

Submission to the Governance and Administration Committee: Restoring Citizenship Removed By Citizenship (Western Samoa) Act 1982 Bill

Introduction

Mana Mokopuna – Children and Young People’s Commission is the independent Crown entity with the statutory responsibility to advocate for the rights, interests, participation and well-being of all children and young people (mokopuna) under 18 years old in Aotearoa New Zealand, including young persons aged over 18 but under 25 years old years if they are, or have been, in care or custody.

We advocate for and with mokopuna within the context of their families, whānau, hapū, iwi and communities, based on evidence including direct mokopuna experiences and views, the United Nations Convention on the Rights of the Child (the Children’s Convention), Te Tiriti o Waitangi and other international human rights instruments. We have a statutory mandate to promote the Children’s Convention and monitor the Government’s implementation of its duties under the Convention, and to work in ways that uphold the rights of mokopuna Māori including under Te Tiriti o Waitangi. We place a focus on advocating for and with mokopuna who are experiencing disadvantage and recognise and celebrate the diversity of mokopuna in all its forms.



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Executive Summary

1. Mana Mokopuna welcomes the opportunity to submit in support of the Restoring Citizenship Removed by Citizenship (Western Samoa) Act 1982 Bill (the Bill).
2. Mana Mokopuna recognises and celebrates the connections of mokopuna in Aotearoa New Zealand to Te Moana-Nui-a-Kiwa and the wider world. As an organisation that exists to serve our country’s mokopuna and advocate for and with them, we are committed to deepening our connections with Pacific communities and communities with links to diverse regions of the world¹. This Bill presents the opportunity to support wider holistic thinking of what is best for mokopuna of Pacific descent and their rights, grounded in their aspirations.
3. Mana Mokopuna encourages the Government to see the benefits this Bill has in relation to upholding children’s rights, given that mokopuna exist in the context of their whānau and aiga. We note in the context of this Bill, mokopuna rights to identity, to live and stay in contact with family/whānau and to practice their own culture or faith.²

¹ Mana Mokopuna Children and Young People’s Commission (2024) “Statement of Intent 2024-2027”: [Our Statement of Intent 2024 - 2027 | Mana Mokopuna](#)

² United Nations (1989) “Convention on the Rights of the Child”: [Convention on the Rights of the Child | OHCHR](#)

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4. We encourage the Committee to be inclusive of mokopuna voices and their lives in its consideration of this Bill, and to take a whole of aiga (family) and intergenerational view. We note the need for practical supports to be in place for elders and families of this Bill. These supports should be efficient, user-friendly, and culturally safe. Taking such steps will have a flow on effect of supporting the roles which mokopuna will have in supporting their aiga to be able to experience the positive impacts of this Bill, such as making applications, liaising with Immigration, etc.

Mokopuna impacted throughout generations

5. Mana Mokopuna acknowledges the different mokopuna impacted by historical policies, laws, and decisions, including those who experienced the 1970s dawn raids and those who had their citizenship rights stripped by the 1982 Act.
6. In the related contemporary and intergenerational context, we acknowledge the four mokopuna who, along with their family, experienced firsthand modern dawn raid tactics in April 2023.³
7. The most recent Pacific Wellbeing report from Te Hiringa Mahara⁴ makes clear, there are still ongoing and far-reaching dawn raids impacts among Pacific people. Understanding this history helps us understand Pacific mental health and Pacific inequities which are present in Aotearoa today.

Talanoa that leads to action!⁵

8. Mokopuna themselves are change-makers when it comes to addressing the harms created by policies of successive governments in this context. This highlights why mokopuna voices should be included at every level of decision-making in this country.
9. We highlight the immense efforts of mokopuna voice, participation, and leadership within the context relating to the Bill, dating back to mokopuna within the 1970s dawn raids era.⁶ We urge taking an intergenerational view of this Bill and its practical implementation should include hearing from Samoan mokopuna.
10. The Government has a duty to listen to the views of young people and to take them seriously under Article 12 of the United Nations Convention on the Rights of the Child (Children's Convention). We amplify the current work of mokopuna in this space, particularly:
 - a. Jessica Tupai, the national overall winner of the Race Unity Speech Awards 2024 made the point in her award-winning speech that the Bill is essential in order to address historical harms against the Samoan community in Aotearoa New Zealand.⁷
 - b. Esmae Salesa, a Pasifika mokopuna who alongside other Pacific mokopuna, have shared across many social media platforms and collected over 4800 signatures on a petition to repeal the Citizenship (Western Samoa) Act 1982.⁸

³ Micheal Heron, Out of Hours Final Report. 2023. [MHKC INZ Out of Hours Final Report 29 June 2023 \(mbie.govt.nz\)](https://mbie.govt.nz)

⁴ Te Hiringa Mahara Mental Health and Wellbeing Commission, Achieving equity of Pacific mental health and wellbeing outcomes. 2024.

⁵ Mana Mokopuna, Without Racism Aotearoa Would Be Better Report 2024.

⁶ Please refer here for further information: <https://nzhistory.govt.nz/page/polynesian-panther-party-founded>

⁷ [Jessica Tupai, St Mary's College Wellington - National Champion at the Race Unity Speech Awards 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

⁸ [Petition · Justice for Samoans - repeal the Citizenship \(Western Samoa\) Act 1982 - New Zealand · Change.org](https://www.change.org/p/petition-justice-for-samoans-repeal-the-citizenship-western-samoa-act-1982-new-zealand)

11. This Bill is a strong action towards healing for Pacific communities, as outlined in the Crown's unreserved apology for the Dawn Raids.⁹ We acknowledge the petition presented in 2021 by Samoan youth leader Josiah Tualamali'i and Cook Island, Samoan and Niuean youth leader Benji Timu, advocating for this acknowledgement and apology.¹⁰

11. We draw the Committee's attention to the following excerpt from the Dawn Raids apology:

"As a nation, we expect everyone in New Zealand to be treated with dignity and respect, and we expect that all individuals are guaranteed their rights without distinction of any kind. Unfortunately, these expectations were not met in this case, and inequities that stem from direct and indirect discrimination continue to exist."¹¹

Conclusion



To be accepted. To be understood and taken seriously. It's important because it gives you confidence in your uniqueness."

(Mokopuna, What Matters Most? Mana Mokopuna survey)¹²

12. Mana Mokopuna recommends that the rights, interests, well-being, and participation of mokopuna be considered in support of this Bill.
13. We strongly advocate for the Committee to commend this Bill to the House in order for historical harms to Samoan aiga to be addressed.
14. Additionally, we call on the Committee to take an intergenerational view which incorporates the rights of mokopuna to their identity, family relations, culture, and to emphasise the importance of processes which will support them in experiencing these rights together with their aiga.



"I mostly feel safe when somebody understands me like my family and friends.

(Mokopuna, Without Racism Aotearoa Would Be Better report)¹³

15. We urge the Committee to hear directly from Samoan mokopuna and their aiga on this Bill. This will be a crucial, once in a generation and intergenerational opportunity to hear their aspirations in relation to this Bill and its potential implementation, in order to strengthen and support aiga in the restoration of their citizenship.

⁹ 2021: [Government offers formal apology for Dawn Raids | Beehive.govt.nz](https://www.beehive.govt.nz/news/government-offers-formal-apology-for-dawn-raids)

¹⁰ [Petition of Josiah Tualamali'i and Benji Timu: Apologise for the 'Dawn Raids' and enable education in Aotearoa about them \(petitions.parliament.nz\)](https://petitions.parliament.nz/petitions/2021/10/petition-of-josiah-tualamali-i-and-benji-timu-apologise-for-the-dawn-raids-and-enable-education-in-aotearoa-about-them)

¹¹ [Speech to Dawn Raids Apology | Beehive.govt.nz](https://www.beehive.govt.nz/news/speech-to-dawn-raids-apology)

¹² Mana Mokopuna, What Matters Most Survey, 2023.

¹³ Mana Mokopuna, Without Racism Aotearoa Would Be Better Report 2024.