

Principles of the Treaty of Waitangi Bill Submission from Ōtari Parish Justice, Peace and Development Group

This is the text of the submission made by the Parish JPD group. Thank you to all those who took time to attend the workshops that preceded this. As a group within Ōtari Parish, the JPD promotes working for Social Justice and peace issues. We are informed and inspired by the Gospels, Catholic Social Teaching, and the Pope's encyclicals such as *Rerum Novarum*, Leo XIII's Encyclical on Capital and Labour and Pope Francis's *Laudato Si'*. We warmly welcome new members. (Meetings are usually held in February, April, July, September, November - on Monday evenings)

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The submission

Tēnā koutou katoa.

We are the members of the Catholic Parish of Ōtari Justice, Peace and Development Group (J.P.D.) located in Wellington. Over the past thirty years, members of the group have been promoting, advocating and working for social justice issues, including the understanding of Te Tiriti o Waitangi.

We strongly oppose the Principles of the Treaty of Waitangi Bill for the following reasons:

- 1. In writing the bill, Māori were never consulted.** From the context of what happened at the 1840 Te Tiriti signing, we regard Te Tiriti as a sacred covenant, establishing a relationship of trust between Tangata Whenua and the Crown (Tangata Tiriti). This action of reinterpreting the principles by one party alone directly opposes the legal agreement of partnership. It breaches the Crown's obligations to protect Māori rights under Te Tiriti o Waitangi. As Pope Francis writes:
"It is essential to show special care for indigenous communities and their cultural traditions. They are not merely one minority among others but should be the principal dialogue partners."
(*Laudato Si'* - On the Care of our Common Home, 2015, paragraph 146)
- 2. The current Principles serve Justice.** The current legal recognition of Te Tiriti principles, which were established through 40+ years both in the Courts and Waitangi Tribunal, honour the 1840 Tiriti. As a JPD group, we endorse the principles such as; partnership, active protection, informed decision-making and consultation and redress for past Te Tiriti breaches. These principles uphold Te Tiriti justice. Since 1975, these principles

have provided pathways to restore and heal the huge injustices of land loss and social deprivation experienced by Māori.

By contrast, what is proposed in this bill are three principles that we believe will lead to increased injustices by ignoring Māori authority over their taonga that are important to them such as their lands and language. Specifically, we fear that the proposed Principle 2 could enable exploitation of land and natural resources due to the lack of protection by the Courts and Waitangi Tribunal. Care of the environment is important for the wellbeing of all New Zealanders now, and for future generations.

3. **Equality is not the same as Equity.** In 2024 there is a serious imbalance between Māori and other New Zealanders in health, education, housing, crime statistics and prison populations

Māori inequities arising from colonization and breaches of the Treaty must be continually addressed as we move into a future where all citizens can live fulfilling lives. Ways to do this include social structures such as separate health and educational authorities, Māori Wards and Māori quotas to address issues such as Māori poverty and differential life expectancies. These social structures cannot be seen as “Māori privilege” as implied in the proposed Bill. Voices of hapū and iwi are essential in contemporary Aotearoa. Ultimately, the care and advancement of one disadvantaged group of society is to the advantage of all by increasing the social development of all members of society. For example, improving health, housing and education for Māori will lead to decreasing crime statistics and prison populations.

In conclusion, the Ōtari Parish JPD group recommend the Bill be dropped in its entirety. We also strongly oppose any referendum connected with this flawed Bill as this is a simplistic and divisive way of moving forward in purporting to address injustices. We have experienced in the recent Hīkoi throughout Aotearoa to Parliament grounds that thousands of Tangata Whenua together with Tangata Tiriti have peacefully protested the injustice of this bill. We must honour the covenant made between Tangata Whenua and the diversity of peoples that are Tangata Tiriti now and in the future.

The Justice, Peace and Development Group
Catholic Parish of Ōtari
Te Whanganui-a-Tara