

# Becoming Citizens, Not Subjects

## Introduction

Republicanism is essentially about making the journey from being a subject to becoming a citizen. There is a world of difference between choosing a New Zealander as our head of state – a person who shares our values – and having our head of state being a British citizen. Getting to a republic is a long journey though, so this paper presents the arguments for the change and why we should start the journey now. The paper also contains a recipe for a republic, describing the key ingredients and what methods we should use to create the republic. Like any recipe, we urge people to experiment with it; changing the ingredients and the method so that it suits their needs and aspirations.

The Republican Movement of Aotearoa New Zealand is a network of New Zealanders that facilitates debate on, and advocates for, a New Zealand republic according to a clear set of values<sup>1</sup>. We hope this paper leads to greater understanding and debate about republicanism.

## Why create a republic?

We believe that a New Zealander should be our head of state. That person should be elected democratically, either directly or indirectly, and be accountable to all New Zealanders. These ideas are the heart of republicanism – where power comes from the people.

New Zealanders are increasingly supporting a republic, with support doubling in the last nine years, as people realise that our system must change. The reasons for change include:

- bringing our head of state home, to our place;
- signalling our independence and maturity to the world;
- emphasising that power should come from the people;
- clarifying the role and powers of our head of state; and
- erasing the archaic succession rules of the monarchy.

Those reasons all appeal to our culture and to our values, rather than economic prosperity, but symbolism matters intensely in our national life. Just as we choose native symbols like the pohutukawa or the kiwi to represent our national identity, so

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<sup>1</sup> The Republican Movement wants a republic to replace the monarchy in New Zealand, with a democratically-elected New Zealander as our head of state. A republic will truly represent our unique culture and our place in the world as an independent nation. The Republican Movement is committed to:

- maintaining Treaty of Waitangi rights and obligations
- involving all New Zealanders in the debate
- providing relevant and reliable information
- focusing on ideas, not personalities
- winning a referendum to establish the republic

should we choose our head of state, a key symbol of our nation, from amongst us. No New Zealander can aspire to be our head of state at present, no matter how much ability they have, no matter how much effort they put in. Instead, a **British** aristocrat has that role, representing the class system that New Zealanders shun.

We need to ask how our head of state will be appointed, what they will do, and how they will be held accountable to us. Our monarch is chosen according to gender, religion and birth. The monarch's roles and powers are technically massive, but constrained by informal conventions. There is no accountability to the public. These issues will need to be addressed under a republic.

However, our change to a republic does not require us to put aside our traditions or rewrite history. We will still be a member of the Commonwealth, retain our flag and honour the Treaty of Waitangi. The republic will simply confirm our coming of age as a nation.

The change to a republic is simple, in law and in practice, but it is a step that we need to take after discussing and understanding each other's views. New Zealanders, however, first need to decide that they want to push for a republic, a decision that more of them are taking every day.

## **Why push it now?**

New Zealanders' stance towards a republic is changing – we are completing the long journey from being a colony to becoming an independent nation. Our responses to opinion polls and the conversations we have with each other both support New Zealand becoming first amongst equals as a country, rather than maintaining colonial vestiges.

A great deal of power shifted from New Zealand to the United Kingdom from 1789 onwards. The largest shift came in 1840 with the signing of the Treaty of Waitangi in February and the assertion of sovereignty over New Zealand in May. By late in the 19<sup>th</sup> century, the settler government had asserted control over New Zealand (in ways that are still strongly disputed by Maori), but was still subject to Westminster approval of our laws. Maori had lost almost all control over their affairs, while the settlers still bowed to Britain.

Control has swung back to New Zealand in many ways this century. The establishment of a Dominion in 1907 gave the New Zealand Government more control over its own affairs and our experiences in Gallipoli forced us to look harder at our control over our defence forces.

The adoption of the Statute of Westminster in 1947 gave us control over our own lawmaking, defence, and foreign affairs. The following year we gained New Zealand passports, rather than British passports.

Our path towards independence slowed in the 1950s and 1960s, but the United Kingdom's entry into the EEC in 1973 marked the decline of our traditional privileged access to British markets and forced us to diversify our trading and political relationships. In the same year, we renamed the monarch as the "Queen of New Zealand" under the Royal Titles Act. A few years later, in 1977, we made God Defend New Zealand one of our official national anthems, alongside God Save the Queen.

One of the most significant events in the 1970s, though, was the establishment of the Waitangi Tribunal in 1975. This became a place to air grievances that had not been dealt with for many years and when it was given authority to deal with retrospective claims in 1985, it increased significantly in importance. Working through the issues surrounding the Treaty of Waitangi has become an important part of our development as a nation, taking responsibility for what has gone on in the past.

In the mid to late-1980s, Parliament tidied up our constitutional status. The Constitution Act 1986 specified the roles of the monarch and Governor-General, Cabinet, Parliament and the judiciary. The Imperial Laws Application Act then clarified which British laws were to apply to New Zealand and formally closed off the ability of the British Parliament to legislate for New Zealand.

The 1990s were the first time in many years that the republican debate itself heated up. The Australians debated the issue throughout the 1990s, while we dealt with it in the latter half of the decade. Jim Bolger kicked off the first debate in 1994, which led to changes to our honours system and discussion about the Privy Council's future. The Republican Movement was formed during the first round of discussion and its launch was at the start of the second round of discussions, which has been encouraged by the Australian republic referendum but sustained by growing support for republicanism.

Support for a republic has risen from 16% in 1989 to 32% in 1998, as measured in the New Zealand Study of Values<sup>2</sup>. More importantly, opposition has fallen from 61% to 39%, with 30% sitting on the fence or having no opinion. The big change over the nine-year period was a major drop in those who are moderately against republicanism and a doubling of support for republicanism. The proportion of the population that has strong support for the monarchy is fairly stable but others are swinging towards republicanism.

Alongside those historical trends, there are other milestones along the republican journey, such as our changing attitudes to honours, with knighthoods and damehoods likely to be abolished in the near future. A UMR-Insight poll, published in the *National Business Review* on 24 March 2000, showed that the proposal to remove knighthoods and damehoods was supported by 54% of the population, up from 42% in 1996.

New Zealanders are now interested in local approaches to recognising high achievers, and we are more willing to celebrate our national identity. We are taking small, but symbolic, republican steps – like taking down royal photographs – but we are getting ready to take bigger steps and move towards a republic itself.

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<sup>2</sup> Perry, Paul and Webster, Alan. *New Zealand Politics at the turn of the Millennium: Attitudes and Values about Politics and Government*. Alpha Publications: Auckland. 1999.

## Our Recipe for a Republic

We have nearly finished a long journey in our development as an independent nation. Creating the 'inevitable' republic would require a plan – or a recipe – to focus New Zealanders' views and activities on republicanism. The Republican Movement has developed such a recipe for a republic, a how-to guide that provides ideas about how we can achieve it.

### Ingredients

The first ingredient is *informed public debate*, to help people make decisions that will last. A key problem in the Australian debate was that many people did not know how their current system worked, so that scare tactics by the monarchists were very effective. We should aim to get our debate onto an informed level so that people debate the real issues, not minor distractions. For instance, the change to a republic will be termed 'revolutionary' by staunch opponents and vivid images of anarchy will be put up, but as prominent scholars like Professor Jock Brookfield have put it, it will be 'a quiet revolution'.

Of course, the key ingredient for a republic is *public support*. Public support is building now, and should break the 40% barrier in the next year and be above 50% within three years. Public support for the idea of a republic needs to be strong in order to achieve success with any particular model for a republic.

The *Treaty of Waitangi* is a key ingredient, as reflected in our baseline commitment that Treaty of Waitangi rights and obligations be maintained. It is also a very complex issue and deserves the attention it will receive at the Building the Constitution conference. Rather than taking a detailed position right now, we want to develop an informed view first. We do believe that consultation with Maori will be an important part of moving towards a republic. That consultation is likely to show strong support for a republic; polling has shown stronger support for a republic amongst Maori than amongst Pakeha, casting some doubt on the view that most Maori see the relationship with the Crown as a crucial one. Finally, the Republican Movement sees republicanism as an opportunity to deal face to face with each other on Treaty issues, stripping away the 'Crown' and recognising that no one but us will solve our differences.

We need to decide *how to choose our head of state*. The Republican Movement doesn't favour any particular method, other than that the head of state must be democratically-elected, either directly or indirectly, by the people of New Zealand. A directly-elected head of state will appeal to many people, but it may lead to a party-political appointment and could change the balance of power between Parliament and the head of state, requiring other changes to our political structures. On the other hand, an indirectly-elected or appointed head of state would involve similar changes to the status quo, but may not receive the same public support.

We need to decide on the *powers of our head of state*. The minimalist option put forward in Australia could easily be done here too, providing for a head of state with similar powers to the current Governor-General. Other options include transferring executive powers to the head of state, or codifying the current constitutional conventions.

We need to decide the *rules of our republic*. The major issues are whether we should have a written constitution, what should be included in any constitution, and the role of the courts (if any) in adjudicating disputes about any constitution. We could, of course, maintain our current approach of having an unwritten constitution, as it is primarily our whole political culture that keeps our political system functioning smoothly, rather than words on a page. Abolition of the Privy Council is also often tied to republicanism in debate, but Singapore maintained the Privy Council long after the establishment of its republic, and we could do the same if it seemed useful.

## **Method**

Our method is important because, if it is done right, it can create support, understanding, informed decision making and a result that will last. We should take some time to get that method right and we should learn from other constitutional change processes in New Zealand and overseas.

We should start by building awareness about republicanism and why a republic would be a useful and satisfying thing to create. The kinds of activities in that stage would include:

- civics education programmes to develop New Zealanders' understanding of, participation in, and ability to change our political system;
- conferences like the Building the Constitution conference;
- presenting new perspectives and ideas to people through books, newspaper articles and speeches; and
- involving people in the development of viable options for change.

Once people have warmed to the idea we should move on to considering the options in some depth and preparing for the vote. Useful processes could include:

- holding a constitutional convention and bring together representatives of New Zealanders, with experts on hand as required;
- facilitating a structured debate among people with expertise in the area;
- organising discussion and consultation meetings around the country;
- building in feedback loops to whatever is done, so that people have a chance to respond to and build upon any proposals; and
- reviewing all the options carefully so that the strengths and weaknesses of each are clearly outlined.

Finally, we need to get informed and consensual public approval for any change. The obvious way to do that is by gaining approval at a national referendum, as a parliamentary vote is unlikely to be accepted by the public. A two-step process similar to that used for the change to MMP would be useful, whereby:

- a first referendum would require people to state whether they wanted a republic and which model they preferred from a few options;
- assuming that a majority of people voted for a republic, then a second referendum would seek people's approval of the model with the highest support in the first referendum; and

- a comprehensive public education campaign should run alongside the referendums to ensure that people make informed choices.

## **Results**

The method is flexible and allows us to mix and match the ingredients as required. The crucial parts of the process are that New Zealanders get to participate in the debate and direct it, rather than having experts take the lead. At the end of the recipe, we will have a republic that meets our needs and that has been well-tested. We will have stood up on our own two feet as a country, thanking the royal family for their company on our journey of development.

## **Next Steps after the Conference**

The recommendations that we request be considered at the final session of conference focus upon broadening the debate. The Republican Movement knows that the debate on a republic is at an early stage and our main aim is not to sign people up for a particular model, but to introduce them to the issues.

Our first recommendation for this conference is support for a civics education programme that develops New Zealanders' understanding of, participation in, and ability to change our political system. Without that, people simply will not have the ability to participate fully in these discussions, or our democracy as a whole, and charges of elitism already put to this conference will stand. This conference was always intended to help to kick off debate, not to close it, but a strong focus on further public involvement is needed in order to achieve that.

Our second recommendation is that those who analyse and make policy seriously consider republicanism as an option. As public support grows, political parties and the Government should be ready with informed views to facilitate that debate. Academics, lawyers, officials and others with relevant expertise also have an important role in facilitating the debate and we encourage their involvement.

Our third recommendation is that groups such as this and any future constitutional commission maintain and develop a broad range of perspectives on the issues, and aim to facilitate, rather than lead the debate. New Zealanders don't want to be pushed into constitutional change – they will accept it when they are comfortable with it.