

A republic for New Zealand?

A modest approach.

Michael Cullen

I suspect that my invitation to speak at this conference is based on somewhat false pretences. I understand that I am expected to argue for the indefinite retention of the current constitutional monarchy and against the repatriation, or perhaps one should say patriation, of the New Zealand head of state.

I do have to confess to a certain emotional attachment to the monarchy. As a two year old I waved in the street at the current incumbent on her wedding day and, six years later, watched her coronation live on television. And as a former Minister of Finance, the idea of a head of state that is almost entirely paid for by another country has some attractions, including the fact that the Queen's credit card, if it exists, is of absolutely no interest to the New Zealand media. But the arguments I want to present are more nuanced than those facts might suggest.

The first point I wish to make is that some of the arguments in favour of moving to a republic are less substantial than at least their proponents seem to believe. These arguments range from the profound to the trivial. At the latter end of the spectrum are arguments around the behaviour and attitudes of some members of the Royal Family. Certainly the Prince of Wales and his father evince some strange characteristics. But talking to plants and extremely conservative views on architecture are scarcely confined to Prince Charles. And as for the old Duke, his insensitivity and prejudices would in our nation make him highly suitable material for a breakfast television or talk back radio show host – quite possibly the kind of person we could end up with as an elected president! Indeed, if I were choosing a head of state on the basis of their being intelligent, well-informed about world affairs, and unlikely to do or say something very stupid and the choice were between the Queen and the last U.S. President there would be no hesitation.

More serious is the argument that being a monarchy somehow influences the independence or nature of the politics of New Zealand and, therefore, in some undefined way we are less than a

nation as a consequence. There is remarkably little evidence for these assertions. In practical terms, of course, the real functions of the head of state are carried out by the Governor-General who may be, in theory, appointed by the Queen but who is, in reality, appointed by the government of the day. The fact that we share the same head of state with the U.K., Canada, Australia and others does not lead any informed person, here or elsewhere, to assume that we are not all entirely independent nations. For some, notably Canada, being a monarchy can be seen as an expression of independence given the real threat to that status in its fullest sense, a point I will return to later.

As for the general framework of politics, it is worth reminding ourselves that the current constitutional monarchies are amongst the most stable democracies in the world and some of those monarchies amongst the most egalitarian nations. The blame for the fact that we are not one of the latter can scarcely be laid at the door of Buckingham Palace. Certainly anyone trying to argue that becoming a republic will necessarily make us more stable, democratic or egalitarian would be stretching credulity too far. At the very least it shows a stunning ignorance of the nature of most of the world's republics. And we can be sure it won't narrow the wage gap with Australia, which only eighteen months ago was supposedly the most important challenge facing New Zealand.

Which brings me to my second point. The argument that becoming a republic will enhance a distinctive New Zealand identity is particularly weak on two grounds: it is attacking a problem of decreasing relevance and it does not deal with the real issues which are relevant to identity and independence.

The identity argument is one that, at base, is really about whether or not the colonial heritage is being unnecessarily kept alive by the retention of the monarchy. In other words the monarchy expresses a kind of colonial cringe, a continuation of a belief in Mother Britain, the idea of "Home" and all that goes with that. If one were to engage in this debate with young people in their teens or twenties or even older I suspect such assertions would be greeted less with disbelief than with incomprehension; they have simply outgrown any such notions. It is largely an obsession of some New Zealanders of much older years who fail to recognize that, on that score at least, they have already won.

My argument, however, is that that victory may be a Pyrrhic one. British political and cultural influence on New Zealand has been waning for many decades and is now minimal. The decisive moments in that evolution are many – from the rise of Hollywood, through the fall of Singapore, to the post-Second World War era. And without wanting to appear anti-American it is obvious, I would have thought, that the primary threat to an independent New Zealand identity has for decades inevitably come from the U.S.'s cultural and economic dominance in the world.

The examples for us are numerous. Our accent, syntax, and vocabulary are moving measurably to American norms – listen particularly to teenage girls speaking. When we decimalized our currency we decided, with stunning lack of originality, to call it dollars and cents. Our television screens are dominated by American programmes and, where they are not, by those of its self-proclaimed deputy sheriff in the Asia-Pacific region. Many young Maori and Pasifika males, in particular, imitate the clothing, music, and styles of the American black ghetto so that even in our alienation we adopt the symbols of others. Perhaps only in our choice of sports does the British part of our cultural heritage remain dominant. Plus, of course, and significantly for this conference, in much of our constitutional arrangements, though there we have and are developing our own unique practices and traditions.

It would be supremely ironic if the move to a republic ended up becoming a Trojan horse for other constitutional changes which would reinforce the extent to which we mimic American norms, a point I will shortly return to in a different context. At this point what I want to turn to is therefore the need to address those issues which have far more relevance to the development of a unique Kiwi identity than whether our formal head of state remains Queen Elizabeth II. And at this stage I should at least note that for many Maori the links with the monarchy remain an important aspect of that identity as they are seen as inextricably linked to the status of the Treaty of Waitangi. It is far from clear that a move to a republic could be successfully accomplished without addressing the legal status of the Treaty.

In terms of the symbols of identity it is at least arguable that the Treaty is now far more important in any case than the nature of the head of state. Many of us might also see the issue of the flag as being more important. It is certainly odd to find people who are strongly republican but want to keep the current flag which symbolizes a relationship with Britain which no longer exists in reality. This, along with the confusion with the Australian flag and the lack of any uniquely New Zealand feature surely means that sooner or later the calls for a new flag

must be heeded. I hanker after an adaptation of the Tino Rangatiratanga flag with the black changed to blue. The red, white, and blue colours would give a sense of continuity. The red can represent our part of the Pacific Plate on which we sit, the white Aotearoa, and the blue the sky, on which a Southern Cross could be superimposed. The original red, white and black flag would of course remain for its original purpose and meaning.

But there is a deeper set of issues which need addressing if what we want is a greater sense of our independence and uniqueness. These particularly revolve around the weakness of our economic sovereignty and the kinds of policies required to address that. In the end constitutional change within a context of economic dependency seems to me to be like making the icing without the cake. Obviously this is not the forum to discuss the best policies though in order to avoid misunderstanding I would simply note that economic sovereignty is not to be confused with economic isolationism.

Where I do believe it is important to limit the debate at this stage is in relation to the matter of a republic. As I said before, there is no need for this to turn into a Trojan horse for other constitutional changes. Issues such as a second chamber or a written constitution have no necessary relationship to the way in which we choose a head of state. Even more, moving to a republic does not require moving away from the sovereignty of Parliament and endowing the Supreme Court with the power to declare laws unconstitutional. In fact, there is no need to change the current powers of the Governor-General at all. As a ceremonial position in a small and active democracy it has served us well.

One of the virtues of the current arrangements is that arguably they lead to a higher level of political participation than in many countries with formal constitutions and powerful judiciaries simply because the political process is the means whereby change can be achieved. The politicization of the courts and the police is scarcely something to admire or emulate.

Moreover, the introduction of MMP, whatever its other faults and virtues, has removed many of the objections which have been made to our system. In particular, we have not seen a one party majority government since MMP's introduction, a fact which significantly weakens the argument for a chamber of review. If anything, the select committees have grown more powerful. Parliament has also become more broadly representative of the people at large. I

have to observe that often when people make calls for change in this system it is because they disagree with the outcomes of the process and wish to change it so that the outcomes can somehow or another be influenced in an undemocratic way to be closer to their personal preferences. As I can personally assure you, the nature of democracy is that you lose a lot of the time. That doesn't make the system wrong even if you are right!

Of course there is much about our Parliament which is redolent of that at Westminster. Even in the U.S. Congress there are more than faint echoes in that regard. But while there is a core commonality of procedures which comes from long experience the fact is that, especially over the last 25 years, the New Zealand Parliament has developed in ways significantly different from that of its numerous Westminster-sourced cousins in many respects, including cultural ones.

I come back then to the central question of this session: should we become a republic? I hope I have at least done enough to suggest there is no need for haste in this matter and that it scarcely goes to the heart of who we are as a nation. But there does seem to be an inevitability about some kind of change occurring at some time though it is probably a close contest between this and raising the age for New Zealand Superannuation as to which our political leaders can run away from the longest. It is inevitable in part for something I said earlier about young people – the monarchy in Britain seems less and less relevant to us as time goes on. And as more and more of our population originates in countries such as China and India that is only likely to become more true.

Moreover, there are specific aspects of the current rules around the choice of the monarch which are simply inconsistent with our other values. The very notion of inherited rights may be one, though in a country with once again growing inequality and no death duties it cannot be taken as too powerful an argument. But the notions that male children always take precedence and that Roman Catholics are automatically disqualified are surely inconsistent with modern New Zealand values.

One thing that does seem to be largely accepted is that the current incumbent should be allowed to live out her time as Queen of New Zealand. Her dogged sense of duty and determination to do what is right may seem quaintly old-fashioned but is perhaps what

continues to lead a small majority of New Zealanders to favour the retention of the monarchy and a bigger majority to support no change until she dies. This does not mean that nothing should be done until that happens since that would obviously lead to an unnecessarily pressured situation at that time since the British would have declared Charles III king immediately on her death.

Thus my suggestion for modest change is to legislate in the not too distant future for the election of a new head of state to occur on the death or incapacity of the Queen. The new head of state should have the same powers as those currently exercised by the Governor-General. The Governor-General at the time of the Queen's death should continue in that role until the choice of a new head of state has occurred. And perhaps we could do better than our decimal currency exercise and think of a more Kiwi name than president.

The one problem is who chooses. It seems to me the answer to that question is really determined by what powers it is decided the new head of state should have. If those powers are significant executive ones that are exercised independently then election must be by the public at large. But if, as I suggest, those powers are the ones currently exercised by the Governor-General and also, therefore, exercised on the advice of Ministers, then the appropriate method would be by some kind of super majority of Parliament. This change could occur irrespective of the move to a republic. We may even turn the argument back to front. If the head of state is elected then inevitably they possess a separate mandate from that held by Parliament and, by extension, the Cabinet. In that case it is arguably illogical for the head of state to have no independent powers. But that then does start to shift us more in the direction of the American constitution which, as I have argued above, is neither necessary nor desirable.

I suspect that my modest proposal for change has a low chance of success simply because too many of those who favour republicanism carry with them a large amount of other constitutional baggage. The result may well be like the Australian experience of a few years ago. There, ironically, the republican purists managed to achieve a stalemate around a monarchical status quo which, in Australia's case, was not even supported by a majority of the people. In New Zealand, where support for a republic is significantly weaker, and where the status of the Treaty is a further complicating factor, that is even more likely to be the outcome.

Perhaps there is an even more modest proposal inherent in what I have just said. That is to legislate to provide that the choice of Governor-General (strictly speaking constitutionally the nomination) should henceforth be made by a supermajority of Parliament, say 75 per cent. The same legislation could then provide that, on the death of the Queen, the Governor-General would become head of state. New Zealand would thereby become a republic-in-waiting. All the other issues that people wish to deal with can be dealt with at some leisure as there is every indication that the Queen has a fair number of years yet to live. But then again that suggestion may just be too simple for those whose life and living revolve around being complicated. In which case us old traditionalists can carry on in peace for a while longer.

