

Democracy in Settler-Colonial Societies: Weapon or Tool?

Dr. Emily Beausoleil

**Politics, Te Herenga Waka-Victoria
University of Wellington**

Trust Democracy AGM

6 May 2024

Uluru Statement from the Heart

Developed through 12 regional dialogues across the country and a National Constitutional Convention (2017), it marks the largest consensus of First Nations peoples on a proposal for substantive recognition in Australian history

ULURU STATEMENT FROM THE HEART

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'Time Immemorial', and according to science more than 60,000 years ago.

This sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother earth', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must not be severed from them by any successors. This link is the basis of the ownership of the soil, or 'title of sovereignty'. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substance constitutional change and structural reforms, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Proportionately, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This

cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is the statement of our powerlessness.

We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: the coming together after a struggle. It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

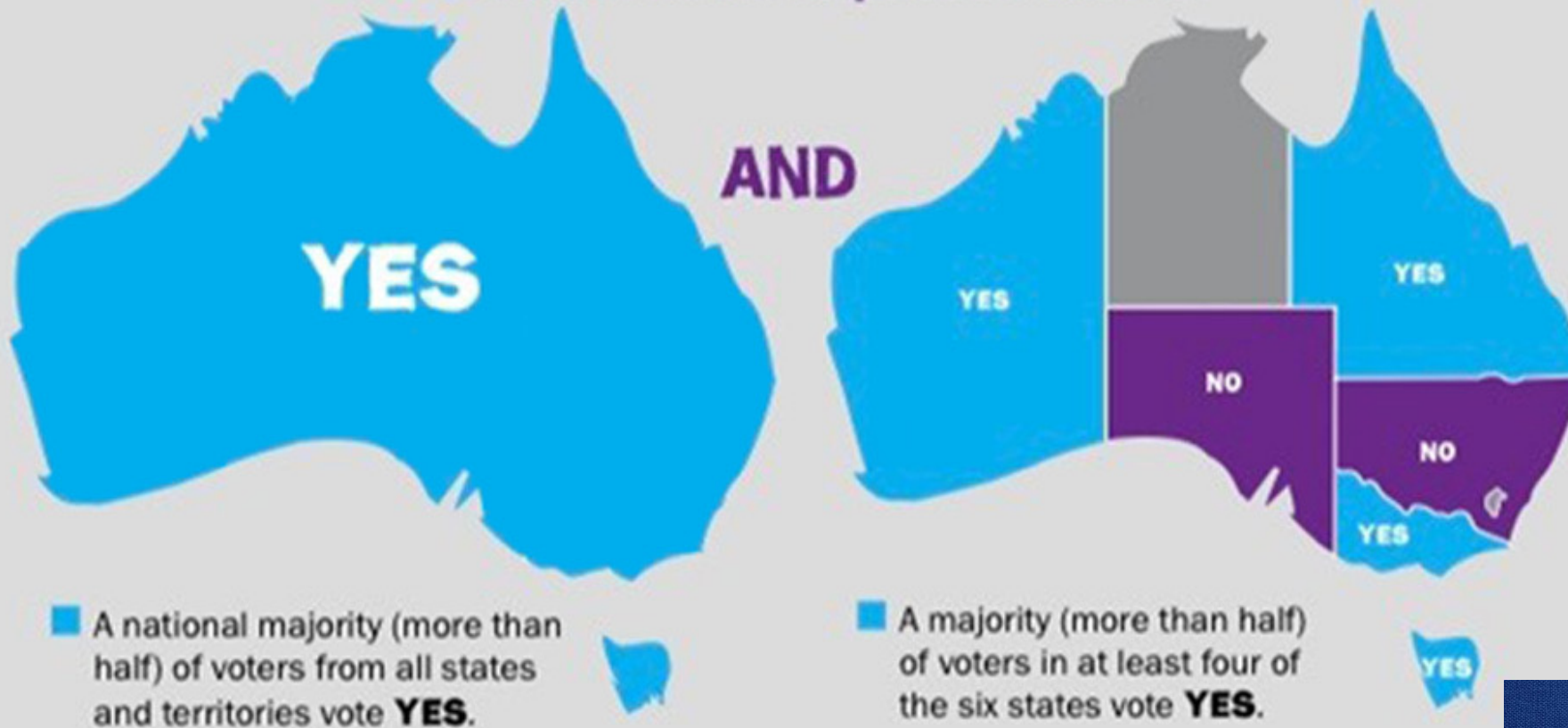
We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave here camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.



BRIAN BYLER
ARONDI
Cheryl Abley
Philipp Silatungga
DOYEN RADCLIFFE
NAGAJA
MELISSA MINOR
Theresa Rae
BALNGLARRAARA
TINA WILLIAMS
Kirsten Gray
Murnwati
WAMMAN
CHRISTINA Bramby
RENE KULITJA
TJANIA
SAMIY WILSON
yangkungjatjara
PITJAN

A referendum is passed when:



■ The votes of people living in the ACT, the NT and any of Australia's external territories count towards the national majority only.

DON'T KNOW?
VOTE NO.

	Māori	Pākehā
1769	80-100,000	2,000
1858	56,000	59,000
1886	44,000	577,000
1901	46,000	770,000

“Settler dreaming then manifests the desire-drive of an “intentional” memory, properly a structural intent that operates according to **the logic of the weight of settler numbers.** Living the dream—actively, productively, unselfconsciously—makes the place that dream’s reality” (Stephen Turner, “Settler dreaming,” 2011).

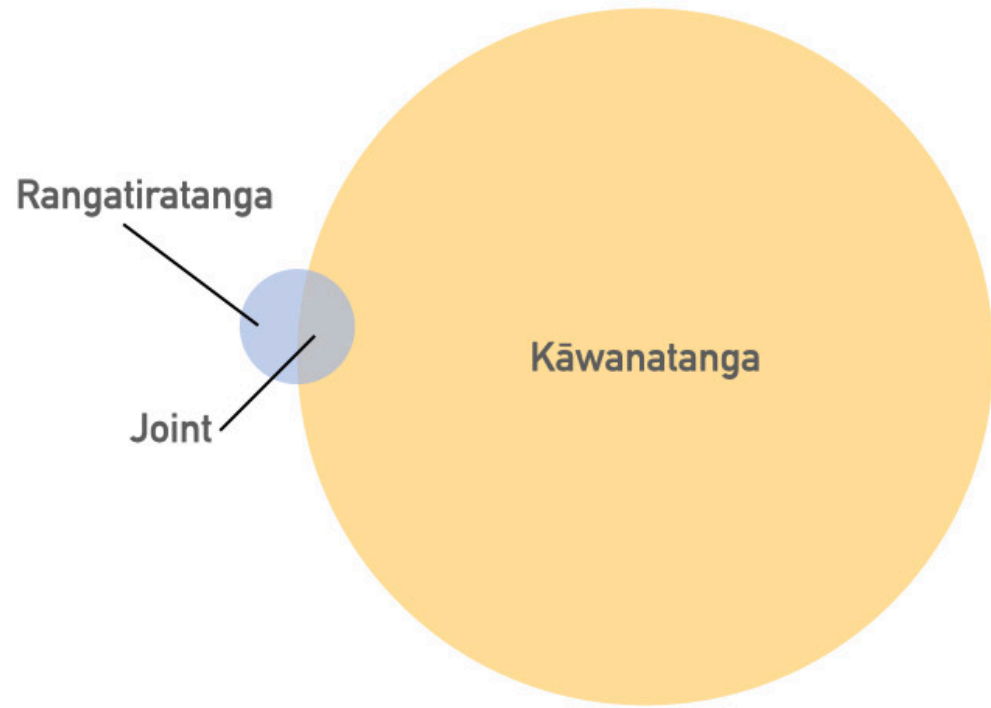


Te Tiriti o Waitangi (1840) commits to:

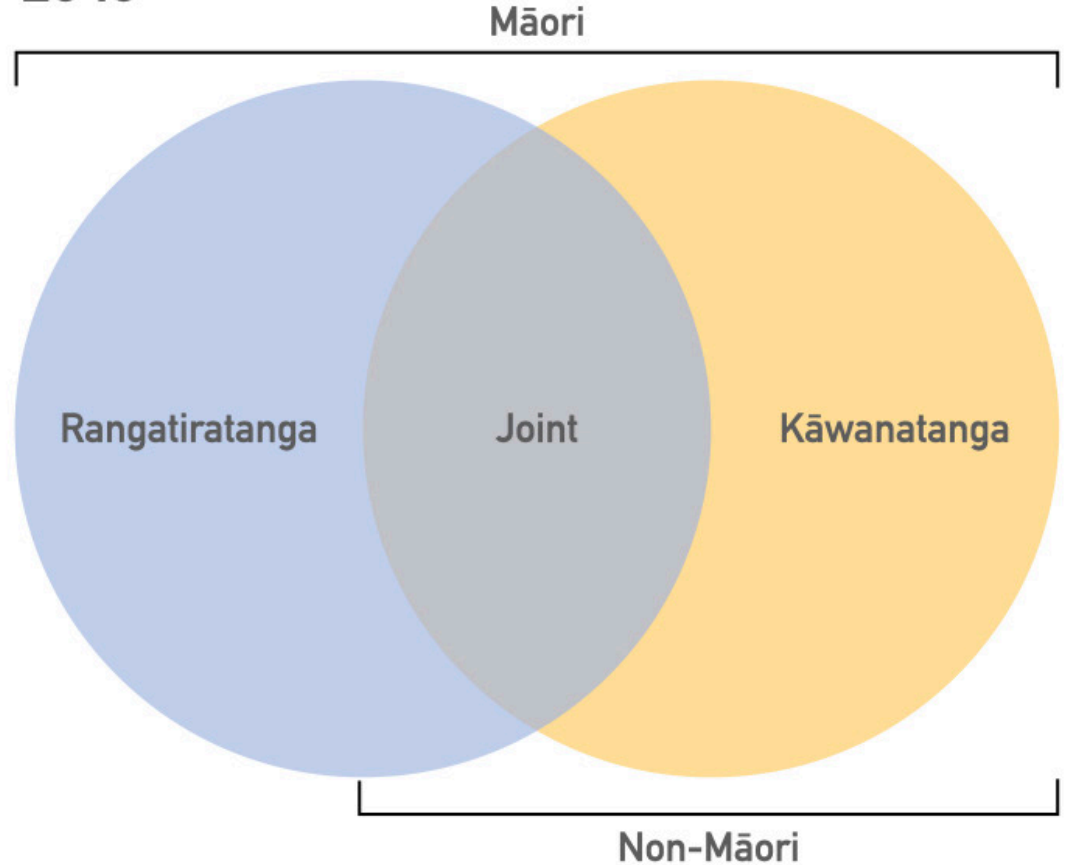
- **Tino Rangatiratanga** (total political authority/independence of iwi [tribes] and hapū [subtribes])
- **Kāwanatanga** (Crown governorship over their own people and ‘others to come’)

‘Waka hourua’ – double-hulled canoe

2019



2040



Tangata whenua – people of the land
(Māori)

Tangata Tiriti – people of the treaty
(non-Māori)

Current and Te Tiriti-based relationships between Māori and non-Māori spheres of governance, envisioned by He Puapua Report (2019)

Numbers as weapon in Aotearoa New Zealand

- **Most Māori unable to vote** due to communal land title
- **‘Māori seats’** (1867) created out of settler concern that, with individual land titles, Māori voters might outnumber Pākehā. Limited to 4 vs 14-16 (to be proportionately representative)
- **Māori roll** in 2017 and 2020 General Elections: staff’s inadequate understanding at voting booths caused disqualified votes and prevented Māori voters from exercising basic rights to participate in the election
- **Māori wards**: the only special seats that can be challenged by a petition with only 5% of local support, prompting a referendum of Pākehā-dominant communities, without preceding education or dialogue

Deliberation in settler-colonial societies

- **Demographic representation** leading to overrepresentation of European-descent participants
- **Neglect of structural inequalities** borne of ongoing colonisation that impact
 - Different capacity, interest, trust, and thus participation (external exclusions)
 - Different levels of entitlement and confidence, and 'economies of attention' (internal exclusions)
- **Western cultural protocols** leading to overrepresentation of European-descent voices

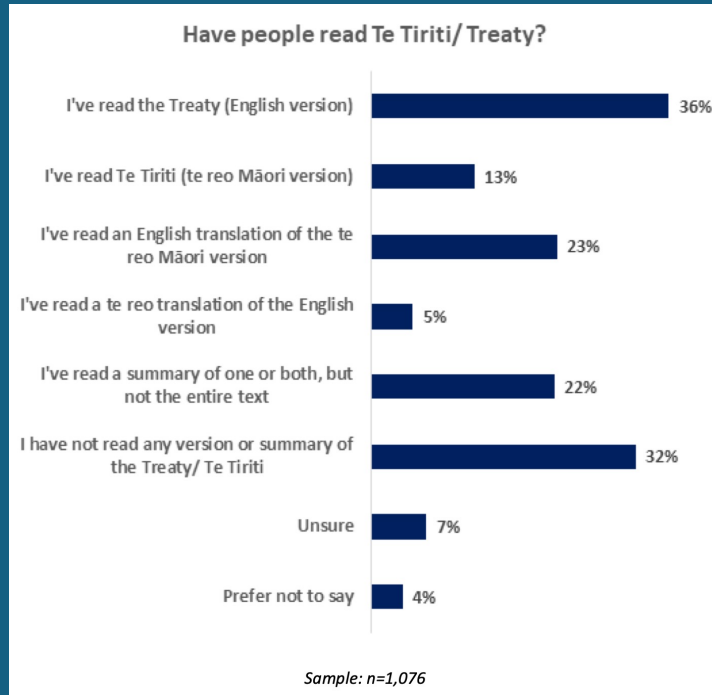
“deliberation is the child of the Enlightenment and modernization in the West, which valued problem-solving, reasoning and strong individualism. The rest of the world followed different modernization paths, and thus Western-specific history and its deliberation legacy cannot be easily applied to them.”

– Seong-Jae Min, “On the Westernness of Deliberative Research,” 2014

Deliberation in settler-colonial societies

- **Demographic representation** leading to overrepresentation of European-descent participants
- **Neglect of structural inequalities** borne of ongoing colonisation that impact
 - Different capacity, interest, trust, and thus participation (external exclusions)
 - Different levels of entitlement and confidence, and ‘economies of attention’ (internal exclusions)
- **Western cultural protocols** leading to overrepresentation of European-descent voices
 - Individualism
 - Styles of argumentation and reason-giving (and codes for agreement/dissent)
 - Who counts as ‘expert’
 - Neglect of pre-existing and ongoing non-western forms of deliberation
 - The right to speak and what it means to be ‘representative’

Collective amnesia and an uninformed demos



“contemporary settler culture in New Zealand...is rather a problem of living in the present, or *living without history*...a state of forgetfulness, dislocated from but not independent of historical factors...currently enables New Zealanders to live ahistorically.” (Stephen Turner 1999: 21)

Jacinda Ardern fumbles over what Treaty of Waitangi articles say - 'Article One? On the spot?'



TE AO MĀORI | 1NEWS

Poll: Half of NZers say they don't understand Treaty principles

By Felix Desmarais, Digital Political Reporter | Mon, Feb 26

‘Settler common sense’ (Mark Rifkin)

“One of the key features of oppressive societies is that they do not acknowledge themselves as oppressive. Therefore, in any given oppressive society, there is a dominant view about the general nature of the society that represents its particular forms of inequality and exploitation as basically just and fair, or at least the best of all possible worlds.” (Linda Alcoff, “Epistemologies of Ignorance”)

“Most importantly, they are *settler* “structures of feeling” when they draw on and reproduce what I see as *the* pivotal settler colonial and national assumption: that the Crown *always already had and continues to have superior underlying title to Indigenous lands.*”

(Eva Mackey 2014: 240)

Maori MP Rawiri Waititi wins battle against rule requiring a tie to be worn in NZ Parliament

Posted Thu 11 Feb 2021 at 10:32pm



Maori Party MP Rawiri Waititi wore a hei tiki pendant to the NZ Parliament instead of a necktie, and was ejected. (Youtube: TVNZ)



Karakia refused to Māori councillor by new Kaipara Mayor

Sample of 'lawful' breaches by 'democratic' government:

- 1841 **Land Claim Ordinance**: All “unappropriated” or “waste land”, other than that required for the “rightful and necessary occupation of the aboriginal inhabitants of the said Colony” was deemed Crown land
- 1844 **Native Trust Ordinance**: Māori education to “assimilat[e] as speedily as possible the habits and usage of the native to those of the European population...”
- 1852 **New Zealand Constitution Act**: Parliament of NZ established without Māori representation
- 1862 **Native Lands Act**: Individualised Māori land ownership
- 1863 **Suppression of Rebellion Act**: Māori resisting the Crown lose the right to trial before sentencing
- 1863 **New Zealand Land Settlements Act**: enables confiscation of Māori land where ‘considerable number’ of ‘rebels’
- 1867 **Māori Representation Act**: Māori seats in parliament, “to direct the minds of the Natives to the proper channel”
- 1867 **Native Schools Act**: English-only education
- 1877: Prendergast declares Treaty ‘a simple nullity’ as signed by ‘simple barbarians’
- 1893: Govt could deem land owned by iwi suitable for settlement (5 shillings/acre – vs £30 market value)
- 1894 **Validation of Invalid Land Sales Act**: made some illegal past sales legal
- 1894-28: Māori exempt from (i) low-interest loans for land purchase; (ii) old age pensions; (iii) ½ unemployment benefit
- 1904 **Māori Land Settlement Act**: compulsorily placed land that was deemed not necessary or not suitable for occupation by its iwi owners under the control of Land Councils
- 1907 **Suppression of Tohunga Act**: outlaws spiritual and educational role of tohunga
- 1908 **The Public Works Act**: authorised taking land for public works (Pākehā could object/be compensated; Māori not able until 1974)
- 1953 **Māori Affairs Act**: land not used according to European standards forcibly leased; lost permanently if couldn’t buy back

Deliberation in settler-colonial societies

- **Demographic representation** leading to overrepresentation of European-descent participants
- **Neglect of structural inequalities** borne of ongoing colonisation that impact
 - Different capacity, interest, trust, and thus participation (external exclusions)
 - Different levels of entitlement and confidence, and ‘economies of attention’ (internal exclusions)
- **Western cultural protocols** leading to overrepresentation of European-descent voices
 - Individualism
 - Styles of argumentation and reason-giving (and codes for agreement/dissent)
 - Who counts as ‘expert’
 - Neglect of pre-existing and ongoing non-western forms of deliberation
 - The right to speak and what it means to be ‘representative’
- **Dominance of settler ‘common sense’**

Orienting questions

Decolonisation is not a metaphor – it requires meaningful **ceding control** and **sharing power** in our spheres of influence

- **How can tāngata whenua – laws, protocols, political authority – be the ‘context’ for deliberation rather than ‘content’?**
 - Knowledge of history and context
 - Honouring tino rangatiratanga of mana whenua
 - Capacity building re: Indigenous protocols and codes for collective dialogue
 - Designs that acknowledge and mitigate structural inequalities
 - How we are relating/oriented vs ‘knowing the answer’
 - How we ask our questions and pursue our projects
- **Given blank spots and normalised harm of Pākehā dominance, how will we ensure ongoing reflection and accountability?**