

# NZCPR Weekly

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NEW ZEALAND CENTRE FOR POLITICAL RESEARCH

## WHEN RADICALS AGREE

By Muriel Newman

According to a recent Stuff poll, 75 per cent of the country believes that the Treaty of Waitangi is the nation's most significant event. But they can't agree whether that "event" is good or bad.

The Treaty of Waitangi, signed by Queen Victoria's representative, Governor Hobson, and 512 Maori Chiefs had three provisions. Under the first article, Maori chiefs ceded their sovereignty to the Queen, giving away their power and authority over their tribes and sub-tribes. The second article enshrined property rights, and the third bestowed on Maori the rights, privileges and protection of British subjects.

In the years leading up to 1840, New Zealand was a violent and lawless place. In 1835 Taranaki Maori committed genocide against indigenous Moriori. Cannibalism was commonplace. Distinguished scholar and statesman Sir Apirana Ngata, in his book "The Treaty of Waitangi" written in 1922, describes it in this way:

*"This was at a time when Maori tribes were fighting fiercely among themselves. Guns and powder were the goods most desired by each tribe, when chiefly women were given away and lands were sold. Many claims were made by various Europeans for the one piece of land sold to each of them by various Maori chiefs. Where was the law in those times to decide what was right?"*

*"The Maori did not have any government when the European first came to these islands. There was no unified chiefly authority over man or land, or any one person to decide life or death, one who could be designated a King, a leader, or some other designation. No there was none, the people were still divided, Waikato, Ngati Naua, Te Arawa, Ngapuni and tribe after tribe. Within one tribe there were many divisions into sub-tribes each under their own chief. How could such an organisation, as a Government, be established under Maori custom? There was without doubt Maori chieftainship, but it was limited in its scope to its sub-tribe, and even to only a family group. The Maori did not have authority or a government which could make laws to govern the whole of the Maori Race".*

This historic lack of national leadership has persisted within Maoridom to the present day. In his book Sir Apirana Ngata addressed issues relating to some land confiscations:

*"I would like to say a word about the lands that were confiscated by past Governments. Some have said that these confiscations were wrong and that they contravened the articles of the Treaty of Waitangi. The Government placed in the hands of the Queen of England, the sovereignty and authority to make laws. Some sections of Maori violated that authority. War arose from this and blood was spilled. The law*

*came into operation and land was taken in payment. This itself is a Maori custom revenge, plunder to avenge a wrong. It was their own chiefs who ceded that right to the Queen. The confiscations cannot therefore be objected to in light of the Treaty".*

As Sir Apirana Ngata describes it, the Treaty of Waitangi was a unification treaty one to establish the co-existence of two cultures founded on respect. It was successive Labour Governments that changed the nature of the Treaty, enabling Maori radicals, anti-establishment activists, and commercially-drive opportunists to capture the Treaty process and hold the nation hostage to their agenda of self-interest.

In 1975 the Third Labour Government established the Waitangi Tribunal to investigate contemporary Maori grievances. But in 1985, the Fourth Labour Government extended the law to cover claims going back to 1840. This set the Treaty gravy train in motion, enabling Tainui, Ngai Tahu and others, who had already been granted "full and final" settlements the chance to re-litigate their grievances.

In 1986, in the State-Owned Enterprises Act, Labour introduced a clause which stated, "Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi". These Treaty principles, which were never defined by Parliament, have given rise to ever-widening interpretations conveying special privileges to Maori.

The situation was exacerbated in 1988 when, as a result of a challenge by Maori over the ownership of the land under crown forests, Labour established the Crown Forest Rental Trust. All income from Crown forests was paid into the Trust. The money was then used to fund research into Waitangi claims. Nowadays, with some \$30 million a year of taxpayers' money available to finance the preparation of claims, the Treaty gravy train is a fast moving express.

When Helen Clark's Government swept into power, \$1 billion was poured into Maoridom under the ill-fated 'closing the gaps' initiative. While generations of intermarriage have rendered the concept of racial disparity - upon which the policy was based - meaningless, the money continued to flow. Meanwhile Treaty claims for the electromagnetic spectrum, the airspace, rivers, lakes, flora and fauna have turned into an avalanche, delivering increasing power and control over taxpayer assets to Maori tribal leaders.

In 2004, Labour took another massive step towards the appeasement of Maori by passing the Foreshore and Seabed Act. This piece of legislation, drafted after consultation with Maori only (non-Maori were banned from attending the meetings) transfers full control of New Zealand's marine

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environment to any Maori group that can convince a High Court Judge that they have had continuous title and uninterrupted use of the land adjacent to the foreshore and seabed from 1840 to 2004. Once confirmed by Parliament, Maori would gain all of the power and control of exclusive ownership. That means that Maori would have the full status of a consenting authority and be able to approve or decline applications (with very limited rights of appeal) for marine reserves, marina developments, fish farms, tourism ventures, conservation work, port operations, local authority requirements, and the like.

Last week the Attorney General announced that the Crown had signed the first heads of agreement under the new Act with Ngati Porou. Dr Cullen stated that the agreement would not prevent the public's right of access to the foreshore and seabed except in rare circumstances where wahi tapu can be applied to prohibit or restrict public access. That assurance does not hold water. I well remember Maori Government members during the heated Parliamentary debates on the Bill boasting that since sand contained the remnants of ancestors lost at sea, any beach could be considered wahi tapu and the public excluded.

One should also be cynical of the statement by Ngati Porou spokesperson Apirana Mahuika who said: *"It's got nothing to do with money at all... because money cannot buy the reaffirmation of ones mana"*.

Just as Labour's Treaty settlement process has resulted in a massive transfer of taxpayers' wealth to Maori, so too will their Foreshore and Seabed Act. It signals the end of the inseparable relationship that New Zealanders have with the beach and the ocean.

The Maori Party responded to the announcement of the Ngati Porou agreement with condemnation claiming that it marked another step in the Crown's "confiscation journey". The Green Party called it a disgrace.

On Waitangi Day the Maori Party and the Greens the two most radical parties in Parliament - announced that they plan to jointly hold the balance of power after the election. The unification of parties that serve as a crucible for malcontents is a cause of serious concern.

The Maori Party is founded on the principles of

separatism. Their goal is self government a separatist Maori Government in partnership with the Crown. They are totally dependent on the Maori seats, which were established in 1867 to give those Maori who held land in collective ownership and did not meet the individual title qualification, the vote. But in 1893, when the property qualification for voting was abolished, vested interests ensured the Maori seats remained. Maori separatism is now being taught in our schools.

One should not be surprised that the Green Party supports Maori separatism. They are, after all, part of an international anti-establishment socialist movement that believes in the supremacy of the environment: "Ecological sustainability is paramount".

Owen McShane of the Centre for Resource Management and this week's NZCPR Guest Commentator, is concerned that many people are unaware of the agenda of the radical side of the Green movement. In his article he states:

*"As election year moves into full gear our MMP system means the voters will want to know how post-election coalitions might emerge and just who might end up in Government. The Green Party has managed to present itself as a group of kindly folk who want to keep New Zealand clean and green but are essentially harmless and many of them are. However, we need to be aware that, around the world, the Dark Side of the Green movement is becoming more vocal in its declaration that we must move beyond democracy if we are to save the planet from humanity's blight".* To read Owen's article see [www.nzcpr.com](http://www.nzcpr.com)

With radical agendas gaining ascendancy, it is inevitable there will be a clash of cultures between the ideals of the many and varied malcontents living comfortably within our society, and the sort of place that mainstream Kiwis want New Zealand to be. At some stage our leaders in Wellington will need to recognise and acknowledge this inconvenient reality.

**The poll this week asks:** Do you view the plan of the Maori Party and the Greens to jointly hold the balance of power as a threat to the future of New Zealand?

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