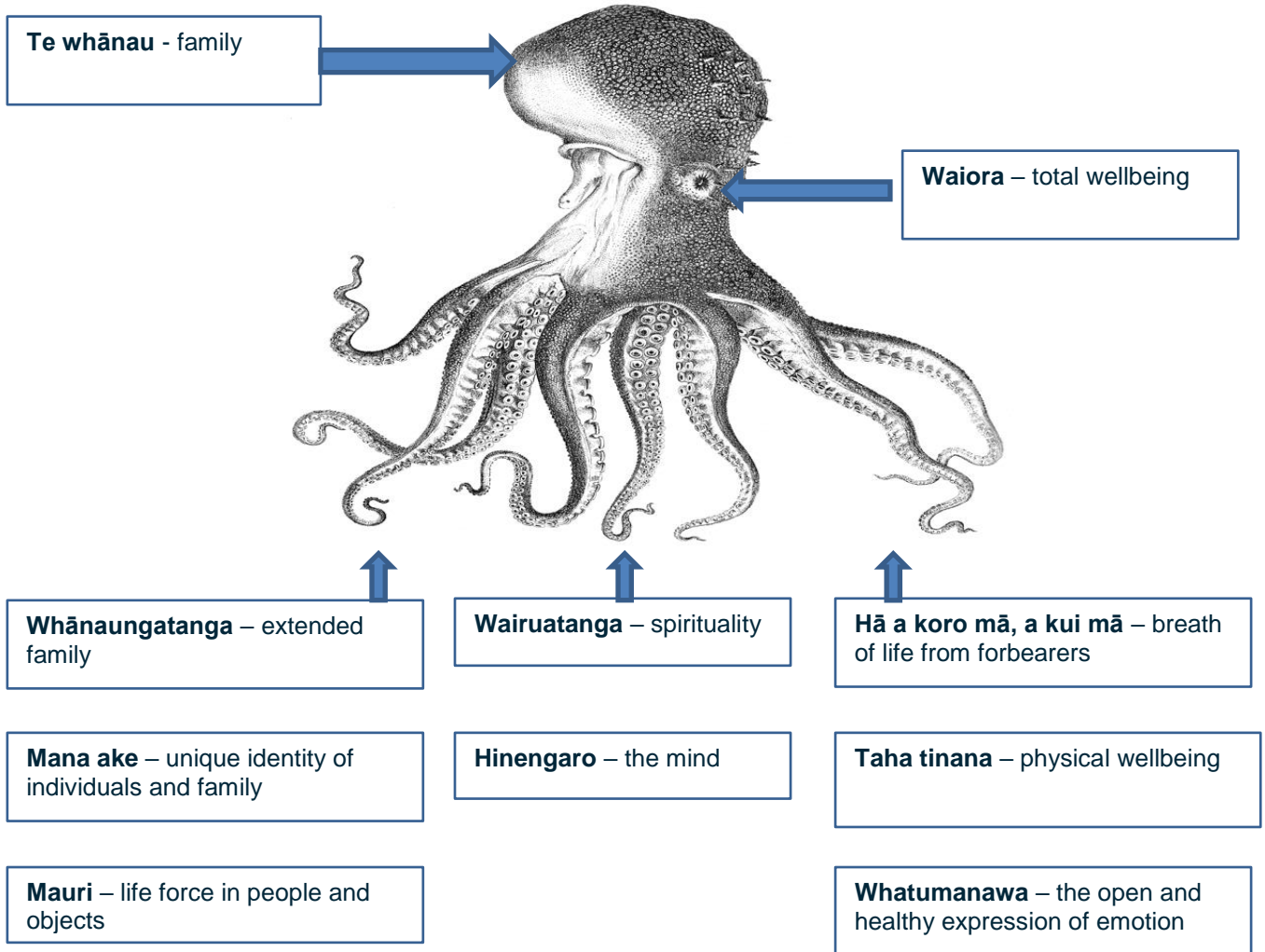
The concept means that in Māori culture an offence cannot be seen in isolation. It is a symptom of unwellness and may relate to other aspects of unwellness.

Te wheke

There are a number of models or analogies used to explain the concept of life balance and wellness.

The concept of te wheke (the octopus), relates to wellness of a family and a person. The head of te wheke represents te whānau and the eyes represent waiora (total wellbeing). Each of the eight tentacles represents a specific dimension of health.

Working with Māori in restorative justice



The Māori models of wellness rest on the concept of balance and wholeness. Crime is a symptom of unwellness and where a person is unwell in one aspect it will unbalance other aspects. For example drug dependence is a symptom of unwellness and that will impact on te whanāu, waiora (total wellbeing), hinengaro (mind) and so on. Thus, it is critical to consider the whole and not just look at one aspect.

Restorative justice agreements need to consider all aspects of wellbeing. This means wider questioning at the pre-conference to find out from the offender about aspects of their life that have impacted on them leading up to this crime. Without being intrusive, you need to be interested in their life and their family to get a bigger picture of what has led up to this.

Similarly, when questioning the victim at pre-conference you will want to find out how far this crime has reached into the wider family and all aspects of their life.

Victim example

An elderly woman was burgled while out one evening. At the restorative justice conference the offender agreed to return all goods he had stolen and to pay the value of those he could not return. This addressed the physical aspects of the wrong. The victim, however, was affected emotionally and mentally by the crime. She was scared to stay alone at night, had become obsessive about locking the house and was considering a move to a retirement village where she could be in a gated community.

To help to address these emotional and mental effects of the crime, the victim was offered counselling, and the whānau of the offender agreed to contribute towards a security alarm system so that the woman could feel safer in her own home.

Offender example

A young woman committed a shoplifting offence and is offered restorative justice as a part of diversion. At the pre-conference the facilitators find out there is a lot more – she is unsupported, has no whānau around her, she has no transport to travel to the course she wants to do, she does not have her child in kōhanga (kindergarten), she has poor budgeting skills and runs out of money every week. The facilitators discuss a range of outcomes with her and do not confine the discussion to simply making up for the stealing. They look at the bigger picture of wellness and the agreements made at conference include her paying reparation, going to a budgeting course, enrolling her child in kōhanga, enrolling for her course and a transport plan is arranged whereby she can get to both her course and the kōhanga.

Further information



For further reading on Te Wheke model go to:

http://www.natureplaynz.co.nz/pdf/tewheke_rosepere.pdf

For reading on other Māori health models go to:

<http://www.health.govt.nz/our-work/populations/Māori-health/Māori-health-models/Māori-health-models-te-pae-mahutonga>

and

<http://www.teara.govt.nz/en/diagram/31387/Māori-health-te-whare-tapa-wha-model>

The role of whānau in restorative justice today

As we have already covered, whānau support is part of a person's wholeness. The whānau is the head of the octopus. Without whānau the connection to all eight tentacles is out of balance, including the connection to whānaungatanga (extended family).

We also covered the importance of whānau in relation to the traditional concept of collective responsibility. The whānau can assist an offender to take responsibility and can have a moderating influence on offender behaviour, both at the conference and, more importantly, afterwards. Whānau can assist in follow up and ensuring agreed actions are followed through.

In many families the grandparents are particularly important and are respected for their age and wisdom. Involving the wider whānau in restorative justice can be helpful.

Whānau support is just as important for victims. Again, by sharing the story telling and suggestions for outcomes, the whānau can reduce a victim's anxiety. Just being there is supportive.

Nowadays, young Māori may be physically and/or emotionally isolated from their whānau. Some may be isolated from their home marae and may not know their whakapapa. It is therefore important to avoid assumptions and ask participants what whānau they would like to involve in the restorative justice process.

Further information



For further reading on the role of whānau go to:
<http://researchcommons.waikato.ac.nz/handle/10289/464>

Practice 2: Values and dynamics



This practice checks your knowledge of the values and dynamics of whānau Māori and how these relate to restorative justice.

Check your answers against the Practice 2: Feedback that follows.

1. In Te Wheke model of wellness, what do the following represent?

The head	
The eyes	
Each of the 8 tentacles	
1. Hā a koro ma, a kui ma	
2. Whatumanawa	
3. Wairuatanga	
4. Hinengaro	
5. Mauri	
6. Mana ake	
7. Taha tinana	
8. Whānaungatanga	

2. Recognising the many aspects of wellness in Te Wheke model, what do you need to be aware of when you have an initial pre-conference with an offender?

3. Recognising the many aspects of wellness in Te Wheke model, what do you need to be aware of when you have an initial pre-conference with a victim?

4. Why is it an advantage to have grandparents involved in restorative justice?

5. In Te Wheke model of wellness, whānau is the head of the octopus and whānau support is thus essential for helping a person achieve wellness and balance. What is another key reason for involving whānau in restorative justice?

Practice 2: Feedback

Check your answers against those given below.

1. In Te Wheke model of wellness, what do the following represent?

The head	<i>Te whānau (family)</i>
The eyes	<i>Waiora (total wellbeing)</i>
Each of the 8 tentacles	
1. Hā a koro ma, a kui ma	<i>Breath of life from forbearers</i>
2. Whatumanawa	<i>The open and healthy expression of emotion</i>
3. Wairuatanga	<i>Spirituality</i>
4. Hinengaro	<i>The mind</i>
5. Mauri	<i>Life force in people and objects</i>
6. Mana ake	<i>Unique identity of individuals and family</i>
7. Taha tinana	<i>Physical wellbeing</i>
8. Whānaungatanga	<i>Extended family</i>

2. Recognising the many aspects of wellness in Te Wheke model, what do you need to be aware of when you have an initial pre-conference with an offender?

All aspects of their life that may have impacted and led up to this crime.

3. Recognising the many aspects of wellness in Te Wheke model, what do you need to be aware of when you have an initial pre-conference with a victim?

The impact of the crime on their life and their family.

4. Why is it an advantage to have grandparents involved in restorative justice?

They are important in the family and respected for their age and wisdom.

5. In Te Wheke model of wellness, whānau is the head of the octopus and whānau support is thus essential for helping a person achieve wellness and balance. What is another key reason for involving whānau in restorative justice?

The concept of collective responsibility, whereby the whole whānau may feel responsibility for an offender's crime.

Some tikanga and kawa related to restorative justice on a marae

There are a number of providers who run marae based restorative justice programmes. Other groups from time to time may run a marae based conference.

Operating within the marae requires that you follow the protocol of that marae – all marae are different. However, it is useful to be aware of the likely protocols around a restorative justice process. Note that some of these protocols may apply outside of the marae as well.

Traditional marae protocols follow. These are provided as a typical example – not a definitive process.

Example marae protocols

1. *Karakia* – prayer/s to open and close the gathering
2. *Whaikōrero* - speeches - mihi. Traditionally only the experts in the art of whaikōrero (oratory) would stand to speak to the opposite group. The mihi is a welcome and follows a traditional pattern covering: acknowledgement of the creator, guardians, the dead, those present, and the reason for the gathering.
3. *Waiata* - singing. Singing can provide a glimpse of a person's genealogy, tribal, sub-tribal and family history. It also allows a person to express their feelings.
4. *Te ā whakangahau* – elaborating on whakapapa.
5. *Te kaupapa* - the topic at hand.
6. *Te whakawhitiwhiti kōrero* - discussions.
7. *Te whakawhirinaki kōrero* - conclusions.
8. *Kōrero whakatau* - support of concluding remarks.
9. *Waiata* – singing.
10. *Karakia* – prayer.



11. *Hākari* - mealtime/feast. This is the final stage of the meeting. It is the stage where parties come together as one through the sharing of kai.

There are many advantages in holding restorative justice meetings on a marae, and there are also some issues to be aware of.

Benefits of restorative justice on a marae

1. The marae venue will likely include some kaumātua involvement.
2. Attendance of whānau support may be more likely.
3. The Māori concept of collective responsibility may be encouraged.
4. The marae elders may be able to steer an offender towards greater involvement with his or her marae.
5. The marae may be able to provide linkages to iwi based programmes – counselling, budgeting, kōhanga reo, parenting support and so on.
6. Participants, may feel more comfortable at a marae venue.

Issues with restorative justice on a marae

1. The marae is the 'home' of the hapū (wider family) and as such it is a public place for that hapū. Holding a hui (meeting) in private would require discussion and agreement beforehand.
2. Do not assume the hapū will welcome your plans to hold a hui on the marae, just as you might not welcome a stranger or acquaintance asking to hold a meeting in your living room.
3. If the marae is needed at short notice for an important event, such as a tangi (funeral), your restorative justice hui may have to be moved or cancelled.
4. If the victim and his or her whānau are from another culture they may not be comfortable to have the restorative justice hui at a marae. To them, it may look like the restorative justice process is offender-focused so careful discussion is required.

Variations on marae protocols

Marae protocols are not fixed and may be less formal for restorative justice meetings. For example, the formal whaikōrero may not be done and instead each person may give a mihi of introduction, and the hākari may just be a cup of tea.

The marae elders are in charge of protocol and facilitators need their guidance and support when running restorative justice on a marae.

Considerations when holding a restorative justice hui on a marae

The facilitator needs to arrange beforehand (with the marae elders) the protocols to be followed to support in-depth discussion. All involved in the restorative justice hui need to be encouraged to talk and be given the time they need. Those who do not want to talk can be represented by someone in their whānau who will speak on their behalf.

It is important that the control of the conference remains with the facilitator. The kaumātua may also seek guidance from the facilitator as to what they actually want and how they can assist. Be prepared to fully brief the kaumātua on the restorative justice process as needed.

This is in line with the restorative justice principle of 'understanding'.

Further information



For a short video showing a restorative justice hui on a marae go to:

<http://www.Māoritelevision.com/news/regional/window-washer-faces-marae-justice>

Practice 3: restorative justice on a marae



This practice checks your knowledge of restorative justice on a marae and the benefits and issues linked to that.

Check your answers against the Practice 3: Feedback that follows.

1. List below and briefly explain traditional marae protocols?

The protocol (in te reo)	What it means
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	

2. Give 3 benefits of holding a restorative justice conference on a marae.

- 1.
- 2.
- 3.

3. Give 3 issues associated with holding a restorative justice conference on a marae.

1.

2.

3.

4. A young offender has pleaded guilty to a charge of dangerous driving causing death. At the pre-conference, his whānau of 10 people ask if the conference can be held on their marae. They also suggest their whānau perform a haka at the end of the meeting to honour the person killed.

The whānau of the victim are all pākehā and are recent immigrants from South Africa. They comprise 5 people – the wife of the person killed, his mother, and his three adult children.

What are possible safety issues in holding the conference on the marae and in having a haka?

Practice 3: Feedback

1. List below and briefly explain traditional protocols that might be experienced in running restorative justice hui on the marae?

The protocol (in te reo)	What it means
1. <i>Karakia</i>	<i>Prayer to open</i>
2. <i>Whaikōrero</i>	<i>Welcome speeches</i>
3. <i>Waiata</i>	<i>Singing – first singing</i>
4. <i>Te ā whakangahau</i>	<i>Elaborating on whakapapa</i>
5. <i>Te kaupapa</i>	<i>The topic at hand</i>
6. <i>Te whakawhitiwhiti kōrero</i>	<i>Discussion</i>
7. <i>Te whakawhirinaki kōrero</i>	<i>Conclusions</i>
8. <i>Kōrero whakatau</i>	<i>Support of concluding remarks</i>
9. <i>Waiata</i>	<i>Singing – second singing</i>
10. <i>Karakia</i>	<i>Prayer</i>
11. <i>Hākari</i>	<i>Food</i>

2. Give 3 benefits of holding a restorative justice conference on a marae.

- *The marae venue will likely include some kaumātua involvement.*
- *Attendance of whānau support may be more likely.*
- *The Māori concept of collective responsibility may be encouraged.*
- *The marae elders may be able to steer an offender towards greater involvement with his or her marae.*
- *The marae may be able to provide linkages to iwi based programmes – counselling, budgeting, kōhanga reo, parenting support and so on.*
- *Participants may feel more comfortable at a marae venue.*

3. Give 3 issues associated with holding a restorative justice conference on a marae.

- *The marae is the 'home' of the hapū (wider family) and as such it is a public place for that hapū. This might conflict with the restorative justice principle of 'safe' in some cases.*
- *Do not assume the hapū will welcome your plans to hold a hui on the marae, just as you might not welcome a stranger or acquaintance asking to hold a meeting in your living room.*
- *If the marae is needed at short notice for an important event, such as a tangi, your restorative justice hui will have to be moved or cancelled.*
- *If the victim and his or her whānau are from another culture, they may not be comfortable with having the restorative justice hui at a marae. To them, it may look like the restorative justice process is offender-focused so careful discussion is required.*

4. A young offender has pleaded guilty to a charge of dangerous driving causing death. At the pre-conference his whānau of 10 people ask if the conference can be held on their marae. They also suggest their whānau perform a haka at the end of the meeting to honour the person killed.

The whānau of the victim are all pākehā and are recent immigrants from South Africa. They comprise 5 people – the wife of the person killed, his mother and his three adult children.

What are possible safety issues in holding the conference on the marae and in having a haka.

1. The victims may not feel comfortable with holding the conference on the marae and may get the impression restorative justice is offender-focused.

2. The meeting could not be guaranteed, as the venue might have to be moved at the last minute if the marae is needed for a tangi.

3. As recent immigrants, they may associate the haka with aggression and challenge and may not understand that it can also be a sign of respect.

4. The meeting may not be private, as members of the hapū may come in.

Expectations of restorative justice facilitators

Statistics

Māori represent 15% of the NZ population and about 50% of those charged with an offence. Māori are also over represented in victim figures with about 50% of victims identifying as Māori.

The percentage of Māori in the population varies between regions. In Gisborne, for example, Māori make up 49% of the population, while in Auckland they make up only 11% (Statistics NZ 2013).

Expectations of Ministry of Justice

The Government expects that the Ministry of Justice will set up and maintain a restorative justice service that meets the needs of the communities throughout New Zealand. In relation to the high Māori representation among both offenders and victims there is an expectation that the Ministry will set up and maintain links with Māori. To that end many of the providers (funded by the Ministry of Justice) are iwi based.

Expectations of providers

Providers have a responsibility to ensure facilitators represent the community within which they work. In a community such as Gisborne you might expect most facilitators to be Māori and/or skilled in tikanga Māori. Providers need facilitators with good contacts and links to the local community and that means good contacts with local iwi and hapū.

Providers are responsible for allocating cases to facilitators and in doing this the expectation is that cases will be allocated to the facilitators best able to meet the needs of the restorative justice participants. For example, if working cross-culturally, ideally the facilitators will have the skills and experience to meet the cultural needs of all participants. Practicalities mean this ideal is not always possible so there are some minimum expectations of all facilitators.

Expectations of restorative justice facilitators

To be responsive to the culture of restorative justice participants ALL facilitators need sufficient knowledge of tikanga (the 'right' way of doing things) and kawa (protocol) to be able to meet the cultural needs of their Māori participants. If not, facilitators may need to bring in expertise so as to ensure cultural needs are met. To do this, facilitators need enough knowledge and humility to be able to recognize when they are getting out of their depth and when they need to bring in an adviser with a higher level of expertise.

To really understand a culture requires skill in the language of that culture, and facilitators need to acknowledge the importance of the Māori language (te reo). Experts can be brought in when needed, however, it is recommended that all facilitators have an understanding of some commonly used Māori words. A brief list of words is given in the appendix at the back of this module.

Facilitators can show respect for the Māori language by pronouncing common words and Māori names correctly, including names of people, places and iwi.

Finally, it is recommended that you have a good understanding of good manners so as to avoid making cultural errors.

Learning the meaning of Māori words

In the appendix to this module are some of the Māori words that are often included in a conversation in English. They are words that are becoming a part of NZ English. Facilitators working with Māori participants are recommended to learn the meaning of these basic words, and over time, to build on this list. In the assessment for this module you will be asked to explain the meaning of these words.

Learning pronunciation

To learn the Māori vowel sounds and the correct pronunciation of words that you might use there are many options available:

- Local training courses
- On-line courses
- Informal coaching from a te reo Māori (Māori language) speaker.

Good manners

In Māori culture, there are certain good manners that facilitators need to be aware of in order to avoid giving offence. In summary:

- The head is tapu, so do not touch the head. For example, do not pat a cute child on the head.
- The bottom is unclean so does not go anywhere where the head goes (pillows for example) or where food goes. That means never sit on tables or benches where food may be prepared or served.
- When entering a house or meeting house, take your shoes off (unless invited to keep them on).
- Respect elders – the eldest male is generally the one to give a karakia. Refer to grandparents with the respectful title of whāea (for elder female) and koro (for elder male). For example, Whāea Rāmari and Koro Mike.

Some tikanga and kawa related to working with Māori in restorative justice

There are some crucial points in restorative justice where decisions made can ensure a culturally appropriate restorative justice process for Māori participants.

These are:

- Case allocation
- Initial contact
- Pre-conference
- Planning the conference
- Conference

Case allocation

Where it looks as if a referral might involve Māori culture then it may pay to have at least one facilitator who is well versed in working with Māori.

Initial contact

When making the initial contact with a participant find out who will be at the pre-conference and arrange to bring in additional expertise if warranted.

Be prepared to hand over to a facilitator who has a higher skill level in working with Māori.

At pre-conference

Take your lead from participants and do not assume anything. For example:

- If the participants do their mihi (introduction) in te reo then the facilitators can do likewise.
- If the participants use te reo in the discussion then the facilitators can follow suit.
- If the participants hug on leaving then hug back.
- Ask how participants would like the conference to be run. Again, do not assume.

Example

A facilitator at pre-conference does her own mihi first in te reo Māori. Nobody understands or follows suit. This facilitator has assumed that the participants know te reo because they are Māori. She could have avoided the assumption and asked how they would like to do the mihi.

Planning the conference

In module 2 you looked at some of the issues that can arise at pre-conference, how to gauge the level of risk, and what strategies you can implement to reduce that risk. The same process applies when working with Māori participants and working across cultures.

Example

A Māori whānau are victims in a burglary. The victims want to have the conference on the marae. The whole hapū knows about the offence and there may be 50 or more people who decide to turn up to the conference. The offender is a young Māori and has his whāngai (adoptive) aunt and uncle as support.

The facilitators need to plan with kaumātua how the safety issues can be managed – balancing numbers, ensuring sufficient support, and so on.

Remember that in planning the conference there are a variety of strategies you can use. For example:

- Ask advice from an expert
- Bring in a specialist
- Have another pre-conference to iron out issues and concerns.

At conference

As with the pre-conference, take your lead from the participants and do not make assumptions.

Practice 4: Working with Māori



This practice provides an opportunity for you to check your knowledge and understanding of what may be expected of a new facilitator in relation to working with Māori.

1. What is expected of the Ministry of Justice in relation to providing a restorative justice service that meets the needs of Māori?
2. What is expected of providers in relation to representing the community within which they work?
3. What is expected of providers in relation to case allocation?
4. A Māori victim says to a facilitator, “Thank you for your mahi”. What does this mean?
5. An offender says to an victim, “It’s been good to talk kanohi ki te kanohi with you”. What does this mean?
6. An offender says, “It’s been hard for me with two children at home and we have four moko with us too”. What are the moko?

7. A facilitator starts a restorative justice meeting by saying, "Thank you all for being prepared to come along today. I'd like to start with a karakia. "Thank you God"

The offender and victim whānau are all Māori. What cultural error could this facilitator have made and what would have been a safer start?

8. At the pre-conference meeting with an offender and his whānau, the facilitator greets them in te reo and introduces himself in te reo. He then, also in te reo, asks if they would each introduce themselves. What error might this facilitator have made and what would be a safer approach?

9. A pākehā facilitator receives a referral where both the offender and victim are Māori. The victim at pre-conference suggests that the conference be held on the marae. What are some important steps that the facilitator would need to take to ensure a safe conference on the marae?

Practice 4: Feedback

1. What is expected of the Ministry of Justice in relation to providing a restorative justice service that meets the needs of Māori?

They are expected to set up and maintain links with Māori. They fund several iwi based providers.

2. What is expected of providers in relation to representing the community within which they work?

They are expected to ensure facilitators represent the community. They are also expected to have good contacts with community groups including iwi and hapu.

3. What is expected of providers in relation to case allocation?

They are expected to allocate referrals to facilitators who can best meet participant needs. This includes meeting the cultural needs of participants.

4. A Māori victim says to a facilitator, "Thank you for your mahi". What does this mean?

Thanks for your work.

5. An offender says to an victim, "It's been good to talk kanohi ki te kanohi with you". What does this mean?

It's been good to talk to you face to face.

6. An offender says, "It's been hard for me with two children at home and we have four moko with us too". What are the moko?

Grandchildren

7. A facilitator starts a restorative justice meeting by saying, “Thank you all for being prepared to come along today. I’d like to start with a karakia. “Thank you God

The offender and victim whānau are all Māori and include grandparents and parents. What cultural error could this facilitator have made and what would have been a safer start?

The facilitator has stepped in front of any older people. She or he would be advised to ask, “Who would like to give a karakia to start this meeting?”

8. At the pre-conference meeting with an offender and his whānau, the facilitator greets them in te reo and introduces himself in te reo. He then, also in te reo, asks if they would each introduce themselves. What error might this facilitator have made and what would be a safer approach?

The facilitator has assumed the participants all speak and understand te reo. He has taken a lead, and would have been better to take the lead from the participants.

9. A pākehā facilitator receives a referral where both the offender and victim are Māori. The victim at pre-conference suggests that the conference be held on the marae. What are some important steps that the facilitator would need to take to ensure a safe conference on the marae?

The facilitator would need to first and foremost call in an expert adviser – or hand over the case to a facilitator with expertise in working with Māori. Then the expert would talk to the marae elders and find out if a conference could be held on the marae and if so, what the protocol would be.

Building your expertise

We have covered some minimum expectations of facilitators in relation to working with Māori. It needs to be noted that the minimum is only a start point. A good facilitator will be striving to improve, and in relation to working with Māori that might mean, for example:

- Learning and being able to give a mihi in te reo Māori
- Learning and being able to give a karakia to open and close a hui (if participants want one but are unable to give one themselves)
- Learning some common waiata
- Learning te reo – to the level of proficiency you choose.

It is important to **understand your skill level and your limits**. There are facilitators in the restorative justice field with the expertise to help, so call for help when you need it.

Example

A case was referred to restorative justice where the offender and victims were proficient in te reo and wanted to conduct the conference in te reo. The provider had no facilitators who could speak te reo so a facilitator was brought in from another provider.

Sources of further learning

Here are a few learning options for building your expertise.

Qualifications and courses

Te Wānanga o Aotearoa <http://www.twoa.ac.nz/>
Te Wānanga o Raukawa <http://www.wananga.com/>
PLUS most polytechnics
and universities

Te reo on-line or distance <http://www.maorilanguage.net/>
<http://www.maorilanguage.net/maori-made-easy/>
<http://www.whitireia.ac.nz/>

Forging community links

“If non-Māori facilitators want to work with our people they need to walk the talk”. (a Māori facilitator)

This means in essence that it is not enough to sit at your computer and do this module. You need to get out and meet and forge a relationship with key Māori groups in your community.

It is recommended that you talk to your provider manager and from him or her find out what the key groups are. They may include:

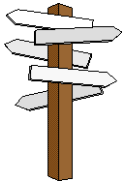
- Rūnanga for each local iwi
- Iwi counselling services
- Iwi budgeting services
- Māori run groups – for example, anger management and non-violence groups
- Drug and alcohol assessment and treatment

Make contact with and go and meet with all the local groups that are relevant to your restorative justice practice. It is not enough to just meet the local groups, you need to work with them on an ongoing basis.

- Consult them when you need advice.
- Thank them when they give help or advice.
- Keep cards and pamphlets from local groups in your bag so you can pass contact details on to offenders or victims.
- Meet up with key contacts for a coffee and informal catch-up.
- Attend community meetings of relevant groups. For example, if all the agencies dealing with addicts are meeting, it makes sense for you to attend to keep up with current policy and practice in your community.

Working together is not a one off – it is an ongoing mission.

Here is what to do



1. Sit down with your provider manager and make a list of at least four Māori groups that it would be of benefit for you to meet and maintain contact with (if you have not already forged links). Note that there will likely be a lot more than four so recognising that you cannot do everything at once, pick the top four.
2. Make contact with each of the groups and arrange to meet. You need to meet face to face with at least three of them.
3. Based on what you learn from your meetings, and on your knowledge of your current skill level in working with Māori, complete the personal development plan that follows. Some facilitators may already be very skilled and do not need to complete a plan.
4. Take your plan to your manager. He or she will be asked to verify:
 - a. That you have met with the local Māori providers in your area.
 - b. If you have identified there is opportunity to increase your skill in working with Māori, that you have a specific personal development plan for doing that.
5. When you have completed your plan, you are ready to complete the assessment for this module.

Personal development plan

You can make a plan in whatever format you want. This one is given as an example only.

Where am I now with my skill level in working with Māori?

Weaknesses	
Strengths	

Where do I want to get to?

--

How will I get there? Specific actions for the next 12 months.

Action	Deadline

Assessment: Working with Māori in restorative justice



Time to assess your competence. The assessment for this module is done on-line. Go to the Resolution Institute web site to complete your assessment.

www.resolution.institute/restorative-justice/training-modules

Please note the following:

- You can have the module with you when you do the assessment – it is an open book assessment.
- Do the assessment alone – it is your knowledge and understanding we need to assess.
- The assessment comprises 30 questions which are all 'yes/no', multi choice or 'arrange in order' type questions. The pass rate is 27 answers correct, 90%.
- You can have up to three attempts at the assessment. The computer selects questions randomly from a question bank, so the questions will differ in each assessment although some will be the same.
- The computer will tell you after each question whether your answer is correct and what the right answer is. At the end of the assessment you will get your score and you will also get an email with your score.
- If you do not get 90% correct the first time, re-read your module and make sure you have done ALL the practices in the module before you have another attempt.
- Once you have successfully completed the assessment, the computer will record your success for us. Please proceed then to the next module.

If you have any problems or questions about the online assessments contact Resolution Institute on rj@resolution.institute or 0800 453 237.

Appendix: Some common Māori words

Ata marie	Good morning
Awhi	Aid, help
Ea	Paid for, done
Hara	Crime
Hui	Meeting or conference
Kai	Food
Kanohi ki te kanohi	Face to face
Kaupapa	Purpose, reason
Kawa	Protocol
Kōhanga (kōhanga reo)	Kindergarden
Kōrero	Talk
Koro	Grandfather. Applied to older male to show respect. For example, 'Koro Jack'.
Kura	School
Mahi	Work
Mamae	Harm, hurt
Mana	Integrity, prestige, charisma
Matua	Parent, uncle, head, principal. Applied to older men to show respect. For example, Matua Bill.
Moko (mokopuna)	Grandchild/ren
Mōrena	Good morning
Rūnanga	Assembly, institute, council.
Tamariki	Children
Taonga	Treasure
Tapu	Sacred, forbidden

Working with Māori in restorative justice

Te reo	Language
Tena koe	Hello – when addressing one person
Tena korua	Hello - when addressing two people
Tena koutou	Hello – when addressing more than 2 people
Tikanga	Custom, the right way
Waiora	Health
Wānanga	Learning institution (tertiary)
Whakaaro	Thought, hypothesis
Whakamā	Shame
Whakapapa	Genealogy
Whānau	Family
Whāngai	Parent but not by birth – adoption, fostering.
Whare	House
Whāea	Mother, aunty. Applied to older female to show respect. For example, 'Whāea Joan'.