



From a desire for the public good
and a conviction that our religious
tradition and experience
provide riches of mind and heart
that might help the world,

Knox Church

Ōtautahi Christchurch

makes public statements
about topical matters.

A SUBMISSION TO THE SELECT COMMITTEE CHARGED WITH THE RESPONSIBILITY OF RECEIVING FEEDBACK TO THE PRINCIPLES OF THE TREATY OF WAITANGI BILL 2024

This submission has been written by the Public Questions Group of Knox Presbyterian Church, Ōtautahi Christchurch, and was endorsed unanimously on 20 November 2024 by the governing Council of Knox Church.

(1) WHY WE ARE MAKING A SUBMISSION

We note that Christian missionaries, our Tipuna-in-faith, were involved not only in translating The Treaty into Te Tiriti, nor simply in circulating the documents for signing, but also in liaising with rangatira as they established an attitude to Te Tiriti. We contend that the Christian concept of "covenant" (sacred promise) was part of the spiritual culture within which Te Tiriti was composed, circulated, promoted and signed.¹

Because we consider the Christian concept of covenant² to infuse Te Tiriti, we consider concepts of honour, faithfulness, integrity of word, to "pervade the Treaty space". We believe that some of these Pakeha concepts are paralleled and

¹ Drawing on the writings of Hami Carpenter, The Very Rev. Jay Ruka, Dean of Taranaki Anglican Cathedral, notes [<https://vimeo.com/942865102/25e1aa2dd3>] that Northern Rangatira, Martona Wera (Kaitaia), said to Henry Williams, 'If your thoughts are as our thoughts towards Christ, let us be one. We believe your intentions around Te Tiriti to be good.' Very Rev. Ruka says "Essentially, those Christian people were the ones who built the relationship [between tangata whenua and the Crown]. Most of the church doesn't know that the reason why our people . . . signed it was because they had a working relationship with missionaries, and they understood their intentions to be good."

² Covenant is not a contract, expecting breaches to provide a disqualification from commitment, but an unconditional agreement to share life, whatever occurs. Sacredness elevates the commitment to shared life above the breach committed by any convened partner.

partnered by the Māori concept of "mana". Reviewing how the honourable pledges described in Te Tiriti have been reneged upon by our other Tipuna (the Crown), we consider our mana severely to have been compromised. This submission signals our desire, as mokopuna of two strands of Tipuna, to act in a justice-seeking, mana-restorative way.

(2) WHAT WE THINK TE TIRITI IS

Te Tiriti o Waitangi is a binding agreement which establishes the rights and responsibilities of two different groups of people in Aotearoa New Zealand. Te Tiriti is a fact in history, not a matter for later revision, even in the "name" of democratic process.

We reject claims that Te Tiriti gives undue and unjust "advantage" to Māori. We see claims of "Māori advantage" as a mis-reading of Te Tiriti, and tautologically inconsistent in the light of how Māori compare with Pakeha in well-being statistics³.

We also consider irrelevant observations that Aotearoa New Zealand is now a multicultural society, rather than a "Treaty based multicultural" society. In terms of Te Tiriti, upon which non-Māori people found a place here, the commitment founded was between Māori and those now arriving⁴. We consider the many cultures, which greatly enrich our society, are part of Tau Iwi, or Tangata o Te Tiriti - the people whose place here is accommodated under their having arrived into a context where Te Tiriti applied.

(3) OUR ACKNOWLEDGEMENT OF THE PURPOSE OF TREATY PRINCIPLES AND WHY WE DON'T BELIEVE THE BILL'S PRINCIPLES ARE PRINCIPLED

We understand that the idea of Treaty Principles developed as the courts of Aotearoa New Zealand sought to apply the Crown's Tiriti obligations to particular cases that were presented for consideration. We know that principles do not supplant Te Tiriti itself, but make its force evident in particular situations (real life). We believe that the current principles (partnership, protection and participation between two treaty partners) are indeed elucidations of the commitments expressed in Te Tiriti. We believe also, however, that the bill's suggested principles (*the executive government's full power to govern all New Zealanders, the limitation of iwi and hapu rights to those recognised in 1840 [or noted specifically in existing Treaty settlement decisions], all New Zealanders are equal under the law with the same rights and duties*) are not elucidations of Te Tiriti's content, but impositions upon it of different concerns.

³ Life expectancy, health, education, incarceration, poverty, suicide. The whole of Aotearoa New Zealand society will benefit when Maori are better educated, healthier, and secure in their culture, with their culture's central place in our identity being affirmed in how Te Tiriti is applied to our laws.

⁴ He Whakaputanga, adopted only five years before Te Tiriti, was Māoridom's statement precipitated by the arrival in the land of people of diverse nationalities. While accepted by Great Britain, it was also noted by the United States and other nations. The French were also creating issues that moved Māoridom to make expressions about self-determination.

Claiming that the texts of Te Tiriti or the Treaty will be left unchanged by adopting the suggested “principles” into law appears to be pure sophistry. If the proposed bill is passed, those “principles”, set in law, will be what is followed, despite the fact that they actually negate Te Tiriti.

(4) CONCERNS ABOUT THE TRANSLATION OF TE TIRITI BEING USED IN THE BILL

We note the letter (1 July, 2024) sent to "senior ministers" by 27 licenced te reo Māori translators (including Dr Jeremy Tātere MacLeod, Stacey Morrison, Piripi Walker) and then circulated as an "open letter", expressing concern that the bill argues for the adoption of its principles based on an understanding of Te Tiriti which is drawn from a poor translation.⁵

(5) OUR APPRECIATION OF THE UNIQUE NATURE OF OUR BICULTURAL LIFE IN THESE ISLANDS, AND HOW WE FEEL THE BILL THREATENS IT

Not only do we believe that Te Tiriti is a mana-infused commitment made between two peoples (a matter of historical fact), we also cherish the unique form of culture and community enabled by the commitments made in Te Tiriti. We believe that proper application of what Te Tiriti means to how we live together, gives us a true, lived taonga. We believe that when we are living and growing together, understanding that integrity and mana is restored in our honouring of our historical commitments, all people will be better off.⁶

(6) OUR RECOMMENDATIONS CONCERNING THE BILL

While we know that we could recommend that alterations be made to the bill, we choose to recommend instead that the bill be dropped entirely. Its suggested principles are not anchored in Te Tiriti itself, so are at best a distraction, at worst a smoke screen to retreat from what mana (honour) requires. Principles should elucidate, rather than ignore or contradict. The bill fails to differentiate between historical fact and the injustice of revising history. We believe that the current principles deployed in the courts, applying Te Tiriti to specific cases in law are better

⁵ The open letter (<https://waateanews.com/2024/07/04/an-open-letter-has-been-sent-to-the-government-expressing-significant-concerns-over-its-proposed-treaty-principals-bill/>) says "27 translators said the bill was based on a translation of Te Tiriti which was "deeply flawed" and failed "international translation ethical standards". Also "None of the key concepts contained in the proposed principles are truly present in Te Tiriti. Instead, the proposed principles are built on additions, omissions and distortions of the original text."

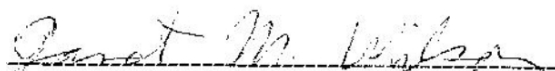
⁶ Forcing Māori into Pakeha culture has not served Māori well. Te Tiriti gives some freedom to Māori to organise themselves. Small steps already taken in this direction e.g. allowing Kura Kaupapa to be established, consulting with mana whenua on local body matters, allowing health systems to encompass Māori culture, all show that Māori-based systems can produce better outcomes for Maori and often also for the wider community. We see Te Tiriti (properly allowed to exert its force in law) as providing a philosophical foundation for such systems to find space in our shared life.

than those proposed in the bill. The bill stands to cause great damage to the "Treaty based multicultural" journey embraced by many citizens of Aotearoa New Zealand and the increasing bicultural harmony experienced by many.

We submit, therefore, that the bill be dropped.



Rev. Dr Matthew Jack
Minister of Knox Church



Janet Wilson
Knox Church Council Clerk

EXECUTIVE SUMMARY

- A. Our connection to the missionaries who played a significant part in the formation of Te Tiriti calls us to principled involvement in this issue.
- B. We consider Te Tiriti to be a solemn commitment to which we ought to remain faithful.
- C. We understand that the articulation of principles is necessary for applying Te Tiriti to matters of law, but do not think the proposed principles are helpful in this task.
- D. We believe that the writers of the bill have drawn on poor translations of Te Tiriti and therefore have an impoverished understanding of what is enshrined in the commitment.
- E. We feel that the good progress made over several decades concerning the nature of our "being in the land" is assaulted by this bill.
- F. We ask that this bill be dropped.