

The Impact of Cannabis Laws Upon Maori



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Ko au...

- Te Roroa, Ngati Korokoro, Ngapuhi, Ngati Porou
- Tumuaki Maori, Faculty of Law
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Taku korero...



1. The law as it is applied and enforced discriminates against Maori;
2. This discrimination breaches civil and human rights laws and also the Treaty of Waitangi;
3. This issue is important to ALL New Zealanders as it reinforces the social exclusion and marginalisation of Maori in New Zealand society;
4. What role can the law play in addressing both discrimination and other negative impacts?

Drug Laws and Maori

- Formal law (Misuse of Drugs Act 1977) is racially neutral, application of law is not
- Maori more likely to be arrested and convicted for cannabis offences than non-Maori
- Pattern of arrest and conviction not related to prior record
- Enforcement heavily weighted towards possessory offences (34% Maori)

Explanations?

- Intersectionality – links between race, class, age positioning and policing
- Police attitudes toward Maori and vice versa
- Social learning of mutually reinforcing behaviours and attitudes



Legal and Collateral Consequences

- Conviction and punishment
- Exclusion, restriction and stigmatisation – employment, immigration, family law, welfare
- Mason Durie “trapped lifestyles”



Why Should We Be Concerned?



- Bias challenges the Rule of Law
- Racist application of law breaches both domestic and international civil and human rights laws (Bill of Rights Act 1990, Human Rights Act 1993, Universal Declaration of Human Rights)
- Equality of citizenship promised by Article 3 of the Treaty of Waitangi

Submerged Citizenship

- Tracey McIntosh: Lives of restricted opportunities and the normalisation of negative outcome pathways
- Forced marginalised identities framed by social, economic and political factors
- Capability deprivation



The Role of Law?

- Decriminalisation and legalisation will only address the immediate issue of discriminatory enforcement
- Criminal Records (Clean Slate Act) 2004
- Therapeutic jurisprudence and solution-focused courts



Our law...

- Acknowledgment and acceptance of tikanga and kaupapa Maori necessary
- Connection with our “original instructions” – to embrace and retain our unique identity

