

# canvas

the art of weekend reading

Anita McNaught  
**Fronting  
the war for  
BBC World**

**Wananga**

Inside our separatist  
education system

**Mr Mecca**

King of the cafes





# Anita McNaught's

# WAR

When we hear that familiar voice presenting breaking news about the war with Iraq on BBC World, it is as though our very own reporter is there, telling it how it is.

**T**HERE have been times — weeks on end — where I've been crippling homesick. New Zealand is 'home'. This is not home — I'm a migrant worker here," says Anita McNaught passionately, leaning towards me from the other side of the dining table in her minimalist West London flat, giving her first interview since coming to Britain in 1997.

It is 8am and we are eating breakfast: pain au chocolat and croissant for me; gluten/wheat-free toast for her. I am concerned McNaught's abstemious diet won't see her through the interview. She's been up since 2am and on air presenting the BBC World News from 5 to 7.30am.

My day started early too, when I joined McNaught to watch her go through her paces in front of the cameras. On first impression she is petite, pert and pretty. With the exception of some silvery streaks through her closely cropped brunette bob (invisible from a distance) she seems far younger in appearance and manner than her 37 years.

After the handshake and "thank you for making it in on time" murmur, she half-runs ahead of me, through the hospital-style swing doors, down a labyrinth of corridors and up internal fire-escape stairwells until we finally emerge at a frosted-glass doorway emblazoned with the BBC World insignia. We are on the threshold of

one of the most widely viewed newsrooms in the world: an audience of 200 million and rising, and McNaught regularly informs and entertains a slice of those through the off-peak hours which are during the day for her New Zealand fans watching on Sky's Channel 55.

McNaught heads to the newsdesk dais for a 4.50am rehearsal. Out comes the hand-held mirror, a quick fiddle with the fringe, followed by a faultless reading of the top stories. A colleague offers an insight into her professionalism: "The correspondents in the field are top dogs in their field, so the presenters have to be able to hold their own. They don't hire you unless they know you can do it."

McNaught's ability to handle new material, often within seconds, has been hard-tested over the past weeks. "Since the shooting started, it's been mad," she says. "We're in the chair often for hours at a time — my first war shift was five hours non-stop. The concentration required leaves you completely shattered by the end. You don't know who's going to come up on the satellite, or what they'll be able to tell you. You equip yourself with prodigious quantities of reading, go in with pages of notes ... and at least a couple of maps so you know what people are referring to.

"The great blessing," she continues, "are the experts who sit with us on-set to talk the issues through. At the very least, that enables you to balance the pornography

of warfare with an exploration of its consequences."

Like many at the BBC who are saddened at the inevitability of the war, McNaught points out that it's ridiculous that Helen Clark and Peter Arnett have both been criticised for stating the "bloody obvious". "Nothing they've said differs from what most of our defence analysts and Arab experts have been saying for the past week."

Clark comes across well on the world stage, she says, particularly over the Tampa refugees.

"We had a spectacular day at the office when the Australian prime minister and the Australian foreign minister said some extraordinary things and behaved in a way that really cast Australia in a very strange and alarming new light."

"And then Helen Clark came on and said, 'Well, we'll take some of the Tampa refugees'. And we got her on the phone and I had her on BBC World. She sounded exactly how you'd want your leader to sound — sensible, practical, compassionate, realistic — and impressive."

**H**OW did McNaught prove to the BBC she was up there with the best? Her early years offer a telling insight. Born in London in 1965, she was the only child of a single mother. "Do you ever think back on your father and consider 'what if?'" I ask.

"I do, but not with regret — curiosity," she replies. "I guess probably more intensely after my mother died in 1990. She did such a good job of parenting me, and I had such strong role models growing up, that I never felt fatherless."

Those role models were McNaught's mother and a sole surviving aunt. "They were like Yin and Yang," she says. "From my aunt I learnt courage and strength of purpose, tempered with tremendous common sense. From my mother, I took the feeling that to hold passionately felt beliefs was like rocket-fuel. It could take you to places and drive you the way few other things could. There was also a danger it could explode in your hands."

Although they had little money, her mother always bought the full complement of Sunday newspapers, which helped to quench McNaught's thirst to understand what was going on around her — and explain why she wanted to be a journalist from the age of 10.

"It seemed the ideal job — one that made sense of the world," she says. "There were many questions I needed to ask as a young woman: why people were suffering, why regimes were allowed to continue when they were patently evil, why wars started? If I needed the answers to those questions, journalism would allow me to pursue them."

McNaught won a scholarship to the prestigious St Paul's School for Girls in London, but desperate to break free from the strictures of academia, she spurned university and headed for Europe, where she first met New Zealanders.

"It was like the missing link — they made sense of the world in a way I hadn't been able to before," she says. "I liked their take — they spoke English, but they couldn't have been less English. And I thought, 'Yeah, that's a good place to go, because they're free — free to be who they want to be, outside of expectations of family or class or milieu', and I wanted to go and start there."

The plan was still to pursue journalism. "But no one in my family had any contacts in the media. I had no ins — no starting points. Who do you ask, aged 18? Do you ring up Rupert Murdoch and say, 'I fancy working on your paper!'"

"That wouldn't have put you off," I ask her.

“ Since the shooting started, it's been mad. We're in the chair often for hours at a time — my first war shift was five hours non-stop. The concentration required leaves you completely shattered by the end. ”



**DO-UP PROJECT:** In 1997 McNaught's aunt died, leaving her this cottage in East Sussex. Renovating it "wrecked my health and nearly wrecked my sanity".

"No, but coupled with the fact I didn't like England very much any more, because of Thatcher, it was as likely I'd start overseas as it was that I'd start in the UK."

McNaught's first job in New Zealand, in 1985, was cleaning out Newmans coaches. Then came a stint as a secretary with TNT, before breaking into journalism with two years on business magazines where, aged 21, she won a Qantas Media Award for a feature on the courier industry. "I brought to the article what I knew because I'd worked at TNT," she smiles. "Nothing like a little close-up experience."

McNaught got her foot in the door at Television New Zealand as a researcher for *Eyewitness News*. Before long the programme's successor became *Tonight*

with Anita McNaught. The rest is history — almost.

Until now, McNaught has never said why she left the state broadcaster and then TV3 to return to the UK.

"Television New Zealand in the mid-90s was the most miserable, spiteful and unpleasant place to work," she says. "It was hideous. People were just spiteful — it was an appalling place. It squandered talent and engaged in petty psychological torture in order to pass the time."

"How did that personally affect you?"

"I'm not going to tell you," she says. "I'm not going to lay bare for you the inner workings of my soul." Instead, she cites John Hawkesby's exit in 2000 as "typifying everything I felt was wrong with TVNZ".

Her own departure was, it seems, amicable. ➔

## COVER STORY Carson Scott

➤ "Put this down, please," she says. "You go with dignity, and you go politely. You've said what you need to say in the departure. If you were happy, you would stay."

McNaught's demeanour changes when we discuss her time at TV3 on 20/20. "My two and a half years at TV3 were, without question, the happiest of my professional life," she says. "Nothing I've done here, so far, has come any way near reaching the kind of satisfaction, excitement, sense of achievement I felt at TV3."

But she left. Why? "Because that's the only way to tackle a country like England. You don't leave at your least confident, you leave at your most professionally contented. The idea of coming here was to work with the best people I could find, on projects I cared about, doing journalism I was proud of and getting better at what I did."

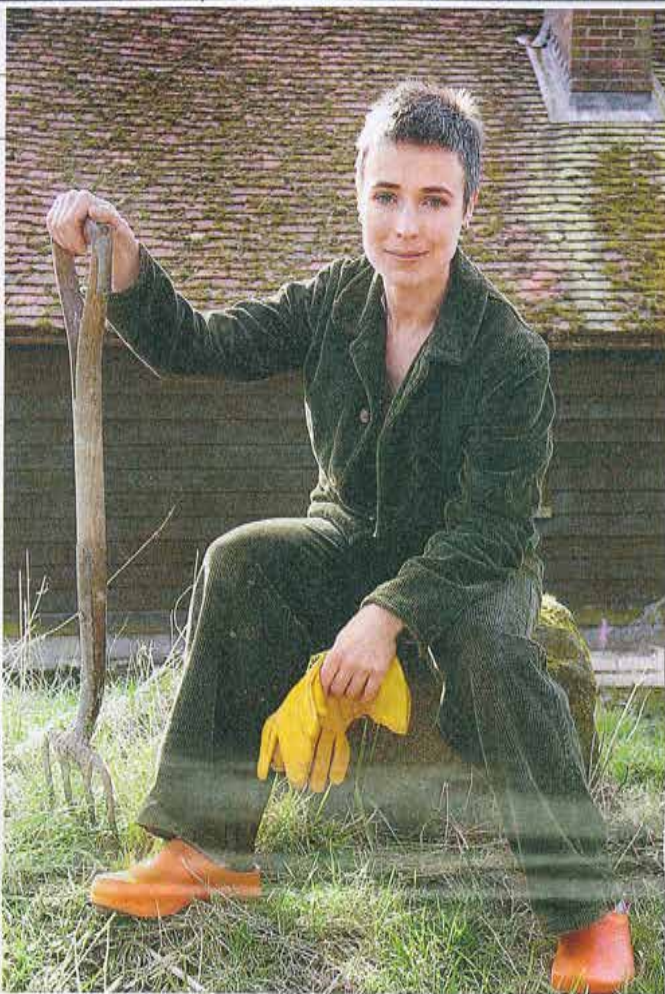
That said, McNaught is passionate about returning "home". "Its payback. New Zealand gave me so much, taught me so much, there's a quid pro quo — it's a point of honour. You go away, take what you learnt, use it to build on, acquire new skills, make new contacts and then you bring it back and you use it to make the New Zealand media a better place."

"Your advice to wannabe journalists?"

"Don't go to college and theorise about it. Find the work, find someone to take you on, and do it. But respect yourself. Don't get taken for a ride because there's plenty of people out there who'll screw you."

**W**EEKS before she returned to Britain in 1997, McNaught's second aunt died, leaving her a rundown Elizabethan cottage in Sussex. In the middle of deciding whether or not to renovate, she landed freelance work as a presenter at BBC World. "I'd planned to work for small, independent production companies, on current affairs programmes, doing more of what I'd been doing on 20/20. That was the idea — still is."

But she realised the money from presenting for



THE GOOD LIFE: McNaught took up organic gardening in her rural sanctuary — broad beans, mange-tout, pumpkin, tomatoes, sweetcorn and fruit trees.

“ I've worked for gay causes, because I think that in being active for that, I'm fighting for people on the margins — and in fighting for people on the margins you make it better for everyone, and better for gay people. ”



THE HIGH LIFE: Sharing a chic pad in Bayswater, London, with her cameraman husband Olaf Wiig.

a year could finance the cottage rebuild, offering a sanctuary from the rigours of work in London. Well, almost. "I completely underestimated the time and the money involved. It took me two and a half years, not one. It took every penny I had. It wrecked my health and nearly wrecked my sanity."

By 2000, McNaught was exhausted from working killer hours on cutting-edge news and current affairs shows alongside presenting work, with all the money going into builders' bank accounts. "So I unhooked myself from the entire set-up, kicked my builders out — in a loving and caring way — and moved in."

Over a summer, her best friend from New Zealand came to stay. "We sat on the lawn and drank a lot of gin and talked about life." McNaught started writing features for the *Times*, and doing commentary for Radio New Zealand, returning to her journalistic roots to make sense of living in complete rustic isolation. She also took up organic gardening. "In the autumn of 2001 I began

working for the BBC's *Correspondent*, while slowly increasing my work at BBC World again."

Then, in November 2002, she and her husband Olaf Wiig bought the London flat and since she has been doing more for BBC World.

Her relationship was crucial in getting her through a difficult period, says McNaught, who married Wiig, "a very gorgeous Kiwi guy", in 1999. The couple met at TV3 where Wiig was a cameraman, and married in 1999 after deliberately escaping the usual fanfare normally given to celebrities. And no, McNaught's relationship, which attracted considerable attention in Auckland before she left, is not a sham. "It's been said you're gay. Is it true?"

McNaught becomes indignant: "If you think I'm going to hand you some sort of manufactured scandal or renunciation, then you're sadly mistaken. One of the things I think I've always fought against is the categorisation, classification and subsequent dismissal of a person," she says. "A person doesn't think a particular way because they sleep with a particular person. I'm not going to feed you a label, even if there were a label to feed."

Later she adds another couple of thoughts: "I've worked for gay causes, because I think that in being active for that, I'm fighting for people on the margins — and in fighting for people on the margins you make it better for everyone, and better for gay people." She pauses: "Society always progresses from the margins."

Happily married, she now worries about — and envies — Wiig who, as a cameraman, is even thicker into the war. "He's off to Kuwait this week," she says. "He's been home barely a month since the last stint. The plan this time is for him to embed with one of the American divisions that has not yet arrived in Iraq, and then I may not hear anything from him for weeks. Unless there's some kind of bad news ... But we won't go there."

"It's a surreal time for both of us. He's doing the job

he's always wanted to do. He's damn good at it. I'm hugely proud of him. And not a little envious, to be perfectly honest."

As we finish McNaught offers a final anecdote showcasing her love affair with New Zealand. "Periodically, drunken New Zealanders who I don't know see me in the middle of the night and ring up the BBC just for the hell of it, and manage to bluff their way past the suspicious people on reception by claiming they're a long-lost relative. They get through, and they're pissed as anything, and they go, 'Oh, I don't think you were very good tonight.' The calls are very funny, but the warmth and sense of ownership, that's fine. I'm yours, I'm your chick out there. The sense of community across that huge distance is really tangible and, you know, normally you just end up laughing."

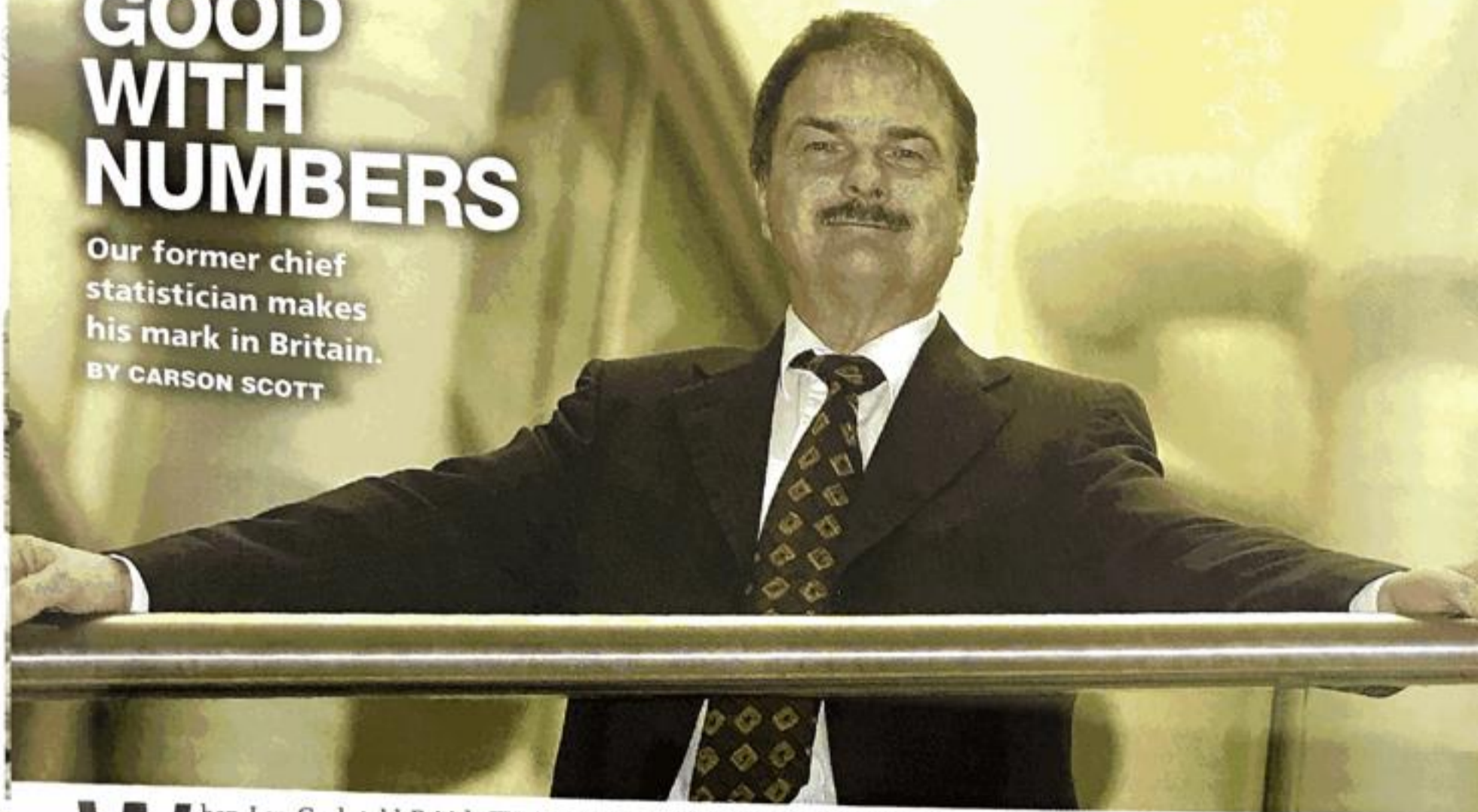
Is she happy? Looking at her lifestyle, the answer seems self-evident. "This is a year of chasing the work I want, rather than work I have to do to bring the money in," she says. "BBC World has been a great blessing, but it's not alpha and omega. It's not where I'm meant to be — it's not where I'm going to stay. But at the moment it's a fantastic place to be because of what's happening internationally. It has many advantages, but it's not the end of the story."

Later still we contact McNaught to ask her if the rumoured offer from Ian Fraser at TVNZ has any truth to it. No, she says, "I do get calls from time to time. Not recently for any big telly jobs though. They're always a temptation when they come, but I haven't done enough in the UK yet to justify packing it all in. When I come back to New Zealand, I'm planning to stay — so you have to be very, very sure ... But the homesickness never subsides, and I often dream about New Zealand — big action-packed super-saturated dreams that I wake up smiling from ..."

# GOOD WITH NUMBERS

Our former chief statistician makes his mark in Britain.

BY CARSON SCOTT



**W**hen Len Cook told British TV late last year that the country's latest Census results were "the most accurate picture possible of our population", he copped it. Overnight, New Zealand's former chief statistician and now the UK's top number cruncher (or National Statistician and Registrar General for England and Wales, to employ his official title) became a media target: the results, they claimed, were far from accurate – a million Britons were simply unaccounted for! Councils, which rely on Census results for their slice of the government's annual grant, were frothing. Legal action was threatened. Cook was feeling the heat.

"It's the one thing my experience in New Zealand didn't equip me for," he concedes about the still-unresolved dispute. "I've had to become a lot more resilient in terms of the intensity of media debate. Here when you get something wrong, it really is 'off with your head'! The challenge is remembering that I can't give as good as I get."

Cook's style was once described as "earthy" – has he modified it for the even greyer environs of the British public service? "I'm told I've enhanced the language of the weekly permanent secretary group in the British Government a little. Ha ha!" They must like him, though – his contract has been extended until 2005.

"In a British public administration, people are less likely to be blunt than they are in an antipodean environment," he says. "I've decided I was appointed because of what I am, so I haven't made huge efforts

to change. You can get away with things because you come from a different culture, and you should take advantage of that, because people have an expectation that you'll do things differently.

"If my colleagues want to criticise a presentation, most spend the first two or three minutes thanking people and telling them how great it is before getting to the point. I just get to the point. Sometimes you see faces drop when people feel they're being damaged for life, when all you're doing..." He trails off – a habit throughout the interview that betrays a butterfly mind brimming with information and ideas – before finishing, "People take a while to get used to the other side of being reasonably quick off the mark – the fact you're moving onto something else."

A little Kiwi self-deprecation, he suggests, goes a long way. "If you can't laugh at yourself, you miss out on a lot of good jokes. And a sense that how you treat people who are least important is perhaps one of the most important ways of judging other people.

"I had an interview today with a guy from the British media who knew one of my press officers was here. He finished by saying, 'Well, you'll get one of your flunkies to do that.' And I thought, basically, 'Stuff you' – you know, that sort of absolutely dorkish behaviour."

COOK WAS BORN IN Dunedin in 1949. Dux of his local school, he did a BA (Hons) in maths and stats at Otago University before joining the Department of Statistics

in 1971. His New Zealand bonds remain strong: he says he has missed only one family Christmas dinner – in 1985. "Shirley [his partner of 20 years] and I went tramping in Abel Tasman Park. But every other year we've always got together.

"From a distance, you get a sense New Zealand is undervalued in how it presents itself. Those involved in public policy need a broader world view on the importance of communities that are cohesive but diverse and the integrity of the environment. We've long been receivers of migrants and have a remarkable capacity to absorb people who are different. You can see that by the ease with which New Zealanders cope with all sorts of different communities and cultures. That must be an immense strength.

"Add to that the environmental richness – in some ways, New Zealand is almost entirely an organic farm – and it ought to become much more of a dominant thing. The Tourism Board's '100% Pure' is stunning – it's the most marvellous branding of New Zealand that's existed. It would be wonderful if that became the whole brand of New Zealand."

He also rates heading Statistics New Zealand as his career highlight. "The UK job is different – it's larger scale, more challenging and incredibly stimulating. Back home, however, I had a place, not only as the head of the organisation, but as a citizen who had a public role. I always think the top people in the civil service are also leaders of the community they come from. In New Zealand, I felt I occupied such a role." ■

# GETTING A MOVE ON

How a Kiwi founded a top French relocation company.

⊙ BY CARSON SCOTT

**N**ew Zealander Judy Braham believes that if you don't take risks in life, you never achieve much. She arrived in France 20 years ago with limited French, but set upon a path that today finds her heading one of France's leading relocation companies.

"When you come to a new city and don't speak the language, confronting a major cultural difference is a challenge," she says.

"Apart from everything else, I was used to the wonderful accommodation we have in New Zealand – tons of space, everything spanking new and clean and fresh. We came into Paris where everything's old. I remember looking at the buildings and saying: 'They look awful – they look like cages!'"

"When you're looking for a home in Paris, you go into apartments where everything's taken out – light fittings, kitchens ... It's a shock."

Separating from her French partner was also a shock, but Braham went to the Sorbonne University and did courses in language, literature, music, art, lifestyle, newspapers – and daily life.

She topped her classes, loved Paris and grew to love its architecture. In her final week at the Sorbonne, Braham spotted a job in a newspaper for a research assistant at one of the "big eight" accounting firms. Her diverse experience got her the position: from second-in-command to fishing magnate John Coop (at the age of 21 she had exported jellied eels to the Germans and imported frogs' legs into New Zealand from Asia), to marketing jobs in Australia for Lend Lease Corporation and Fletchers.

If getting a job in Paris proved relatively simple, finding accommodation was vastly more difficult.

"I had an accommodation list and asked a local, 'If you had time to visit just one apartment after work tonight, which would you choose?'"



"It was a charming old building in the Rue de Seine on the top floor with a high ceiling and beams. I fell in love with it. The only problem was there were about 30 other people also in love with it."

Feeling pretty dejected, Braham left with the woman who appeared to have won the lease. "We got into the lift and I said to her in my broken French, 'Are you going to rent this?' She said, 'No, I'm going to get it for one of my clients.' Her job was helping foreigners find homes. I replied, 'I've just got a job in a leading company which has expatriates. If you could get that apartment for me, I'll introduce you to my boss.' So we did a deal."

**A**fter she had been in her job for four years, the senior partner died unexpectedly, the company decentralised and Braham took a job in Brussels. But determined to return to Paris, she put an ad in the *Herald Tribune* to see if she could help people settle into Paris – and make it pay.

Her first client, a man from one of the major French cosmetic conglomerates,

rang and said, "I'd like your help. What does it cost?" So Braham rang friends and asked them. "Someone suggested 15,000 francs and I said, 'That's an enormous amount.' I rang him back and said: 'And 50 percent in advance.'"

"He said, 'With pleasure. Who do I make the cheque out to?' I replied, 'Er ... Executive Relocations France.' I searched in the paper, took him out in my new car, wasn't sure I knew my way around Paris, but delighted him by finding a lovely home."

Braham bought a list of France's 4000 biggest companies and, from December 1989 until forming Executive Relocations France in April 1990, grew the business. Within two years, turnover exceeded \$500,000.

She was soon looking for new space. "My secretary came and looked at the

**Judy Braham: rises to a challenge.**

building we are in now [Executive House, off the Champs-Élysées] and said: 'Judy, it's in terrible disrepair. It's far too big, but it's got a beautiful marble staircase.' I said, 'Show me the plans.' I saw a four-storey building being sold as three storeys, because the lower floor in France is considered to be the basement – really something just for cellars.

"But, in this case, the basement had a ceiling of about five metres." Braham figured she could put air conditioning in and get usable office and conference space.

She convinced bankers to lend her more than 100 percent of the purchase price. She now rents six superbly equipped upstairs apartments to expats while they look for permanent accommodation.

Part of Braham's strategy is a new business start-up service, helping overseas companies set up in France. "We offer entry into the European market – not simply Paris." But she still loves the city. And loves her job. That, she says, "is a real privilege in life". ■

# WOMEN ON TOP

Expat Judith Mayhew Jonas is a famous London dame who has been teaching the Brits a thing or two about progressing a woman's lot. BY CARSON SCOTT

She epitomises the über-influential Londoner, topping every serious "who to schmooze" list and registering thousands of hits on Google. And Dame Judith Mayhew Jonas, who moves between top-flight jobs in law and the City, is also New Zealander of the Year in Britain for 2004, having decided early on to live there. On arrival in 1973, aged 23, she knew she would never go back to New Zealand.

"My best friend, Marion, was passionate about America. She was doing a school project on Frank Lloyd Wright – aged 10. I was doing a project on Tudor and Stuart gardens. My parents are historians and I was passionate about English history. Marion always said: 'You're really old-fashioned, because America is where it's all at.' We're talking the 50s here. She said, 'I'm going to live in America when I grow up', and I said, 'Well, I'm going to live in England when I grow up!' It was very much a competition – but we've both done it!"

Mayhew Jonas credits the Kiwi "can-do" spirit for her rise and rise.

"We're more open, more upfront and we go for things. That was part of the tradition I had from Otago Girls, where we were more or less told: 'Go out into the world, girls, and conquer it', which was a strong suffragette tradition – still there – in an era where women were taught that they could achieve through education and hard work."

"When you come to Britain as an immigrant, you've got none of the constraints of being part of the society – the school and university you went to, who your family is. In that sense, being an immigrant is a huge advantage. I wasn't constrained in the way many English women were to think 'Oh my goodness, could I be the first political woman to lead the City of London, which has a tradition of over 1000 years of government? Would I be the first woman to be Provost of King's College Cambridge, founded in 1441? Would I be the first woman to chair the Royal Opera House?' There is this New Zealand thing of slotting

into a society and being able to deal with anyone."

Where Mayhew Jonas lacked contacts, chutzpah kicked in. "I've always described myself as a shameless opportunist – grabbing opportunities as they go past. You might not necessarily know what you're going to do with them or how you'll deal with them, but that is something I've always done."

Her skill at running the City of London – the world's biggest financial centre – wasn't lost on mayor Ken Livingstone. Realising that she was a rival for his job (in fact, she was too consumed with City commitments to mount a challenge), he offered

"We are, in many cases, living on our Victorian infrastructure – that great period of building roads, rail, water supply, electricity, sewerage ... every hundred years or so, you have to renew that."

her plum portfolios, should he win. In the event, she became deputy chair of the London Development Agency (responsible for the capital's entire economic development) and Livingstone's personal finance and business adviser.

Combined, these jobs gave her great insight into London's transport problems and convinced her of the need for the Congestion Charge, which dramatically reduced city traffic flow.

Could the same system solve Auckland's gridlock woes?

"I have my doubts, given the lack of public transport provision as an alternative, when considered with the spread-out nature of the city. It's different here, because London is a much more densely populated place than any of the New Zealand cities, except Wellington, where, for physical constraint reasons, people live much closer to the centre, meaning rail works as a commuter system."

Should priority go on infrastructure

per se – more roads, more highways – or public transport, in particular? "It has to be both in a New Zealand context, because of the way in which the towns are configured. The dependence on the car is one of the great differences I remark on when I go back, because of the sprawled nature of most cities. Auckland is so spread out that it's hard to envisage a proper public-rail network system working, since people living on their quarter acre would have to walk so far to their transport nodes."

"It is right to try to put in some sort of public commuting system, which is beginning to happen. Environmentally speaking, solutions have to be found in some form of public transport if possible. But, economically, it's hard to see how it would stack up because of the lack of density."

She believes that central government should have more faith in local government by devolving power to raise finance, instead of the Treasury controlling national debt from the centre. "The government is interested in public/private partnerships and that's important, because the private sector has a lot to teach the public sector in terms of management of projects and the acceptance and calculation of risk. But in many ways, society today has become quite risk-averse."

"We are, in many cases, living on our Victorian infrastructure – that great period of building roads, rail, water supply, electricity and sewerage. Every hundred years

or so, you have to renew that. And the time has come to do this – in New Zealand and the UK cities. It's interesting to see how, in some ways, reckless and gung-ho the Victorian entrepreneurs were in the way in which they got things done. Perhaps we've become too bound up in consultation and inquiries, which makes things very drawn out and expensive. The can-do, will-do element is missing at the moment in terms of renewing infrastructure."

How does Mayhew Jonas think Helen Clark's government is running the country? "I don't know in great detail what's going on. But something journalists in the UK have raised is the idea of having a woman Governor-General, a woman PM and a woman Chief Justice. I've had jokes made to me about: 'You're over here because there are no jobs left for you over there', which is interesting."

Why not return and contest a position in frontline national politics? "It's too late for



JUDITH MAYHEW JONAS:  
"I'M A SHAMELESS OPPORTUNIST."

me and it would be quite presumptuous for those of us who've made our careers abroad to go back and step in and expect as of right to achieve office. That's something you've got to earn through being part of the local society, the local community. Otherwise, you're seen as a carpetbagger – and that's not the way I would operate. What's important – if you look at New Zealand in a global, connected world – is those of us who remain abroad, who've got a degree of power and influence, are ambassadors for the country, represent its best values and, indeed, work very hard for New Zealand in other societies."

"We are part of the diaspora – we are New Zealanders, count as New Zealanders and create part of the view about what New Zealand is about. That's key for a small country that can't afford too many representatives. When the representation was reduced during George Gair's term as High Commissioner, he called in several of us who've got reasonable influence and said: 'Right, you're the unpaid staff.' He involved us in what was going on, took briefings from us and involved us when New Zealanders came over. That role shouldn't be underestimated."

Mayhew Jonas is reviewing her myriad commitments and adjusting to working 12-hour days instead of 18, following her marriage last year to English National Opera (ENO) director Christopher Jonas. "We met on the morning I arrived back from New Zealand a couple of years ago. In order to keep awake and stop getting jet lag, I went to a party for the ENO and met him again. He sort of said, 'Are you interested in opera?' And I said, 'Yes', and he said, 'I have two tickets to something, would you like to come?' But we'd been on the fringes of the same groups for years."

How has married life changed her? "It's made me much happier in my own personal life and it is wonderful being able to share things. Between the two of us, we are going to everything at the Royal Opera House and everything at the Coliseum [ENO], so there's a large amount of wonderful opera and ballet in our lives!"

"I'm trying to narrow down to the Royal Opera House, trusteeship of the Natural History Museum and King's College Cambridge. The chapel and the choir are wonderful and being part of the higher education system, with the debates about fees and funding and the role of universities in society, is very important."

"I've always thought my work was so interesting. I've got up and said: 'What I'm doing today is great.' If you're not enjoying what you're doing, you should change your life. This is not a dress rehearsal – this is it."



CARSON SCOTT TALKS TO

## Robin Cooke (Lord)

The Rt Hon Lord Cooke of Thorn-don, KBE, ONZ, PC lists theatre, the *Times* crossword and watching cricket as his hobbies in the latest *Who's Who*.

Yet, at 77, the law remains a passion and, in a rare interview with the *Listener*, he put his head above the parapet to support New Zealand replacing the Privy Council with a homegrown Supreme Court.

"It's a matter of national growth, national identity. It's no longer creditable to submit our cases to a court far off, not versed in New Zealand law. We need judges soaked in New Zealand law, not judges soaked in English law who may

acquire a smattering of New Zealand law as they go along."

IN MAY, Cooke appeared in Wellington before the Justice and Electoral Select Committee to back the government's bill on the new Supreme Court, arguing: "Law is made in two ways – by the legislature and by the courts. The day is well past when the UK Parliament could make statute law for New Zealand. Why should it be any more acceptable that an English court should make common law for New Zealand?"

Yet the legal fraternity opposes change. Why? "Bodies like the New Zealand Law Society have a long tradition of conserv-

atism. It would be too much to say they are obstructive, but they are not normally creative in their approach to problems.

"Many lawyers in New Zealand have not really thought through this problem or have had very little firsthand experience of the kind of litigation which will reach the Supreme Court. Often the most vociferous comments are made by people who've never appeared in the Privy Council or, if they have done so, only once or twice – and may not even have appeared in the Court of Appeal more than on a fleeting occasion."

In contrast, Cooke is eminently qualified to comment: 20 years as a Court of Appeal judge (the last 10 as president);

Lord Cooke: "diversity needs bearing in mind".

former member of the Appellate Committee of the House of Lords, and the Judicial Committee of the Privy Council (when he retired in 2001, he had sat in more than 100 cases and was its longest-serving member); not to mention stints on Hong Kong's Court of Final Appeal and his ongoing presidency of the Samoan Court of Appeal.

It's an impressive CV – and sufficient experience to convince him of the need to provide for an overseas element in the court's composition – something he wants reflected in the government's bill.

"The Chief Justice should have the power to call on overseas judges – not just English, Scottish and Irish, but Canadian judges, for instance, who could be extremely helpful on Maori matters, because they've had cases about the Inuits and Indian tribes and are impressive judges also on human rights. It would be a modifying and enriching presence, but would not dominate because the core of the court would still be a New Zealand court. It would also ensure one didn't fall into the trap of adhering to a distinctly New Zealand line if, on reflection, there was seen to be better law made elsewhere.

"You could even look to Australia – although I wouldn't regard that as a first priority."

Why not? "It has had some fine judges in the past and still has some excellent judges, but they have become rather isolationist in the law in Australia – rather inward-looking – and very conservative. I understand John Howard said that when vacancies arose in the High Court, he was going to appoint Conservatives with a capital C. Whether or not he said that, that is what he has done. The result is that more liberal judges – like Michael Kirby – tend to be rather isolated in Australia."

What of similar concerns that New Zealand Attorney General Margaret Wilson could appoint Labour cronies to the Supreme Court? "My concern is fundamentally different. I fear that, because of the criticism along those lines, she may be driven to make stodgy appointments – to play it safe and simply promote according to seniority."

What's the danger there? "You will get admirable judges, no doubt, but they will not necessarily be judges best equipped to sit in a court of final appeal. There are different talents required for different types of courts. A trial court judge is expected to have certain abilities in dealing primarily with questions of fact, in summing up to the jury and so forth. A Court of Appeal judge is supposed to

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have particular powers of analysis in deciding issues of law.

"When you come to a top court, a Supreme Court for instance, another element often comes into it – legal philosophy or legal outlook, breadth of vision – and it doesn't follow that anybody who may be admirable as a Court of Appeal or High Court judge will automatically be best suited to a court of final appeal.

"The principle of diversity needs bearing in mind here, too. The court will work more effectively if you have a range and blend of outlooks. You want to make sure, if you can, that not all your judges think the same way."

COOKE ALSO FAVOURS co-opting judges with special experience in cases calling for it – for instance, Maori judges for Maori cases. He dismisses critics who say this would mean an overreaching influence by one member on the bench: "The threat of one judge – whatever his race – dominating an appeal court is an absolute myth. Appellate judges are very much their own masters and that simply wouldn't happen."

But won't there be a disparity of knowledge between a Maori judge and a European? "There will be, but in the end, once that knowledge has been shared, the question will be one of judgment, and it's really a question of the Maori member making a contribution to the judicial debate rather than dominating it."

What of the suggestion that counsel should brief the court on Maori issues if they're pivotal to a case, rather than a Maori judge being co-opted to sit on the

**"It's a matter of national growth, national identity. It's no longer creditable to submit our cases to a court far off, not versed in New Zealand law. We need judges soaked in New Zealand law, not judges soaked in English law."**

bench? "It is a possible approach – but it's not a solution.

"Try putting oneself in the opposite position. Consider a court of five Maori judges determining an issue relating to the Pakeha. It could be said: 'It's up to counsel to brief the Maori judges.' But I feel certain the white people – to use a rather old-fashioned expression – would much rather have a member on the bench.

"Similarly, I have no doubt at all that if a suitably qualified Maori were available, it would be far better and more satisfactory to Maori if that person could sit in an appropriate case."

There are now distinct ethnic

groups in New Zealand society, not just Maori. If it's okay for them to go unrepresented in a court of only five judges, why make an exception for tangata whenua?

"Maori are singled out because they are the other partner to the fundamental New Zealand document – the Treaty of Waitangi. It is rightly regarded now as the foundation document of the modern New Zealand state. And it's right that the other Treaty partner should have a say in final decisions where they bear on Treaty rights. The Chief Justice [Sian Elias], because of her background at the bar, has a knowledge of Maori issues that will be valuable. But I don't think that sort of knowledge is ever a complete substitute for the instinctive ways of thought an indigenous Maori would have."

He brings Maori into the wider debate over the public having a say on the new court via a referendum, by citing the unsuccessful litigation over which roll Maori should vote on in the run-up to MMP.

"The difficulties of explaining the issue of court structure to the electorate would be considerable and I would not be surprised to find a challenge to what was done by way of legal action. In the 30 or 40 countries that have abolished the Privy Council, there has never been, to my knowledge, a referendum. Neither have any of the New Zealand acts curtailing the right of appeal to the Privy Council – including the Employment Contracts Act, which eliminated it entirely – been the subject of referendum."

But wouldn't the imprimatur of a positive referendum vote make it harder

for future parliaments to ignore the will of the people and, as National has suggested, reinstate appeals to London? "I'm not sure that's logical. Once there had been one referendum, if a change was proposed, there would presumably be another. Then you'd be in the situation of always wanting referenda when you were changing your court structure.

"The uninformed will of the people is a very vague concept. When the separate New Zealand Court of Appeal was created in 1957, the change was arguably fundamental, but no one suggested a referendum."

And with that, Lord Cooke rests his case.





# SIMON SAYS ... DO THIS

Former MP Simon Upton's Paris job with the OECD gives him the clout to make a difference on the world stage of sustainable development.

BY CARSON SCOTT

When Simon Upton was a government minister in New Zealand, international engagements – no matter what his portfolio – were the least satisfactory part of the job.

"A lot of them were living death – they were dry, formal, prescriptive, bureaucratic exchanges and a complete waste of time," says Upton, on his first outing with the New Zealand media since becoming chairman of the Round Table on Sustainable Development at the Organisation for Economic Co-operation and Development (OECD) in 2001. "Because of the large number

of interactions involved, they always retreated into being least-common-denominator exchanges."

Although they were always presented as being grand affairs, the real work was done in bilaterals. "People go off into broom cupboards together and have little conversations, whereas my feeling always was that if these encounters were (a) not so massive, and (b) the politicians who were attending were taken seriously and the meetings were properly prepared, you could add some real value."

Upton began as a chairman of the round table in 1998, going to biannual meetings in Paris. "In 2001, they asked

me if I'd like to run it fulltime. He had been in Parliament 19 years – and former Rhodes Scholar was first elected at just 23 – and thought it was time for a change.

In international committees, he says, "often the over-ambition of things done at a global level, in terms of the words, is amazing. We've spent this vast negotiating field of a million and generated acres of negotiating texts and huge conferences and treaties, which aren't necessarily being implemented.

"It's getting this international agenda down to a doable, practical size which interests me. We're saying: 'If you want

Simon Upton: "A lot of international engagements were ... a complete waste of time."

to make progress, what would you do? Where do you get your maximum leverage? What would make the biggest difference?"

"What the round table does is very specific. It's not about getting into big encounters. These are small meetings, with 30 to 40 people. We ask: 'What is the issue at the bottom of this that's making it difficult to progress?'"

Upton's proudest achievement so far with the round table is a fisheries taskforce involving New Zealand, set up after the World Summit on Sustainable Development in Johannesburg in 2002. "We looked at the agenda coming out of Johannesburg – 168 paragraphs – and said: 'You're never going to tackle these issues by having mega-conferences where people utter platitudes. If you were to try to move something forward usefully, what would it be?' One of the issues that came out of it was illegal fishing on the high seas.

"What happens on the high seas is beyond the jurisdiction of any single country. It involves international law issues. Trying to police it involves international enforcement issues. Trying to monitor the trade in that stuff involves international trade issues. It impacts on the global environment – the global commons, in effect – because under international law, every country has an equal right to the resources of the high seas.

"A group of ministers, including Pete Hodgson, who was Fisheries Minister then, formed a taskforce that will generate not another report, but a list of items that their countries say: 'We can commit to doing these things now and we'll try to encourage others as well, without waiting for some great multilateral global machinery to turn yet again.'

"Everyone agrees that you need to amend the law of the sea. Well, best of British – in 25 years you might have something negotiated. America hasn't even ratified the existing law of the sea, though we're told it's going to – shortly. To get the agreement of everyone to amend that – to make it stick – is a long-term project. If you want to make a difference now, it's not the thing you'd advocate. You'd advocate something of a much more practical nature.

"Most ministers don't get the time in their schedules to sit down for 24 hours and follow one issue in

considerable detail and get around the table all the key affected parties who've got knowledge of the subject. I try to give those who attend these meetings an opportunity to do something that the system doesn't let them do."

Ministers cannot send a bureaucrat to represent them at round table meetings. If they won't come themselves, their country is not represented at the table – a rule that only sticks because there's nothing at stake.

"That changes the dynamics of it completely. Often, you go to international meetings and half the people sitting at the table are not the political representatives. They've sent the ambassador or someone along because they're too busy. What I'm doing is trying to improve the quality of exchange.

"September 11 happened the year I arrived and I thought: that's just great – everyone's eye will be on a different ball now. But, in fact, the interest has been just as high. There's an understanding that if you want a stable, peaceful world, but development is going nowhere, you'll almost certainly have environmental degradation. And even if you've got development, if you've got environmental degradation, that'll set up pressures which will pose risks of their own."

Upton won't enter into any exchange on the rise of National under Don Brash, despite praising Bill English via his weblog "upton-on-line" ([www.arcadia.co.nz](http://www.arcadia.co.nz)).

He is less reticent about discussing the debate on the Treaty of Waitangi – something he became interested in at the end of his parliamentary career and an issue he regrets not pushing harder while in office.

"It's the single most interesting thing happening in New Zealand – how we're coming to grips with the constitutional and judicial inheritance of the Treaty over the past 25 years. New Zealand is in a unique position, constitutionally, and, in terms of its size, it's one of the neo-Britains going down its own absolutely unique path."

Despite the stimulation of living in Paris, Upton misses the great outdoors in Godzone. "One of the defining things about New Zealand is that it's a society with a sort of permeable membrane called the coast. We all came across the coast to get here and we all go to the beach recreationally. It's fantastic in New Zealand and so desperately inferior here."

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"It's the single most interesting thing happening in New Zealand – how we're coming to grips with the constitutional and judicial inheritance of the Treaty." SIMON UPTON



CARSON SCOTT TALKS TO

## Russell Marshall (our man in London)

**R**ussell Marshall is a conundrum. A failed school teacher who became Minister of Education; a one-time Methodist minister turned avowed atheist. And now our High Commissioner in London – a job he landed after a book launch in Oamaru.

"Helen Clark was in town and agreed to launch a biography on Australia's first Prime Minister – my wife's great uncle – who grew up in Oamaru. I'd done the New Zealand research and was repre-

senting the Australian authors. We were sitting together and she said: 'What's this you're going to do?' I said: 'I'm going to London to chair the Cambodia Trust.'" Marshall founded the New Zealand chapter for landmine victims in 1994.

"I thought: 'I'm not going to get a diplomatic post – I only want London and Jonathan [Hunt] is going to get it.' The British trust was looking for a chairman and I said I'd do it. I was reconciled to ending my career with a nice little part-time job in London. The PM said: 'What

are you being paid?' and I told her. That's Thursday. On Sunday night, Phil Goff phoned and offered me the job."

Fast-forward 15 months to May this year. Clark is in Downing Street to see Tony Blair, with Marshall in tow – until they enter No 10.

"We shook Blair's hand, wandered in and then they went for their prearranged private chat. Someone came out and got Heather Simpson, from the PM's Office, and the rest of us chatted among ourselves. The next thing, they came through

and it was all over. They had their half an hour or so without us being there."

Marshall's account of the chemistry between Clark and Simpson – her closest adviser and *éminence grise* – is telling.

"If I'd had someone as good as that, who knew my instincts, who could go into another room and meet someone else and whom I could trust absolutely to say what I think and pick up the essence of it, who could be another pair of legs, ears and eyes for me, I'd have grabbed her – or him."

"She keeps her cool. I've taken a problem to her and she's said, 'That's my problem – I'll sort it.' When she's aware there's something she can do for you, she'll do it. And she'll also say: 'No, that's not negotiable, so don't waste your time trying to change my mind.'

As Clark's London envoy, is he miffed that he wasn't allowed in on the

Blair/Clark tête-à-tête? "No, not at all. I have absolute faith in Helen Clark. In our younger days in the House, you could always depend on her – we had the same instinct, especially on foreign policy. But she's been engaged in these things actively for a lot longer now than I have."

That said, he relishes the cachet that comes from being a former Foreign Minister: "When I went and saw Jack Straw recently, he came out of his office to meet me and said: 'Now look, Russell, I'm Jack. You've been Foreign Minister longer than I have, so let's start on first-name terms.'"

Still, he argues, a political nose isn't sufficient to tip the balance between career diplomats who have become High Commissioner (two from New Zealand at last count – Bryce Harland and Richard Grant) and the steady trend towards political appointees.

"I've never believed that even the keenest amateur could do as good a job as head of mission as the best professional could. If you come to the most senior position in a post like this and you've never been in any other positions – in terms of routine, instinct and the way the system works – you can never be as good. None of us who are amateurs ever know all the stuff there is to know."

What of (Speaker of the House) Jonathan Hunt, tipped to replace him sometime soon? "Everyone comes with their own particular gifts." Which ones

– his father was secretary of the Nelson Labour Party – but he signed up almost as an afterthought, aged 32, when someone knocked on his door. Before he knew it, he was on the floor at a Labour Conference, talking about party policy. Crucially, he got himself on television for the first time. Norman Kirk spotted him and asked if he would stand for the Wanganui seat. The rest is history.

Yet, he hasn't forgotten the infighting in Labour Party politics: "I quite often look back and simplistically think I wasted 18 years of my life. It was a long time – by the time I got in, I was 36 – until I was 54. Those should be the best years of your life. What have I got to show for it? I was 48 by the time I became a minister, and was just starting my life then. I found it emotionally very, very hard in the internal strife we had in the late 70s and early 80s. I wish I'd handled that better – I'd have been much more assertive. I kept my counsel too often. There was rubbish that went on in caucus that I wish I'd been angry about. I very rarely got angry."

When he retired from politics in 1990, he became Chancellor of Victoria University. He relinquished that position – and several other educational roles – when he went to London as High Commissioner.

Does he have any regrets? "Tom Scott once had a line: 'Those who can, teach. Those who can't, become Ministers of Education.' I was a pretty good example of that! I have a huge respect for teachers

**"Tom Scott once had a line: 'Those who can, teach. Those who can't, become Ministers of Education.' I was a pretty good example of that! I have a huge respect for teachers – we undervalue the teaching profession."**

does Hunt have? "A passionate and abiding interest in Britain, its politics and foreign policy, sport, a good knowledge of New Zealand wine. He will know quite a lot of MPs, too, which is an asset."

MARSHALL WAS BORN IN NELSON in 1936. He left school at 16 and went to teacher's training college. There was just one problem: "I was immature – I wasn't grown up or ready to train as a teacher. I did a couple of years of rather unsuccessful, miserable teaching, and then escaped to enter the church."

Although he doesn't believe in God ("you shouldn't expect people to stand still and stay with the same faith"), he credits his church background with shaping his subsequent political career – and the stance he took on homosexual law reform, Vietnam and South Africa.

He grew up surrounded by politics

– we undervalue the teaching profession.

"Overall, I've had a wonderfully advantaged life. And for a failed teacher to have had the jobs I've had is pretty cheeky really. I mean, just being here! Barbara [his wife of 42 years] and I were present at [Nelson] Mandela's inauguration in 1994. I was at the funeral of the Emperor of Japan. We were at the enthronement of the Archbishop of Canterbury recently. I've travelled to places you'd give your eye teeth to go to.

"If I was starting again, I'd do some things differently. But I've got two beautiful granddaughters and an enjoyable job here. When I first came to London, it seemed the buildings were all black and there was still smog. It's cleaner now, the weather's better than people give it credit for and there are neverending things to do. You pinch yourself to think – is this really happening?!"