

REPUBLIC

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New Zealanders Get Behind Head of State Bill

A broad range of supporters of Keith Locke's Head of State Referenda Bill. *The Sunday Star-Times* announced businessman Sir Bob Jones, author and presenter Peta Mathias, novelist CK Stead and sportsman Rob Hamill all support the Bill.

"The Republican Movement urges all of New Zealand's political parties to support the Bill to Select Committee. While the referendum itself might not go ahead before the next election, at least New Zealanders will have a chance to express their views at Select Committee" said Republican Movement chair Lewis Holden.

The Bill is expected to be put to its first reading either late in March or early April.

PM Opposes Referendum

John Key has stated the Government will oppose Keith Locke's Head of State Referenda Bill. That doesn't mean there is not support within National for a republic. It's just that there isn't enough yet. This isn't the end of Keith Locke's Bill either.

Mr Locke told NZPA he understood Mr Key's view was that New Zealand would one day be a republic but that it would not be for a while. "It is disappointing that if by that statement he means that he's opposed to it passing the first reading," he said.

"I'd really welcome him supporting the bill going through the first reading, have a proper discussion at the select committee and then, if he wishes to oppose it at the third reading, well fair enough, that's his decision."

Mr Locke was confident National would allow its MPs to cast a conscience vote and, on that basis, he believed it would progress to select committee stage.

"I don't accept his (Mr Key's) position `we're' opposed because there are some National members who support the bill and, at the end of the day, I'm sure they will vote the way they think," he said.

Spoken

"It doesn't seem to give us a proper national identity. I just think pride really requires separateness and equality and you don't really have that while you retain elements of our previous colonial state."

- Novelist CK Stead

Events

Public debates on a republic will be held on:

March 11, 6pm at University of Canterbury, Christchurch -

March 15, 6pm at Victoria, University of Wellington

March 24, 6pm at University of Auckland

Check www.republic.org.nz/events for more details.

Poll

Last month's poll:

Was the \$200,000 on Prince William's tour money well spent?

Yes: 31% No: 67% don't know: 3%

This month's poll:

What should we put on our new t-shirts?

Results will be published in the next edition of Republic.

Public Debates in March

A series of public debates on a republic will be held in New Zealand's main centres throughout March. The debates, hosted by university debating societies, will feature New Zealand's top university debaters along with Republican Movement members and MPs. Two sides will argue for and against a republic.

Further details will be announced in the next few days, and all Republican Movement members will receive details in their inbox.

2011: the Irish elect a president, John Key appoints a Gov-General

In 2011, for the seventh time since 1948, the citizens of Ireland will go to the polls to elect a new president. They will have a choice between a wide range of candidates drawn from across Ireland's diverse society, and will vote using a preferential system.

Meanwhile in New Zealand our new de facto head of state (the Governor-General) will be tapped on the shoulder by the Prime Minister, following a brief cabinet discussion (undocumented, of course) and perhaps a note to the leader of the opposition.

The contrast could not be starker. The Irish are already debating about who could be their next president - *Irish Central* has a discussion on a potential gay candidate for the Irish presidency. The biggest problem candidate's face is that the nomination process is handled by Ireland's political parties.

New Green MP critical of oaths

Newly sworn-in Green MP Gareth Hughes takes on our feudal Parliamentary oaths, which require our elected representatives to swear allegiance the Queen, not the citizens of New Zealand:

"It seems so weird to be pledging loyalty to an old lady (albeit a nice, grandmotherly one) and her quirky kids, who live on the other side of the world. I've never met her, never seen her definitely didn't vote for her, yet because of a quirk of history she is our head of state and I have to pledge allegiance to her if I want to take my seat in the House of Representatives. I appreciate some people think highly of the monarchy and New Zealand's tradition and various roles as colony, dominion, and commonwealth member but feel it really is time to move on and be an independent country in both constitution and practice."

Gareth isn't the only MP who thinks the oath should be changed - most Labour and Green MPs we've spoken to are critical of the oath.

Majority back flag change

The New Zealand Herald reports that a 52.3% of New Zealanders support changing our flag, against 44.4% opposed (leaving 3.3% undecided or not answering). The survey, taken between 29 January and 10 February (before and after the Herald started pushing the issue) has a 4% margin of error (that's fairly high), and surveyed 600 voting-age New Zealanders.

Interestingly, 61% of those aged 18 - 24 supported the keeping the Union Flag on our flag, close to the 63 for those aged 70+. That is perhaps more of a reflection of the small sample size of the poll. 57% favoured keeping the Union Flag, while 53% favoured a silver-fern in the design, 18% a Kiwi, 14% a Koru, 13% the Southern Cross and 1% a Tiki.

Auckland is the region most strongly opposed to change (interesting as that is the New Zealand Herald's main circulation area), while most other regions in New Zealand favoured change.

The Listener's embarrassing colonial cringe

The Listener's Pamela Stirling continues her bizarre attempts at defending the monarchy. Earlier in February, an editorial defending the institution was nothing short of embarrassing colonial cringe. The Listener is taking aim at the "doctrinaire" republican movement, New Zealand's democracy, leaders and local government.

Of course, it demands a letter to the editor:

Dear Madam,

Your editorial (Listener, 30 Jan - 5 February) asserts that republicans deny the 'human bond' of the monarchy. We most certainly do not -even "doctrinaire" republicans accept some New Zealanders feel bound to the monarchy, like a child with a tatty and useless safety blanket.

That is exactly why we oppose the institution - the very colonial cringe put forth in your editorial towards New Zealand's democracy and leaders goes to show nothing less than the lack of confidence in ourselves republicans seek to overcome. There are numerous good examples of republics within the Commonwealth that succeed in electing heads of state of the same, if not better, calibre than our Governors-General. To suggest that New Zealanders are too infantile to choose one of our own in this role is offensive.

William might be a nice bloke, but it's ridiculous to claim that there is some kind of human bond to a Royal family that only ever "visits" us, and that failed to attend the state funeral of one of our greatest citizens. The truth is that William is a celebrity, and like all celebrities his youth and charm are exploited to justify the existence of the institution he represents.

Regards

Opinion: a charter of rights and a republic

Craig Young discusses a charter of rights and a republic

I regard myself as a non-minimalist republican. That is, I believe that republicanism and the advent of an elected president as head of state should be reflected by other constitutional reforms, particularly a written constitution.

I've held this belief for the last decade or so, and there are several reasons for it. One was the electoral reform debate of the eighties and nineties, and Sir Geoffrey Palmer's *Unbridled Power* (1990), which made the case for electoral reform (MMP) and a written constitution. Another was development of Canadian LGBT progress through the avenue of the Charter of Rights and Freedom and judicial activism in that fellow Commonwealth country.

I suppose that my particular formative experience was the Muldoon era of the 'long seventies' (1975-1984) and its nadir of authoritarian disregard for human rights and civil liberties precisely because of the absence of a judicial counterweight to the abuse of executive and legislative power at the hands of a despotic and manipulative authoritarian populist and his cronies. Therefore, it interested me when I encountered a UK Lawrence and Wishart volume entitled *Citizenship* (1988), in which Simon Watney discussed constitutional reform in the context of activism against Thatcher's analogous period of rapacious populism and untrammelled executive rule in the United Kingdom. Watney referred to the rise of the Charter 88 movement, which urged UK adoption of a Bill of Rights, electoral reform and an elected presidency to promote active citizenship in the United Kingdom.

Some might question why we need a written constitution to protect human rights and civil liberties. After all, New Zealand is signatory to numerous international treaties that guarantee human rights and civil liberties. Unfortunately, these are statutory, and there is nothing to prevent their abrogation by a particularly manipulative and aggressive future populist despot. This is particularly dangerous under binding citizen's referenda, a nostrum favoured by some social conservatives, fundamentalist Christians and more sinister groups on the far right of the political spectrum.

Canada is the preferred model here. Its Charter of Rights and Freedoms is a comprehensive constitutional document that encourages elements of civil society to organise their arguments and present evidence-based cases for particular instances of legislative reform. Indeed, organised interests can therefore participate as respondents and avail themselves of an additional democratic forum to that of legislatures, and challenge legislation that demonstrates

insufficient regard for human rights and civil liberties. New Zealand should therefore proceed down that path and adopt a similar Charter of Rights and Freedoms for ourselves. A written constitution advances deliberative, substantive democracy.

I believe it should incorporate the Treaty of Waitangi as one of its cornerstone documents, to provide Maori with constitutional remedies when it comes to abrogation of their ancestral rights. Indeed, I suspect that this is probably inevitable should the Maori Party decide that this is a desirable objective. Co-leader Dr Pita Sharples has supported the idea. It will be interesting to see further Maori thought on this avenue.

What relevance does this have to the republicanism debate? Non-minimalist republicans view the advent of an elected president as preferable to an unelected monarch or their local deputised and appointed surrogates as their head of state. Clearly, though, there is a range of republican constitutional reform options. One version is a minimalist model, in which the head of state only changes and there is no further substantive democratic reform such as the adoption of a written constitution.

Constitutional monarchists are similarly divided. Some constitutional monarchists are opposed to any constitutional innovation whatsoever. However, liberal monarchists don't agree with their constitutional conservative counterparts. They emphasise the *constitutional* aspect of constitutional monarchy and find the Charter of Rights and Freedoms to be acceptable precisely because it arose in Canada, a fellow constitutional monarchy. One mischievous soul said to me that while minimalist republicans supported formal constitutional change only, the adoption of a written constitution was more substantive in terms of democratic reform and constitutional evolution.

Given the divisions within both the republican and constitutional monarchist quarters, the adoption of a written constitution would need to be autonomous from the question of a preferred head of state option. There would need to be a separate constitutional reform lobby group set up to advance the prospects of this particular incremental reform, akin to the Electoral Reform Coalition (MMP) and the Republican Movement, although probably with some overlapping membership from RMANZ's non-minimalist members, although I accept that RMANZ is primarily focused on the question of a New Zealand Republic. For that matter, in order to attract liberal monarchists, any such constitutional reform lobby group would need to be agnostic about the head of state question.

New Zealand should move to full constitutional maturity in the coming decades. We have already engaged in electoral reform and now have an un-entrenched Bill of Rights. We now need to move further down the road of constitutional evolution, toward our own elected head of state and a written constitution as an alternative focal point for democratic accountability.

Craig Young is the Politics and Religion correspondent for Gaynz.Com. He has postgrad qualifications (MA (Hons) in political science from the University of Canterbury as well as diplomas in communication management and media studies from Massey University.

All members of the Republican Movement are welcome to submit opinion pieces to Republic. Opinions expressed are those of the author, not the Republican Movement.

Republican Movement News

THE REPUBLICAN MOVEMENT has established a rapid response group. The group will post reminders and notices on articles and debates to members who subscribe, for their responses. To join, visit:

www.republic.org.nz/groups/rapidresponse

www.republic.org.nz

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