A slow-moving coup in New Zealand towards apartheid

By Muriel Newman, nzcpr.com, 26 June 2021

A slow-moving coup is underway in New Zealand. Unlike most coups, the transfer of power through non-democratic means that's taking place is being orchestrated by the Prime Minister.

Under the guise of implementing the United Nations Declaration of Indigenous Peoples, Jacinda Ardern is planning to replace democracy with Maori tribal rule by 2040.

This objective is clearly set out in *He Puapua*, the report that the PM commissioned in 2019 and then deliberately kept hidden from her then coalition partner New Zealand First.

The former Deputy Prime Minister Winston Peters confirmed this in a speech he gave last Sunday: "This Government is enabling a wave of rights-based activism in-and-outside of government. Everything in 2021 is now rights-based, or indigenous rights demanding co-governance. In 2019 a report called '*He Puapua*' came to Government but was never shown to one NZ First Cabinet Minister. This report was deliberately suppressed. In short, this report is a recipe for Maori separatism, they knew it and that's why they suppressed it till after the election in the full knowledge that NZ First is for one flag, one country, one law. It was a gesture of ingratitude and bad faith."

It's not just NZ First that would have opposed the plan. Had the Labour Party revealed its intentions *before* the election, it may not have gained an absolute majority, and NZ First may have retained its place in Parliament.

The reality is that a majority of New Zealanders do not want to be divided by race. Their opposition to separatism is evident in the polls over the years that have rejected Maori seats on councils.

Widespread opposition to separatism is why *He Puapua* is being rolled out in secret.

Labour's 'official' justification for the introduction of tribal rule is that a 'partnership' exists between 'Maori' and the Crown. While democratic power in a representative democracy like New Zealand is proportional - based on one person one vote – separatists claim the existence of a Treaty 'partnership' entitles the 15 percent of New Zealanders who declare 'Maori' heritage, to 50 percent of the right to govern.

Canterbury University law lecturer David Round has outlined the danger: "The Treaty is now regularly interpreted to mean a partnership of equals. Maori are not to be subject to the Crown, but are to be its partner. This partnership is a fundamental subversion of democracy. Special reserved Maori seats on local bodies, and even in parliament itself, are just the start. Maori are claiming their involvement in decision making should *not* be on the basis of one person one vote, but instead on 50:50 representation. Some are already clamouring for a separate Maori house of parliament whose consent would be required for any laws. They seem to be united in expecting representation well in excess of what their proportion of the population would entitle them to. That is what they are demanding in proposals for 'co-

governance' ~ equal numbers to all other interests combined. That is what they will be seeking everywhere; and once they have this 50:50 representation, then they will form an unassailable voting bloc. Then we will be forever at their mercy."

As David says, the claim of a Treaty partnership is a fundamental subversion of democracy, since it is constitutionally *impossible* for the Crown to enter into a partnership with her subjects. By definition, the Crown is supreme, and the people are subject to her laws.

Furthermore, if 15 percent of the population are given the right to wield 50 percent of government power - including the right of veto, they would gain a disproportionately greater representation than all other New Zealanders. Since this would result in a significant dilution of the democratic representation of the 85 percent majority, the *partnership* concept is fundamentally discriminatory and in breach of New Zealand's Bill of Rights.

To ensure the public don't find out that the Treaty *partnership* concept is a fraud, Jacinda Ardern is now using taxpayer funding to 'buy' media cooperation. The recently announced $55 million Public Interest Journalism Fund *requires* participants to not only accept the *partnership* lie, but to 'actively' *promote* it.

To qualify for the Fund three objectives must be met by recipients, the third of which requires them to: "Actively *promote* the principles of *Partnership*, Participation and Active Protection under Te Tiriti o Waitangi *acknowledging* Maori as a Te Tiriti *partner*."

Using public money to require New Zealand's so-called independent Fourth Estate to support a radical political agenda to replace New Zealand democracy with tribal rule - is a scandal.

Attempts to undermine the authority of the Crown can be described as *sedition* – is this what the media are now being paid to engage in?

To achieve Maori sovereignty by 2040, *He Puapua* not only requires the recognition of Treaty partnerships, but two other major constitutional changes are needed: the first is to introduce '*tikanga*', or Maori customary practice, into our law, and the second is to include the Treaty of Waitangi in a new written constitution.

The *tikanga* question is especially relevant since a High Court Judge has just ruled that *tikanga* trumps the Common Law in a claim lodged under the Marine and Coastal Area Act. The Edwards judgment is expected to not only set a precedent for the 200 other claims lodged in the High Court, and 350 claims lodged with the Crown for direct negotiation, but it has far wider implication for New Zealand law.

By prioritising *tikanga* values over the common law test of 'exclusive' use and occupation set out in the Act, Justice Churchman has opened the door for tribal control of virtually the entire coastline.

This is not what Parliament intended when the Marine and Coastal Area Act was introduced 2011. At that time New Zealanders were assured that if customary title existed at all, it would

only be in remote areas of the coast.

That's why the Churchman decision has now been referred to the Court of Appeal - in the hope that the stringent common law tests set out in the Act will, as intended, become requirements that must be satisfied if customary title is to be awarded. If you would like to support our Court of Appeal fundraiser, please click HERE.

This week's NZCPR Guest Commentator, Dr John Robinson, a research scientist and historian, who has written extensively about the danger of incorporating *tikanga* into our legal system, has examined the judgement of Peter Churchman in the Edwards case, and is deeply concerned:

"This is just one of many recent examples of the increasing division of New Zealand society, governance, law, and much more based on '*tikanga*' and '*matauranga* Maori' (Maori culture, 'Maori concepts, knowledge, values and perspectives'), where features of pre-contact Maori society have been written into law.

"What is this '*tikanga*'? The meaning today is deliberately confused, with no clarity as to whether traditional Maori ways are implied (which would include inter-tribal warfare, cannibalism, slavery and other primitive customs) or whether it is a modern version, transformed around 1840 by the widespread shift to Christianity and further cultural development since. Further confusion comes from the recent rewriting of history and the invention of new meanings to words. The resulting confusion allows Maori authorities to claim that they alone can interpret and explain New Zealand common law; we are required to sit silently on the side-line and accept whatever they pronounce: the meaning of the law belongs to this minority alone."

Dr Robinson points out the danger of introducing into our legal system a concept that can mean whatever those promoting it want it to mean, and he outlines five core values identified in the Churchman judgment as underpinning *tikanga*: *whanaungatanga* - the obligations of kinship; *kaitiakitanga* - the obligation to care for one's own; *mana* – the obligations of leadership; *tapu* - social control; and *utu* - reciprocity.

He then warns of the danger of incorporating *tikanga* into our law: "The coupled *whanaungatanga* and *kaitiakitanga* permit, indeed instruct, priority to members of an extended family. This, the granting of favours to friends, is corruption, henceforth to be sanctioned in central government, local government and in the civil service. The insistence that *tikanga* is a guide to behaviour in the public sphere is an open invitation to nepotism, practically a directive.

"Remember, this is law for the governing of society. The centrality of family, *whanau*, both present and previous, opens the way to inherited position and rights determined by ancestry. We cannot be equal when those in power base their judgements in part on extended family links. Yet this is intended to be a core feature of New Zealand law."

This raises questions about our expectations of elected representatives - should Members of

Parliament and local body councillors, for example, recuse themselves when dealing with laws that would enrich their extended family. Such conflict-of-interest concerns are a key reason local communities oppose the appointment of tribal representatives onto council committees with full voting rights. Not only do they totally undermine the democratic representation of local councils, but unless these nominees recuse themselves from decisions relating to their tribal interests, they will be able to influence the vote in their own favour.

Preventing the "corruption" Dr Robinson warns about is a critical issue that needs to be addressed when considering the control of New Zealand's fresh water supplies, given that iwi groups are already claiming 'partnership' rights to co-govern decision-making in Labour's planned reforms.

In his judgment, Justice Churchman makes the distinction between the traditional approach to the law, which sets the rules of law on the one hand, and the underlying values on the other - and *tikanga*: "In *tikanga* Maori, the real challenge is to understand the *values* because it is these values which provide the primary guide to behaviour and not necessarily any 'rules' which may be derived from them."

But as Dr Robinson warns, "The *values* of traditional Maori society led to widespread killing and a complete collapse before the British were called upon to provide law. The *values* of the *tikanga* of today are totally unclear and conflict with those of civilised society. Only a fool would accept these prescriptions."

If the *He Puapua* goal of embedding *tikanga* into the legal system is achieved, the implications - as the Churchman judgement shows - are so destabilising that it is difficult to see how the Common Law can survive.

Finally, when it comes to the question of whether New Zealand needs a new constitution, the Churchman decision highlights the danger.

Under our present 'unwritten' constitution Parliament is supreme - if the government get things wrong, they can be held accountable and voted out. But if New Zealand were to introduce a new 'written' constitution – as proposed in *He Puapua* – the judiciary, not Parliament, would be supreme. And if Judges got things wrong, there would be nothing anyone could do.

In 2013, a $4 million attempt by the Maori Party to introduce a Treaty of Waitangi constitution - which would have delivered a perpetual supply of wealth and power to the tribal elite - failed. The NZCPR led the opposition through our Independent Constitutional Review Panel - you can read our final report *A House Divided* HERE.

I will leave the last word to David Round, who was the Chairman: "The road to hell is paved with good intentions. The Treaty industry is now the self-perpetuating vehicle by which a small greedy and power-hungry clique practises a gigantic con-job on the people of New Zealand. It is time ~ it is long past time ~ that we shake ourselves free from the baleful spell the Treaty industry has cast upon our nation, and calmly and clearly assess the good and ill it

has actually done. Our country stands now at a crossroads. To introduce the Treaty into our constitution, with all its inevitable consequences, would be to commit ourselves irrevocably to the path of racial discrimination and hatred, social disruption, poverty and civil strife."