

Tyranny of majority, broken promises erode goodwill

In *The Communist Manifesto*, Karl Marx offered a tenuous social justification for the abolition of private property. Privately-owned land, he argued, could never be in the interests of society as a whole, and so the obvious solution was state ownership.

The Government's decision to nationalise the country's foreshore certainly seems to exhume something of Marx's sentiments if not his objectives.

In its determination to legislatively exclude even the possibility of Maori ownership of the foreshores into the foreseeable future, the dark spectre of total state control threatens to undermine one of the most fundamental principles of modern developed societies: the sanctity of land ownership.

Admittedly, on the surface, the seductive catchphrase of "access for all New Zealanders" seems an inherently fair justification for this modern-day land grab, and anyone challenging it exposes themselves to accusations of being a rigid ideologue, or worse still in our current parlance, an "academic".

Yet, for those of us who are involved in researching our past, there is an awareness that in the omniscient judgement of history, sly slogans and stern political rhetoric do

little to conceal the facts that are at the core of such contentious issues.

Whatever is hidden does eventually tend to get revealed. And there ought not to be any doubt about the facts of the matter.

At least on this issue, the text of the Treaty of Waitangi is clear: that Maori are entitled to "...full, exclusive and undisturbed possession of their lands, estates, forests and fisheries".

The Maori version of the treaty, craftily translated by the missionary Henry Williams, goes further by promising that Maori will be allowed to exercise "chieftainship" over all their properties and treasures – an authority that is tantamount to sovereignty.

Ultimately though, most New Zealanders will probably come to accept the Government's decision on the status of the foreshore, and many might even feel a sense of relief at the guarantees it contains. If, as Marx insisted, land is appropriated by the state for the benefit of the majority, then we ought to expect the majority to be satisfied with such actions.

However, the provisions of the treaty have been blatantly shunted to the side by Parliament on this issue, even though – ironically – Parliament derives its legitimacy from those same provisions of the

treaty.

This should come as no surprise. Our history is scarred with similar examples of governments doing what is popular, at the expense of the rights contained in the treaty.

In the more unashamedly discriminatory environment of the nineteenth century, maybe such decisions were at least understandable, if not acceptable.

What excuse, though, is there in the beginning of the twenty-first century for such a fundamental treaty breach? Helen Clark's statements help us understand the Government's rationale behind its attempted resolution of the matter.

The Prime Minister's position was summed up in her assertion that "No one is going to get any new exclusive ownership to the foreshore and seabed". How dare hapu or iwi even contemplate ownership of the foreshore?

The indignation of the majority may be placated by this sort of reassurance, but it is founded on what is manifestly bad history. What the Government's supposed solution ignores is the fact that Maori are not claiming any new exclusive ownership.

Indeed, it is the Crown that is asserting its new ownership of the foreshore – seizing property that it

had initially promised would remain firmly in Maori ownership.

Those Maori involved in the dispute have never sought anything beyond what Governor Hobson – in the name of Queen Victoria – assured them would remain in their full control, just as it had been for centuries before British intervention in New Zealand.

Here is the heart of the problem, and it is one of perception: the Government has buttressed its arguments for claiming ownership of the foreshore by employing the language of rights and of equality. What they have failed to do, however, is to present the perspective of some of the Maori claimant groups involved.

The goodwill of the latter, and their faith in the integrity of the Crown at the time of the signing of the treaty has been wrenched away in the ensuing decades.

It is the Crown that has broken its promise, and many Maori have had to endure the consequent deprivation for generations. Only a handful of politicians have had the fortitude to call the Government to question on its own dubious stands of rights and fairness.



Predictably though, the tyranny of the majority has once more prevailed, and the solemn promises contained in the treaty have been further debased in the process.

Why this is so important is that the treaty breach the Crown is perpetrating will indisputably, at some future point, require redress. Of this we can be assured. Some subsequent generation will be saddled with the responsibility of disentangling the "solution" that has just been fabricated, and the cycle of grievances will run through another tortuous turn.

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We welcome your feedback and views.

New breed rising

It is the duty of each new journalist to challenge the ways of the old.

After receiving a copy of *Te Waha Nui*, I consider myself on notice that the new breed is rising.

My congratulations to all who had a hand in this newspaper. It's reassuring to know my betters are on their way.

Edward Rooney
Editor

Central Leader/Auckland
City Harbour News
Auckland

Breaking news

Kia ora and congratulations on a superb publication. I take issue with Chris Trotter's view that student journalists aren't interested in breaking news. I don't know what he means by "crusader journalism" – I can only assume it's biased, un-researched news that promotes one point of view – the preferred style for the Tongan, Chinese, Burmese and Iranian etc governments.

Viewers/readers are also far more sophisticated than in the 1970s, in part because of the huge growth in mass media and niche media outlets,



a sophistication that has come about through the efforts of graduate student journalists.

I enjoyed the variety of *Te Waha Nui's* content.

Kevin McQuillan
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RMIT, Melbourne, Australia

On work experience

In regards to Matt Nippert's article on Jon Stephenson (No 2, June 2004), the *National Business Review* refutes the implication that Mr Stephenson was ever formally employed at the paper. He was, as far as *NBR* was concerned, on work experience. We were unaware during his brief time at *NBR* that Mr Stephenson had left his AUT journalism course.

Nick Bryant
News Editor
National Business Review
Auckland

Criminal justice system needs a revamp

I took the time to read the student paper *Te Waha Nui* – not my normal reading but sitting in the sun, consciously trying to have a restful few days, I gave it a go. I was impressed by the standard of writing.

I hope that Matt Nippert is going to produce a follow up on the prisons issue. Politicians are the problem, along with the media's sensational reporting of high profile crimes.

What about looking at what the alternatives are to spending all these extra millions on prisons, which as the statistics already show don't lead to a reduced crime rate?

There is also the issue that prisoners are disproportionately Maori. Maori have an incredible high imprisonment rate which is going to get worse.

I was a prosecutor for five years but gave it away because what was the point of imprisoning ever increasing numbers of Maori youth?

The criminal justice system had almost nothing to offer. The cost of crime is not just the prisons. The

whole criminal justice system is hugely expensive.

Since coming to Kawhia, I have worked for years at the local school (chairperson, BOT) trying to ensure it delivers a decent education to Maori. This is the best answer to reducing crime among Maori youth.

Like many other low decile schools, our school, in the past, regularly failed to deliver literacy and numeracy to a good many of our predominantly Maori students. This is a one-way ticket to imprisonment.

I know how starved for funds low decile schools are. We have set up a preschool as part of the school and that is a nightmare to fund!

It is truly tragic that New Zealanders think the solution to crime is building more prisons when the money could be so profitably spent in schools and preschools.

Virginia Shaw
Kawhia