

Constant Dripping Wears away a Stone: the Claire Charters Example

Bruce Moon

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It is something of a mystery to this elderly New Zealander why, according to a report in “Fuseworks Media” for 22 November 2023, “Seventy per cent of New Zealanders believe it is important for Māori and non-Māori to decide together on an equal footing how te Tiriti o Waitangi is honoured.”

That in itself appears to me to be a response to what could indeed be a loaded question. Why, for instance, was the question not asked – if indeed it was worth asking at all: “Do New Zealanders believe it is important to decide how the Treaty of Waitangiⁱ is honoured?” Why mention Maoris specifically at all, when the people of New Zealand have many ethnic origins and indeed there are probably no persons living of Maori descent who do not have descent from other ethnic sources as well? Does all this imply an “us” - our part-Maoris collectively – and “them” – everybody else? Does it imply that the opinion of the 16% or so of us with some Maori ancestry ought to have equal weight with that of everybody else, assuming that is, that our part-Maoris have a “view” somewhat approaching unanimity? All just a little bit tricky perhaps??

Maybe the answer lies in the identity of her who appears to be the principal mover of this investigation, Claire Charters, the “Commission’s Rongomau Taketake (Indigenous Rights partner)”. Now this too, is curious because Ms Charters herself, as I understand it, is of threequarters European descent and one-quarter Maori and on neither count, emphatically, is she “indigenous” to New Zealand! Whatever she may claim to know about “indigenous people” is almost wholly irrelevant because it is a fake claim that Maoris are “indigenous” in New Zealand.

We have had earlier occasions on which to reveal some of Ms Charters’ many fanciful illusions about the Treaty of Waitangi.ⁱⁱ We have noted in these columns how she used the occasion of delivering the Bruce Jesson Memorial Lecture, an event with some prestige, to spout cheap political propaganda. Leopards do not often change their spots!

Note too that she persistently precedes the name of our country, or indeed uses alone that fake name “Aotearoa”, perhaps on the alleged principle that constant dripping wears away a stone. This word was simply never the name of our country. It never appears in the Treaty of Waitangi which uses the simple transliteration “Nu Tirani” She herself blatantly fails to honour “te Tiriti”. I strongly recommend to Ms Charters that she make herself better informed by reading “The Treaty of Waitangi An Explanation”, 1922, by celebrated scholar, Sir Apirana Ngata, where, for example he refers to “Aotearoa (North Island)” on page 22 of the edition I possess. Does Charters want to exclude us simple South Islanders from all consideration? Does she not know that most Polynesians did not have names for island groups (Tonga and Samoa are exceptions) and Maoris followed that example?

Indeed I ask the question: Is Ms Charters with her many false impressions a fit person to hold the position of “Indigenous rights Partner” in the Human Rights Commission?

But to continue ...

“Te Tiriti o Waitangi is well recognised as a partnership between Māori and non-Māori, and both parties should be making decisions about the future together, on an equal playing field,” says Charters. Now this is a slippery one!

The Treaty itself says absolutely nothing about a “partnership” which appears to rest on an “obiter dicta” - or side remark – of Robin Cooke in his capacity as Chief Justice that it was something “akin” to one. Well I knew Cooke personally and I cannot say that any casual remark of his should have any constitutional status whatever, let alone such a one as this. So where does Ms Charters get her idea which she claims is “well recognised” that it is a “partnership” apparently between two apparently distinct groups? This is quite simply false, let alone “well recognised”!

Moreover, we have the article stating, “Chief Human Rights Commissioner Paul Hunt says ‘while the government of the day could propose something like a referendum on how te Tiriti is applied, such a move needs to be with the agreement of its treaty partner, Māori.’” If this is correctly reported, and Hunt believes that “the government of the day ... [has a] treaty partner, Māori” from whom it must ask permission to act, then he is so seriously misinformed that he is not, in this author’s view, fit to hold the position of Commissioner. Attention to this issue should be of the highest priority for the incoming government.

I say unequivocally that there is absolutely nothing in the Treaty of Waitangi which implies any sort of “partnership” whatever, except, if we stretch a point, that we all share a partnership as citizens in common of New Zealand.

Let me remind the reader of what was actually agreed at that fateful day at Waitangi.

1. The chiefs agree absolutely to give up such sovereignty as each possessed completely and for ever to the Queen. (Article first)
2. All Maoris (implicitly including their many slaves) receive the same rights as the people of England. (Article third)
3. All the people of New Zealand (tangata katoa o Nu Tirani) have the right (tino rangatiratanga) to own property. (Article second). (With a provision for sale of land which was superseded early)

That, friends, is all!

Moreover, it was done and dusted on May 1840 when Hobson affirmed British sovereignty over all the islands of New Zealand.

At that point the so called Treaty of Waitangi, albeit never a treaty in the true sense of the word but an agreement between honourable men nevertheless, had done all it was intended to do. It might then have become a simple footnote to history, albeit quite an important one. Rather belatedly, that is what should happen to it now. Talk of a “referendum” amongst a grossly underinformed public is entirely inappropriate.

Moreover all of the many acts of Parliament since which have conferred special privileges on our part-Maori citizens and all legislation which refers to a fictitious “partnership” should be repealed as fast as the machinery of Parliament can do so. Then, only then, can we be said to have “honoured the treaty” by which all Maoris received the same rights but not a single one more, that the people of England. The perverted blether of Ms Charters should be consigned to the dustbin – for ever!

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- i Since we write in English, and the article we refer to is written in English, it is appropriate to give this document its name in English!
 - ii B.Moon, “New Zealand; the fair colony”, 2nd Ed, ISBN978-0-473-53728-9, August 2020, pp 104-6, “Yet Another Treaty Twister”