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NEW ZEALAND CENTRE FOR POLITICAL RESEARCH

THE PROMISE OF THE TREATY

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The Maori Party is calling for Maori seats to be established in Auckland local authority areas. They believe that the creation of Maori wards or a Maori seat quota would ensure that “tangata whenua play a meaningful role in governance” and that the Maori vision of “partnership” is honoured (NZ Herald). They are using the Royal Commission of Inquiry on Auckland Governance as an opportunity to advance their cause. Under its terms of reference the Commission is required to “consult and engage with Maori in a manner that specifically provides for their needs”

Submissions to the Royal Commission which can be made online - close on Tuesday 22nd of April at 4pm. For more details see <http://www.royalcommission.govt.nz/>

Labour has long promoted the Maori vision of “partnership”. During its first term in office, the Labour Government passed the Local Government Act to facilitate the involvement of Maori in local authority decision-making. It also passed the Local Electoral Act to enable local authorities to set up separate Maori wards. The fact that the Bay of Plenty was the only region in the country to establish Maori seats shows how little popular support there is for race-based representation. Those who oppose racial seats point to a fair racial representation on councils and community boards up and down the country - without any need for regulation.

During a Parliamentary debate in 2006 on Maori representation in local government, MP Pita Sharples explained the viewpoint of the Maori Party: “Te Tiriti o Waitangi is the founding document of Aotearoa. Interwoven throughout the Treaty is the significance of tino rangatiratanga the political authority to be self-determining. The presence of tino rangatiratanga affirms our ongoing ability to be self-determining, which is essential for our survival, dignity, and well-being. That is the promise articulated in the Treaty, in that parties to the Treaty are entitled to representation in the organs of kawanatanga governance”.

Most Maori and non-Maori alike reject the partnership interpretation of the Treaty as a construct of activist judges. Instead they subscribe to the promise of the Treaty expressed by the great Maori leader the Hon Sir Apirana Ngata, that the Treaty gave New Zealand a Sovereign Queen, created private property rights, and established equality under the law.

In his book *The Treaty of Waitangi*, Sir Apirana

explains the Maori version of the Treaty: “The Treaty found us in the throes of cannibalism. These were lawless times. Therefore the Queen was desirous to establish a Government with a view to avert the evil consequences to the Maori people and to the Europeans living under no laws”.

Under Article One, Maori Chiefs “do absolutely cede to the Queen of England forever the Government of their lands”.

Under Article Two, “the Queen of England confirms and guarantees to the Chiefs and Tribes and to all the people of New Zealand the full possession of their lands, their homes and all their possessions”.

Under Article Three, “Maori and Pakeha are equal before the Law, that is, they are to share the rights and privileges of British subjects”.

He concludes his comments on the Treaty of Waitangi with sage advice: “The Treaty made the one law for the Maori and Pakeha. If you think these things are wrong and bad then blame our ancestors who gave away their rights in the days when they were powerful”.

The Hon Michael Bassett, this week's NZCPR Guest Commentator, was a member of the Waitangi Tribunal for ten years from 1994 to 2004. In his article “The Waitangi Industry”, he shares his insight both as a Tribunal Member as well as a Minister in the Lange Labour Government:

“There are few futuristic ideas that have lost their sheen as quickly as the notion that settlements of Maori grievances would improve New Zealand's race relations. Our ancestors were sceptical. There were inquiries into grievances in 1921 and 1927, and Prime Minister Peter Fraser told Maori in the 1940s that he would settle the eleven sets of identifiable grievance that Maori had against the Crown. Several “full and final settlements” were made between 1943 and 1947”.

He goes on to explain: “Liberally-inclined politicians gradually convinced themselves that the complaints of those who had missed out on the 1940s settlements ought to be thoroughly investigated. Norman Kirk's Minister of Maori Affairs, Matiu Rata, was opposed; the Waitangi Tribunal erected in 1975 was to look at the Treaty of Waitangi and to ensure that its “principles” were applied to future public policy. No provision was made for delving into past history. Young, vocal Maori radicals protested. Eventually they convinced a later Labour deputy

leader, Geoffrey Palmer, and a Maori Affairs spokesperson, Koro Wetere, to promise to introduce a mechanism for examining historical grievances. These had expanded in number since the first settlements. The Lange Labour government in which I was a minister was sceptical about whether the exercise would do anything useful for Maori, but in 1985 we allowed the Waitangi Tribunal to be expanded”.

Michael outlines the results, “Rorting the Tribunal process has become the name of the game. A whole industry numbering somewhere around 1,000 people gathered around new grievances that keep being dreamt up. Quite small family groups now call themselves tribes; personal disagreements with relatives get blown into major claims. And the taxpayer keeps paying up”. To read the full article go to www.nzcp.com.

During the Parliamentary debate on the 1975 Treaty of Waitangi Bill, which established the Waitangi Tribunal to examine contemporary claims, and the 1985 Treaty of Waitangi Amendment Bill, which extended the powers of the Tribunal to investigate grievances back to 1840, many reservations were expressed. The Right Hon Sir Robert Muldoon raised concerns about the divisive nature of the 1975 Bill, “It must be emphasized that we are in fact one people and the question can be asked whether special legislation of this type makes us one people or two peoples”. And the MP for Tarawera, Ian McLean raised the alarm over the 1985 Bill, calling it “dangerous” and stating that it had “the potential to trigger disastrous tensions between Maori and Pakeha”. He went on to warn that the future of Maori people would not be aided by “looking backwards rather than forwards; they should be looking forward to their future and to the future of their children”.

These warnings proved prophetic. The Treaty of Waitangi settlement process is widely regarded as racist and divisive. It is viewed as morally wrong that today's struggling taxpayers are asked to pay - yet again - for alleged injustices that occurred hundreds of years ago.

According to the latest available figures from June

2007, the total settlement redress this time around, is \$794 million in taxpayer funded cash and assets. This is the cost of settling fewer than twenty historical claims. Many more claims are in the pipeline.

While there is no limit on the growing number of contemporary claims, the cut-off date for the lodging of historical claims (those that date from before 21 September 1992) is 1st September 2008. The target for settling these claims is 2020. If the total value of these settlements exceeds the \$1 billion 'settlement envelope', a 'Relativity Clause' in the \$170 million Tainui and Ngai Tahu agreements will be activated in order to 'top-up' these claims to maintain relativity. (Details of the progress of Treaty settlement claims can be viewed on the Waitangi Tribunal website. Full details of individual claims can be found there including for example the agreement regarding the claim for the Waikato River).

The estimated total cost of legal assistance for claimants much from Legal Aid is in the region of \$70-80 million. The cost of running the Waitangi Tribunal has grown to over \$10 million a year, and the cost of the Office of Treaty Settlements to around \$18 million a year. Some \$6 million of that is spent on the managing the portfolio of regionally landbanked properties, that are waiting to be given to claimants as part of the settlement process. There are around 800 properties in the landbank, including former hospitals, schools, halls, hostels, farms, commercial premises, dwellings and vacant land. Their stated value is around \$250 million.

The taxpayer funded Maori grievance industry has damaged New Zealand. By perpetuating the 'victim-status' of Maori, the elitists have prospered while other Maori wait for riches that will never come. The sooner the Treaty process is finished, the sooner the dispossessed can prosper and New Zealand can begin to heal its self-inflicted wounds.

The poll this week asks whether you believe that Maori wards should be established in local authority areas.

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The NZCPR received no government funding. It is supported by individual readers who value a free and open society and want to assist in changing the direction of New Zealand. Subscribers receive a range of benefits including an exclusive copy of the NZCPR's electronic book “The Treaty of Waitangi” by Hon Sir Apirana Ngata. Further information can be found on the website at www.nzcp.com/support.htm.

Thank you for your interest.