

New Zealand government is planning apartheid

By Dr Muriel Newman, NZCPR Weekly, 30 September 2019

American philosopher Robert Maynard Hutchins once said, “The death of democracy is not likely to be an assassination from ambush. It will be a slow extinction from apathy, indifference, and under-nourishment.”

He probably could not conceive of a situation where a government was itself imposing apartheid on a democracy.

Unfortunately that’s what’s happening in New Zealand right now in the form of legislation being introduced by National. It had gone under the radar of public awareness, until Winston Peters raised the issue in Parliament last week in a very public manner.

The controversy took place when New Zealand First announced that the party could no longer support two of five Treaty of Waitangi settlement bills that had been scheduled to be passed during a special sitting of Parliament last Friday. This caused a problem for the Government because they had given leave to many of their MPs, on the understanding that all parties were in support of the bills, and that no *party vote* would be called. Rather than cancel the leave and disrupt the plans of their MPs, National cancelled the sitting.

This issue goes back to 2011, when Parliament changed its Standing Orders to allow the House to extend its sitting hours without going into urgency, in order to accommodate the large number of Treaty settlement bills that were in the pipeline.

During such extended sittings, if all Parliamentary parties plan to support the Bills unanimously, then not all Members of Parliament need be present. However, if a party plans to oppose a bill, then a party vote would be called and the Government would need to have at least 75 percent of their MPs in the Parliamentary precinct, so that, by including proxies, they could vote at full strength. With National clearly unable to muster sufficient MPs last Friday, the special sitting was cancelled.

New Zealand First was accused of pulling an "appalling" stunt to disrupt the Government and cause chaos, since it turned out that some 400 tribal members had made arrangement to attend Parliament to see the bills being passed. The Treaty Negotiations Minister Chris Finlayson, was quick to unilaterally assure those who stood to lose money through this disruption to travel plans, that taxpayers would pick up the bill.

So what were New Zealand First’s concerns with the bills?

According to party leader Winston Peters, the Taranaki Iwi Claims Settlement Bill was introducing “electoral apartheid” by forcing the Regional Council to appoint unelected tribal representatives with voting rights onto their committees.

The Taranaki [bill](#) is in a standard Treaty claims settlement bill format. When Parliament passes such bills, it signals the end of a long process that often began years before with a claim to the

Waitangi Tribunal, followed by lengthy negotiations with the Government over a Deed of Settlement setting out how the claims against the Crown will finally be resolved. The settlement bills usually include a Crown apology, along with cultural and commercial redress to ensure the iwi's historical grievances are officially recognised, their relationship with the Crown is restored, and the taxpayers' compensation to advance their economic aspirations is specified.

The apology clauses in such bills are often grovelling affairs that re-write history. Here is the text of the Clause 10 apology from the Taranaki Iwi Claims Settlement Bill:

“The text of the apology offered by the Crown to the tūpuna, to ngā uri o Taranaki Iwi, to the hapū and the whānau of Taranaki Iwi, as set out in the deed of settlement, is as follows:

(a) The Crown unreservedly apologises for its failure to honour its obligations to Taranaki Iwi under the Treaty of Waitangi, and for failing to give appropriate respect to the mana and rangatiratanga of Taranaki Iwi.

(b) The Crown deeply regrets its actions that led to the outbreak of war in Taranaki, and the lasting impact those wars have had on its relationship with Taranaki Iwi. The Crown unreservedly apologises for the many injustices carried out against Taranaki Iwi during those wars, including the shelling of settlements and the use of scorched earth tactics, and for the severe distress, hardship and death that those actions caused.

(c) The Crown is deeply sorry for the immense prejudice it caused by confiscating the land that had supported Taranaki Iwi for centuries. The raupatu was indiscriminate, unjust, and unconscionable. The Crown deeply regrets the serious damage that the raupatu and its subsequent actions with respect to your remaining lands has caused to the social structure, economy, welfare, and development of Taranaki Iwi. The Crown deeply regrets the actions it took to suspend the ordinary course of law and imprison Taranaki Iwi people without trial for participating in campaigns of non-violent resistance. The Crown sincerely apologises to those tūpuna who it imprisoned far from their homes for political reasons, to the whānau who grieved and struggled to survive in the absence of their loved ones, to their uri, and to Taranaki Iwi.

(d) The Crown unreservedly apologises to Taranaki Iwi, and to the Taranaki Iwi people of Parihaka past and present, for its unconscionable actions at Parihaka; for invading their settlement, for systematically dismantling their community, for destroying their ability to sustain themselves, and for assaulting their human rights. The Crown deeply regrets the immense and enduring harm that these actions caused to Parihaka and its people. Over several generations, the Crown's breaches of the Treaty of Waitangi have undermined your leadership and your communities, your ability to exercise long-held rights and responsibilities, and your ability to maintain your cultural and spiritual heritage, your language, and your Taranakitanga.

(e) Through this settlement and this apology, the Crown hopes to ease the heavy burden of grievance and sorrow that Taranaki Iwi has carried for so many years, and to assist Taranaki Iwi in its pursuit of a better future. To this end, the Crown looks forward to building a

relationship with Taranaki Iwi based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.”

In his [article](#), *Let's all 'apologise' to one another for the alleged wrongs of our forebears*, Professor Barend Vlaardingerbroek of the American University of Beirut takes issue with such practices, claiming that *apologising* for the *wrongs* of the past has become “a mandatory PC dictum, especially where the alleged wrong-doer is White and the self-proclaimed victim is Black or Brown. The expectation is that the former will prostrate himself before the latter in a fit of remorse and beg forgiveness, preferably alongside liberal offers of *compensation*.”

He makes the point that ethical and moral standards change, and that the ‘law of conquest’, that is as old as humankind, was not considered ‘wrong’ until historically very recently. That means that the view of governments in countries like New Zealand, that their ‘indigenous’ people must by definition have been morally wronged, “is based on a simplistic ideology riddled with double moral standards and propped up by a warped version of history”.

How right he is.

It was clauses 97 to 101 of the Taranaki bill that New Zealand First objected to.

In their press release, Mr Peters said, “New Zealanders should be very concerned about the Taranaki Iwi Claims Settlement Bill - it hands power to iwi by giving them six decision-making roles on a local authority without being elected. This law will force the Taranaki Regional Council to appoint six iwi members, three on the Policy and Planning committee, and three on the Regulatory Functions Committee. They will not be elected, but nominated by iwi, need not be subject to an iwi vote, and they will be paid for by the ratepayers. This is electoral apartheid.”

The Government is using the settlement bill to undermine the democratic rights of the people of the Taranaki Region. They are riding roughshod over local democracy by forcing the Regional Council to appoint six iwi representatives onto two of their key planning committees.

This will sway the balance of power, by giving this rich vested interest group an unlimited right to influence decision-making in their region - and since the appointments are through law, the council members cannot be held accountable by locals, nor voted out.

What’s worse is that this is a community that has been hammered by repeated attempts to have race-based representation imposed on it and has stated loud and clear via a referendum that it does not want local government based on race.

As this week’s NZCPR Guest Commentator, journalist and author Mike Butler, explains:

“In April 2015, New Plymouth residents voted 83 percent against a proposal for separate Maori seats on the New Plymouth District Council.

“New Plymouth mayor Andrew Judd lodged a complaint with the United Nations Permanent Forum on Indigenous Issues against the New Zealand government for permitting such a

poll. He also urged Maori Party co-leader Te Ururoa Flavell to present a petition to Parliament to set up Maori wards on every district council in New Zealand without requiring a public vote...”

Up and down the county communities are fighting against local government power being bestowed on vested-interest tribal groups as political favours, rather than being won at the ballot box. Now the people of Taranaki are having their local democracy undermined by the might of central government.

In response to Winston Peters’ objections, Government Ministers accused the party of playing politics since they had not raised their concerns earlier.

In fact, Parliamentary records show that New Zealand First voted in *favour* of the Taranaki claims bill and the ‘electoral apartheid’ clauses during its first reading debate, with New Zealand First’s MP Pita Paraone saying, “And then of course there is the local government participation redress, which allows for direct iwi representation on the Taranaki Regional Council’s two principal standing committees. I just want to make the comment at this time that, given that towards the end of the year, there will be the local body elections, I hope that the iwi will actually stand candidates to sit on the full council, and then they can determine the membership of other committees as well.”

If New Zealand First had voted against the Bill at that stage, it would have raised the alarm, and people could have put in opposing submissions. But by supporting the bill, the provisions slipped through.

Although NZ First has raised concerns about two of the five settlement bills that were scheduled to be passed last Friday, it turns out that two more also contain clauses to appoint Maori representatives onto Taranaki Regional Council committees with voting rights. If New Zealand First intends opposing the Taranaki bill because of its ‘apartheid’ clauses, then to be consistent, it should also oppose the [Ngaruahine](#) and the [Te Atiawa](#) Claims Settlement Bills as well, where the ‘apartheid’ clauses are 84 to 88 and 75 to 79 respectively.

In the first reading of the Ngaruahine bill, Pita Paraone said, “The bill provides that Ngaruahine may nominate members to the Taranaki Regional Council’s standing committee. On that particular issue I must say that I know that there are people out there who oppose this view. I have no problem with them having a different view.”

And in his first reading speech on the Te Atiawa bill, Mr Paraone did not raise the issue at all, even though other Members spoke in favour of Regional Council appointments during the debate.

All in all, while New Zealand First could have done more by raising their concerns over these bills earlier, they have nevertheless made a great contribution by highlighting for the nation how the government is trampling over local democracy through settlement legislation.

By giving power to vested interest tribal groups that have aspirations of supremacy - and ignoring the rights of communities to decide whether local democracy should be defined by race through a referendum process - the Government is doing the country a grave disservice.