

29 May 2024

Submission to the Governance and Administration Select Committee on ***Restoring Citizenship Removed by Citizenship (Western Samoa) Act 1982' Bill.***

Oute mua'i faatulou atu ile pa'ia ole Maota ole Palemene o Niu Sila, Afioga ile Fofoga fetalai, Isu Afioga ile alii Palemia, le mamalu ile kapeneta ae tainane usufono uma ole Palemene o Niu Sila.

Tulou Tulouna lava,

The Justice & Peace Commission of the Catholic Diocese of Auckland promotes Catholic Social Teaching and advocacy for social justice issues on behalf of the Catholic Bishop and Catholic Diocese of Auckland.

Our submission is based on the recognition of the human dignity and right to protection of all members of society, particularly the most vulnerable.

We are strongly supportive of the 'Restoring Citizenship Removed by Citizenship (Western Samoa) Act 1982' Bill which aims to restore entitlement to New Zealand citizenship for people born in Samoa between 1924 and 1949.

This Bill would provide entitlement to New Zealand citizenship for a concise group of people born in Western Samoa whose citizenship was revoked through the enactment of the Citizenship (Western Samoa) Act 1982.

The present Bill is an attempt to redress long-standing injustice.

The Citizenship (Western Samoa) Act 1982, enacted by the New Zealand government, is widely regarded as an unjust piece of legislation due to its discriminatory implications and its breach of the principles of fairness and equality.

The Act was a direct response to a ruling by the Privy Council in London, which had declared Western Samoans born between 1924 and 1949, and their descendants as "natural-born British subjects" and thus entitled to New Zealand citizenship. This ruling also established that **Western Samoa was a New Zealand-administered territory during this period.**

The Commission notes the circumstances surrounding the passing of the Citizenship (Western Samoa) Act 1982, which we believe were not only unjust but unduly rushed through Parliament. We particularly note the comments of the Mau a Samoa i le Sitiseni 2024, an advocacy group of Samoans led by former Parliamentarian Anae Lupematasila Arthur Anae, and Afioga Aupito Toeolesulusulu Tofae Sua William Sio, who describe the

1982 Act as having been passed with “astonishing speed” less than eight weeks after the Privy Council decision. Notably that:

“It stripped citizenship from Western Samoans who the Privy Council had already declared to be New Zealand citizens. Most of them were never given the opportunity to be heard.”¹

As this Act only targeted a specific group of people based on their ethnicity and place of birth, we interpret the Act as unjust and discriminatory, and recognize the breaches to the principles of fairness and equality as it deprived this group of their rights without any justifiable reason.

Furthermore, it added to historical injustices faced by Samoa throughout the colonial era: diseases introduced by foreign settlers, land alienation, and a lack of respect for Samoan culture and customs. The Citizenship (Western Samoa) Act 1982 was seen as an extension and continuation of this pattern of injustice and abuse.

Another major factor to consider is that this decision and introduction of the Act precipitated a racially and ethnically prejudice period in New Zealand history during the 1970s, where government sanctioned raids were held at dawn to arrest and deport ‘over-stayers,’ particularly those of Pacific origin or heritage.

A number of those supporting the repeal of this legislation have also argued that it would be a logical extension of previous actions as that undertaken by former Prime Minister Jacinda Ardern, to redress issues such as the dawn raids.²

Despite attempts to rectify these injustices in recent years, the legacy of the 1982 Act continues to be a source of tension between New Zealand and Samoa.

We believe it is important to appreciate the historical and social justice context of this Bill. As the Council for International Development Aotearoa New Zealand states: ‘the Bill’s passage reflects a commitment to justice and fairness ... rectifying a cruel and targeted law from the past’.³

From a Catholic and Christian viewpoint, we believe the 1982 Act directly disregards the principle of subsidiarity - *mana whakahaere* - which effectively argues that those who are most affected by a decision should have a voice and right in contributing and making that decision.⁴ Furthermore we believe:

¹ Scoop Independent News. (April 2024). *Citizenship (Western Samoa) Act 1982 Bill*.

<https://www.scoop.co.nz/stories/WO2404/S00192/citizenship-western-samoa-act-1982-bill.htm>

² BBC. (August 2021) *New Zealand Dawn Raids: Jacinda Ardern formally apologises*.

<https://www.bbc.com/news/world-asia-58046178>

³ The Council for International Development. *Samoa Citizenship Bill: Trust and Fairness for Elders*. (April 2024). <https://www.cid.org.nz/connect/news/samoa-citizenship-bill-trust-and-fairness-for-elders/>. Referencing RNZ 22 April 2024

⁴ Caritas, Aotearoa New Zealand. (n.d.). *Catholic Social Teaching: Mana Whakahaere*.

<https://www.caritas.org.nz/catholic-social-teaching/subsidiarity>

“It is the task of everyone, and in a special way of those who hold various forms of political, judicial or professional responsibility with regard to others, to be the watchful conscience of society and bear witness to the civil social conditions that are worthy [or unworthy] of [us as] human beings.”⁵

We are now in a position as a nation to rectify these wrongs.

The Bill as an opportunity for peace and reconciliation.

Former Prime Ministers have spoken highly of the contributions from the Samoan Community in New Zealand. They acknowledge the early Samoan migrants who came to New Zealand as hardworking and good citizens who also contributed to the New Zealand economy.

We see many Samoans in New Zealand Parliament, in public service, in professions and businesses, including positions of advocacy and social justice in our Church based communities. We also note broad-based strong political and community support for this Bill.⁶ We believe now is the right time for change in legislation that reflects the deep diversity and multiculturalism in Aotearoa, New Zealand.

The Commission therefore urges Parliamentarians to support the passing of this Bill, to give voice to those who were stripped of their voice so many years ago, to right these past wrongs, and move forward together toward a future of reconciliation and peace by restoring the citizenship of those who have a right to belong to our country and whānau.

We have long since chosen to call these people our brothers and sisters, we acknowledge them as part of our family rather than mere “friends.” We therefore expect both the New Zealand and Samoan governments to alter and adjust the ‘Treaty of Friendship’ that exists between the two countries accordingly to accommodate changes issued by this Bill.

Conclusion

The Commission is strongly supportive of the provisions of this Bill and believe this Bill will overturn a manifestly unfair piece of legislation by restoring the rights of New Zealand citizenship to those entitled.

⁵The Holy See. Città del Vaticano. (June 2004). *Compendium of the Social Doctrine of the Church*. https://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott_soc_en.html#Trinitarian%20love,%20the%20origin%20and%20goal%20of%20the%20human%20person#134

⁶Fotheringham, C. (May 2024). RNZ. <https://www.rnz.co.nz/international/pacific-news/517512/samoa-citizenship-bill-new-zealand-urged-to-do-the-right-thing>

Furthermore, we are optimistic that the New Zealand and Samoan Government will work together to find the greatest common good between the decisions and rulings of the past (however misguided and unjust those former rulings are) to make the necessary adjustments needed for a mutually beneficial and just future.

We would also like to make an oral submission.

We thank the Governance and Administration Select Committee for the opportunity to make this submission.

Faafetai tele ile avanoa ua tuuina mai e faaleo ai se leo ole Ekalesia Katoliko.

Ia faamanuia tele le Atua ile Palemene o Niu Sila faapea le atunuu atoa.

We wish you all every blessing.

References:

BBC. (August 2021) *New Zealand Dawn Raids: Jacinda Ardern formally apologises*.
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