

Rt Hon Sir Anand Satyanand Speech to Pacific Law and New Zealand on Diversity in the Judiciary

at 5 15pm on Wednesday 29 August 2012 at Fale Pasifika University of Auckland

May I first acknowledge you: Master of Ceremonies, Fuimaono Tuiasau of the Ministry of Pacific Island Affairs; Your Honours Judges Ema Aitken and Gerard Winter, President of the Auckland District Law Society Frank Godinet, New Zealand Law Foundation Trustee David Clarke, President of the Pacific Lawyers Association Herman Retzlaff, Bernardette Arapere, Tavake Afeaki; Members of the faculty of the Law School of the University of Auckland, notably Treasa Dunworth, Khylee Quince and your colleagues, and, lastly, most importantly, you, ladies and gentlemen, members of this 2012 Conference delegation.

May I add, in the context of this gathering, a number of Pacific greetings: Kia Ora, Kia Orana, Fakalofa lahi atu, Taloha Ni, Talofa lava; Malo e lelei; Ni sa bula vinaka, Namaste, Kam na mauri, Halo Olaketa and Mi likum yu tumas.

May I say that I feel comfortable in a Pacific setting because whilst I speak as a New Zealander, my grandparents on both sides were migrant workers who made their way from India to Fiji, a hundred years ago and my parents were born and spent the first part of their lives in that country. This has the effect of me having a warmth different from that of a tourist whenever I visit Suva or Nadi, which I have done three times during the last six months. Secondly, I have a connection with Samoa brought about by a maternal uncle leaving his family and home in Suva in the middle 1930s and making his way to Pago Pago American Samoa where he lived for nearly 40 years marrying twice and producing children. I am in touch with a number of my adult cousins who have India and Samoa in their line to the present day. And to those who might think, “Ok. but that is just a Tutuila connection!” my second aunty, Taufoa was from Upolu and her remains lie in her village in Samoa. Thirdly, as ordinary citizens, my wife Susan and I have had an opportunity to travel (officially in the recent Governor-General role and as tourists before and after then) and to enjoy the ambience of a number of Pacific countries, Papua New Guinea, Solomon Islands, Vanuatu, New Caledonia, and of course those parts of New Zealand such as Niue, Tokelau and the Cook Islands.

I acknowledge the topic of discussion to be addressed by the panel “Diversity in the Judiciary”. It can be categorised alternately as a challenge and a desideratum.

As a lawyer in Auckland in the 1970s I had the opportunity to act for a great many Pacific Island clients before the Courts in this country as well as in cases in Fiji and the Cook Islands. Whilst in my time as a Judge, I did not ever sit in a Pacific jurisdiction; I did have responsibility for the New Zealand Judges Orientation programme which, for some five years in my tenure, invited judges from Fiji, Samoa, Tonga and the Solomons to attend its programmes. In the time since, I have also acted as a faculty member in several of the PILON –that is Pacific Islands Law Officers Network - Litigation Skills Programmes. That last PILON interest is to continue when that programme next runs in 2013 at a venue to be fixed.

My role this evening is that of providing the curtain raiser. There is an obvious sub-text to the discussion which can be described as the opinion that there are presently small and seemingly less than significant numbers of Pasifika people on the judiciary. This is a good discussion to have in New Zealand because, for one comparative example, while Pasifika people are represented in the New Zealand Public Service at levels similar to the general

population, the proportion at senior levels has remained largely unchanged for some time. For example, I am advised that while accounting for 7.6 percent of the public service, people of Pacific descent accounted for just 1.5 percent of senior managers in 2010.

I come to a gathering such as this with a variety of perspectives. First, while many will see me as a recent Governor-General of Indian descent, I personally place equal store on my Pacific heritage.

Secondly, my life has involved much of it being with people from the Pacific – as a pupil of the Richmond Rd Primary School in Ponsonby in Auckland in the 1950s, there were just five or six other non-European children, some of those being from Tonga, the Cook Islands or Samoa. At Sacred Heart College in Glen Innes in Auckland the early 1960s, there was something of the same thing, with that school having had in its student line-up over the years, many people from the Pacific.

Those ties with the Pacific and my Pacific heritage have never faded. Throughout my careers, as a lawyer, judge, ombudsman, governor-general, or as a family, I have developed and maintained a valued stockholding of professional and personal links in a number of Pacific settings.

The strength of New Zealand's relationships with Pacific countries have come to be called upon in a material way, recently, with life events such as the death, in March of His Majesty King Siaosi Tupou V, recently in Tonga, and the 50th anniversary of the independence of Samoa at the beginning of June equally so.

I might also note that all Pacific peoples have made a significant contribution to New Zealand's society and economy. Pacific people have brought a colour and vitality to New Zealand art and culture. That same energy and colour has also enlivened many sports New Zealanders love, such as rugby, rugby league and netball. One only needs to bring to mind the efforts of Keven Mealamu, Piri Weepu and Hosea Gear on this last Saturday evening and the atmosphere of the weekly morning markets in Otara and Porirua to recall that.

I want then to examine some issues related to leadership, as seen through the filter of my own life experiences.

My own approach to cultural identity, individually and personally is that I have generally been in the minority but have always regarded that as being something positive rather than a hindrance.

I have had many professional colleagues of different ethnicities and the pace of acquiring and continuing those relationships has grown with time (especially during the Ombudsman years) when I had a connection with the Commonwealth Secretariat helping deliver for nearly 10 years a training programme for newly appointed Ombudsmen.

In times involving global financial crisis and issues about justice and equity, the cry often goes out for "leadership." I place that word in quotes, because it one of those terms that not only means different things to different people but also means different things at different times.

It seems everyone has an opinion on who is either a good or bad leader or the qualities they portray. If you put the word "leadership qualities" into the search engine of a well-known online search engine beginning with "G" you will be given more than 5 million results.

I want to refer to three Pacific leaders whose example I think bears more than somewhat on what the panel members may say shortly. The first is one of the Pacific leaders whose friendship I value, and is the O le Ao o le Malo of Samoa, His Highness Tui Atua Tupua Tamasese Tupuola Tufuga Efi. He has a long history of public service to his country, and to the Pacific, and is a leading authority on Samoan culture, language and tradition. He is a living example of the Samoan saying that goes that it is through service that we become leaders.

In his remarks to the Emerging Pacific Leaders Dialogue Conference in Samoa in March last year, His Highness emphasised that Pacific indigenous navigation was a powerful metaphor for Pacific leadership. He said, and I quote:-

"True leadership for our peoples requires having pride and vision, the courage of conviction, and a belief in ourselves, in our Pacific heritages and in the need to protect that heritage." It is a powerful comment that speaks to the shared heritage of all Pacific people as explorers. Guided by a knowledge of the stars, currents, cloud formations and bird migrations, these master mariners and navigators were able to settle some of the last and remotest parts of the Earth to be settled by humanity. It has a relevance for such things as membership of the judiciary.

The second person is Sir Peter Kenilorea from the Solomon Islands, a man educated in New Zealand and who has in a lengthy public life contributed to church and politics – the latter over a very long time serving as Chief Minister and Prime Minister, as Ombudsman (in which capacity I met him) and most recently as Speaker of the Solomons Parliament. I recently read a speech of his given to a Conference in Tonga when he spoke of the importance, in his view for members of parliament in the Pacific to translate, as he put it, national issues to constituents. The view of the people, may I suggest has a crucial bearing on the matter of diversity in the judiciary.

The third is a close family and personal friend, from Fiji, Sir Moti Tikaram, who died at age 87 just a few weeks back, a long term Judge including having been President of the Court of Appeal and in phases before that, Magistrate, Supreme Court Judge and Ombudsman. He was a Fiji person in the full sense, speaking that language fluently as well as English and Fiji-Hindi, who set an example of undertaking his professional work to the best of his ability and sticking closely to that and closely to a sense of service. Tikaram's example of being a respected professional to the core also bears on the discussion.

People define leadership differently, some by vision, some by charisma, and some by the ability to inspire others. My own experience of leadership has told me that there are two words that leaders resonate—trust and respect.

Key leadership qualities also include an ability to listen, being professional in dealings with others, and displaying integrity, honesty and respect. Leaders need to keep their feet on the ground and to recognise that it is their purpose to serve. They also need to have a sense of history.

These are all qualities, may I suggest, that resonate with cultural norms of the Pacific. Respect for others and particularly for elders, and of reciprocity, are key values in all Pacific cultures. Each of the three people to whom I have made reference were good examples of these values.

This all distils down to me saying that your professional lives as lawyers will be advanced if you work as well as you can, and aspire to promoting the values I have mentioned earlier of respect, reciprocity and service, and calling on your colourful cultural heritage that stretches back through the islands of the Pacific and beyond. This may lead to many of you being Pasifika Judges of the future.

That, ladies and gentlemen seems a suitable note on which to end my contribution, which I now do, wishing you well in your individual careers and thanking you for your courteous attention. Kia ora koutou.