

## EFFECTING CHANGE THROUGH ELECTORAL POLITICS: CULTURAL IDENTITY AND THE MĀORI FRANCHISE

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The indigenous peoples of New Zealand signed the Treaty of Waitangi with British colonisers in 1840. The colonisers then used the Treaty to usurp Māori sovereignty and Māori ownership of lands, fisheries, forests and other natural resources. Article 3 of the Treaty, however, guaranteed Māori the same rights and privileges as British subjects, including the franchise. Initially, eligibility rights pertaining to the franchise effectively excluded Māori participation, but in 1867 it became politically expedient to provide Māori with separate parliamentary representation, which has been retained ever since. Māori successfully used the franchise to bring about beneficial welfare changes after the depression years of the 1930s; however, but it was not until changes were made to the electoral system in 1993 that its potential as a tool for increased access to political power was realised. Today all political parties are courting the Māori vote and Māori are using the electoral system to further their self-determining goals of *tino rangatiratanga* (Māori control over their cultural, social and economic development). This essay discusses how Māori have used the Māori franchise in their struggle to hold on to their culture and their language, and in their pursuit of economic development.

### EQUAL CITIZENSHIP VS FRANCHISE INEQUALITIES

The New Zealand Constitution Act 1852 provided the franchise to all males (including Māori) over the age of 21 years provided they were registered individual property owners (Orange 1987:137). In reality few Māori males were eligible to vote as most Māori land was communally owned and not registered in individual titles. However, in 1867 Māori were granted four designated seats in Parliament and the first Māori parliamentary representatives were elected in 1868 (Sorrenson 1986:B-18-22). This legislation provided the Māori franchise free of property qualifications some years before non-Māori. Indeed, Māori, who owned individual title to property, could vote in their Māori electorate as well as in the European electorate of their property, just as non-Māori were able to vote in all general electorates where they owned property until 1896.

Sorrenson (1986) provides an excellent historical background to the introduction of Māori representation. He shows that initially separate representation was granted to Māori as a temporary, multipurpose political expedient. It was intended to safeguard the northern politicians' political control by ensuring that the number of North Island parliamentary seats outnumbered those of the South Island. At that time the parliamentary *status quo* was under threat because of the influx of gold miners to the South Island and the provision for two additional parliamentary seats to accommodate the Westland miners. Māori representation was also provided in the aftermath of the 1860s Land Wars when various Māori groups and tribes were uniting to resist the alienation of further Māori land. The seats were designed to placate Māori loyalists who had supported the British in the Land Wars, as well as the liberal lobby in "mother" England, which was seeking a more "enlightened" colonial attitude towards the indigenous peoples of New Zealand. For the state, the designated Māori parliamentary seats were a useful means of undermine Māori resistance to government policies. Initially the intention was to have separate Māori representation for a single five-year period on the supposition that once Māori had obtained the necessary property qualifications—individualisation of title—there would be no need for it. Yet, from the time the Māori seats were introduced (and fixed at four until the 1996 election), separate Māori representation has been an ongoing and unique feature of New Zealand politics and the political system. Periodically there have been periodic calls for the abolition of separate Māori representation, which would seem to have fitted well with governments' assimilation/integration policies, but abolition would have meant registering Māori on to the general rolls. (Sorrenson 1986:B.:37) suggests that the potential threat of larger numbers of Māori in some general electorates was an issue that governments were not prepared to tackle. This reluctance, coupled with the symbolic significance Māori attach to the seats (see Royal Commission on the Electoral System 1986:85) and repeated pressure from Māori to retain the seats, has made separate Māori representation a permanent feature of the New Zealand Parliament (Wilson 1995:9).

In 1893 the franchise was extended to women, including Māori women insofar as they were granted the right to vote with the same qualifications as eligible males. In 1896 the property qualifications were abolished, making all Māori adults eligible to vote in the separate Māori electorates. Only those who had half-Māori blood (half-castes) or less had a choice of voting and standing in either the Māori or general electorates. The voting system segregated Māori on to a Māori electoral roll and various voting requirements for Māori differed from the general population. Until 1910

Māori voted with a show of hands. Then voting was by declaration—each voter had to declare for a candidate in front of a returning officer and witnessed by another Māori. Māori did not get the secret ballot until 1937; non-Māori had the secret ballot from 1870. From 1919 until 1950 Māori had to cast their vote the day before the general election; finally they voted on the same day as non-Māori in the 1951 election. It became compulsory for all eligible non-Māori to enrol on the general electoral roll in 1927, but it was not until 1956 that it became mandatory for Māori to enrol on the Māori roll (see Sorrenson 1986). The 1956 Electoral Act consolidated electoral provisions and s23 of the Act provided for the four Māori electorates, which could be overturned by a simple majority of Parliament. Before the 1970s, only one Māori<sup>1</sup> had been successful in capturing a non-Māori electorate (he was eligible to stand in the general electorates because he was a half-caste—Irish and Māori). In 1967 an amendment was made to the Electoral Act that allowed Māori to stand for election in the general electorates (and non-Māori in Māori electorates). In 1975 two parliamentary candidates of Māori descent were elected in general electorates. Added to the four Māori electorate representatives, these six were the greatest number of Māori in Parliament at any one time until 1996 when the electoral system was changed from a simple majority system (First-Past-the-Post or FPP) to a mixed-member-proportional system (MMP).

The effects of these electoral differences between Māori and the general population were significant. The secret ballot ensures the right of the individual to vote without undue influence. Voting with a show of hands or by verbal declaration subjects the voter to various pressures from other people and no doubt the whole tribe would be aware of who voted for whom. There were a limited number of polling booths for Māori. Initially, approximately 48 Māori polling booths were distributed throughout the country and by 1875 the number had only risen to 66 (see Sorrenson 1986:B–24). Although there were around 200 Māori polling booths nationwide by 1887 (Waitangi Tribunal 1994:6), this was a small number given the geographical size of the electorates and the limited transport of the time. The polling places were mainly located in regional courthouses, again not necessarily located in Māori populated areas. Given the limited number of polling booths, Māori voters, most of who were rural dwellers, did not have easy access to voting facilities. An electoral register of all eligible Māori voters was not a priority for successive governments. Despite the persistence of the Māori seats, there was always the belief that they were likely to be abolished at a future date. Indeed, it could have been relatively easily achieved, since government only needed a simple majority to repeal this section of the 1956 Electoral Act, whereas all other clauses required

a 75 percent majority. Without a Maori electoral roll those who were not enrolled did not have the right to participate in New Zealand politics, as guaranteed in Article 3.

Another inequity that came to be recognised was that the parliamentary seats for the general population were based on a population formula while Māori were not accorded that same benefit until the 1996 election. Until 1993 Māori representation was based on a policy of preference, the four designated Māori seats. Proportionality for Māori was only introduced after 1993. Under the current system, after each five yearly census those people who identify as being of Māori descent are provided with the option of enrolling on either the Māori or General electoral roll. Thus the number of Māori electorate seats can increase or decrease depending on the number of Māori who choose to be registered on the Māori roll.

#### LIMITED MĀORI USE OF THE FRANCHISE

The early Māori members of Parliament were unable to effect major legislative changes on issues of vital importance to Māori, such as land confiscations, land alienation, the individualisation of title to Māori land, and the English language as the medium for education (see Love 1977, McClean 1950). In 1894, for example, when Hone Heke Rankin (MP for Northern Māori) presented to Parliament a Private Member's Bill—a Native Rights Bill providing for Māori autonomy, most of the members of Parliament left the House so there was no quorum to debate the Bill, and when it was presented again in 1896 it was simply outvoted (Sorrenson 1986:B–39). Love (1977:152) shows that there were a number of times when elected Māori representatives could have placed pressure on government for action on Māori affairs, but that they chose not to because it was apparent that “any pro-Māori activity by the Māori representatives would have been strongly criticised”. Yet, during the early years of Māori representation, there were times when Māori held the balance of power. In 1872, for example, the Māori votes were needed to form a ministry and the government lost office a month later when that Māori support was withdrawn.

Although there was considerable Māori parliamentary activity between 1900 and the 1930s, the Māori parliamentarians tended to be conservative in style, generally accommodating Pākehā<sup>2</sup>/non-Māori ways that endorsed assimilationist policies to the detriment of traditional Māori methods. They did, however, gain considerable credibility in Parliament as a result. The early Māori politicians established themselves as a politically viable component of non-Māori society, acceptable to a large extent because they appeared to sanction colonial values and laws.<sup>3</sup>

Māori parliamentary representatives before the Second World War focused a considerable amount of energy on trying to halt the processes of land alienation. They managed to slow the rate down for a very short period, but land alienation continued. For example, between 1900 and 1905, as a result of the Māori Lands Administration Act establishing Māori control over land boards, only 6,773 acres of Māori land was leased to non-Māori. But the insatiable demand for more Māori land resulted in the Act quickly being amended to remove Māori control. Between 1911 and 1920 Māori land was reduced from 7.1 million acres to 4.7 million acres (King 1981:285). In the pre-war years, the liberal government transferred 1.2 million hectares of Māori land out of Māori ownership. Reform alienated a further 1.4 million hectares (Department of Statistics 1990:42). The Māori representatives were instrumental in establishing a few Commissions of Inquiry into tribal grievances relating to land confiscations and acquisitions. Subsequently, certain tribes received limited monetary compensation for the illegal, surplus, unjust or excessive appropriations of Māori land.<sup>4</sup> But the compensation did not reflect market values, nor was it enough to provide economic independence and self-determination. In the 1930s, one of the Māori MPs, Apirana Ngata, successfully implemented a communal Māori land scheme that provided for supervised agricultural developments in some tribal areas. Unfortunately, the Minister was unjustly accused of accounting irregularities and, when this factor was combined with the adversities of the depression years, funding for land development stopped. The outcome of Māori land alienation was that the previously independent Māori labour force became increasingly dependent on market employment income (Dalziel and Fox 1996:27, Webster 1998:77).

The depression years were particularly tough on Māori and most were unable to make even a subsistence living off the remaining remnants of their land (Sutch, 1969). Māori hardship was only given minimal relief; the limited government welfare programmes were not available to Māori on the same basis as to non-Māori. The inability of elected Māori representatives to effectively use the potential bargaining power of the Māori franchise to influence policy decisions became increasingly apparent. It was at this time that a pan-Māori religious and political movement emerged and quickly became a popular and very effective advocate for Māori. The Ratana movement, according to Pearson (2001:119), provided a “nation wide platform for Māori issues” and transcended traditional tribal loyalties, appealing to “the mass of Māori persons who shared a commoner and working-class roots, and a minority status”. Its political appeal was its universal approach it had to welfare. When the Labour Party needed the

support of the Māori seats to form a government, Ratana sought from Labour equal treatment of Māori and non-Māori. Thus,

when Labour became government in 1935 it equalised unemployment benefits for Māori and non-Māori. In 1938 Māori became eligible for child benefits on the same basis as non-Māori and the 1938 Social Security Act provided sickness, old age and disability benefits for both Māori and non-Māori (King 1984:287).

The Ratana Movement took credit for these welfare initiatives and it secured the Māori vote for Labour, ensuring that all four Māori electorates remained Labour from 1943 until 1993, most of them held by Ratana members (Sullivan and Vowles 1998:172).<sup>5</sup>

The alliance between Labour and the Māori vote led to some increased expenditure on Māori housing, health, education, welfare benefits and land developments, but Māori remained at the bottom of all socio-economic indicators. Government policies of assimilation, followed by integration in the 1960s, failed to reduce the socio-economic gap between Māori and non-Māori, in part because they were based on paternalistic mono-cultural biases and assumptions rather than incorporating Māori perspectives. For the next three decades the social and cultural development of Māori suffered as government policies attempted to break down the communal and tribal social organisation of Māori (see Armitage 1995, Hunn 1961, Sullivan 2001). On the one hand, the Ratana movement, because of old loyalties dating back to the equalisation of welfare programmes and policies, remained influential in delivering the Māori vote to Labour until the 1990s. Labour, on the other hand, took its Māori support for granted and limited its initiatives for promoting Māori welfare.

#### UNRELENTING PRESSURE FOR RECOGNITION

From the post war years until the early 1990s, Māori MPs and Māori voters had little impact on government with the exception of the passing of the Treaty of Waitangi Act 1975 (see below). Policies and initiatives targeting the poor socio-economic condition of Māori were extremely limited because governments were unable (or unwilling) to adequately fund policies specifically designed to alleviate these conditions. Nevertheless, during this same period Māori political advancement was considerable, and developments in the three decades before 1996 need to be understood in order to contextualise why the Māori franchise is being courted by all political parties in the 21st century.

The 1950s and 1960s is characterised as a time of Māori urbanisation. There were reasonable opportunities for Māori employment, albeit in blue-collar, manual and low paid occupations. This was a transition period of adapting from rural to urban living. The quality of Māori well being, particularly as reflected in health and mortality rates, had begun to improve. Fortunately and appropriately, Māori, who had been the more medically disadvantaged population, benefited the most from the new universal post-war bio- and chemo-medical technology health programmes (Pool 1991:160). Even so, the disparities between Māori and non-Māori were obvious. Māori disproportionately filled the hospitals and prisons, dropped out of school, lived in poor housing conditions, had high welfare dependency rates and generally fared much worse than the rest of the population on all socio-economic indicators (with very little change today).<sup>6</sup> The Māori members of Parliament continued to be ineffective in developing policies or persuading governments to support pro-active policies designed to reduce the welfare dependency of so many Māori, while governments perpetuated the myth that New Zealand's race relations were harmonious and everyone was treated equally. This was to change in the 1970s. The international oil crisis of the 1970s resulted in a substantial balance of payments deficit and, coupled with huge investment in energy saving projects and considerable inflationary pressures, led government to cut back on various areas of social spending. Included in the government's review of expenditure was a reduction in funds to Māori Affairs. As a result, Māori unemployment rapidly increased.

Conversely, the 1970s were a time of considerable Māori activism that paved the way for substantial Māori activity both in the courts and within government during the 1980s. After three decades of urbanisation, some emerging tertiary-educated Māori began to publicly articulate Māori concerns. They were well aware of international developments in the civil rights arena and they gained considerable media attention by initiating various protest actions relating to Māori grievances (see Walker 1990). Additionally, what was probably the most meaningful and most influential piece of legislation for Māori in the 20th century was passed by Parliament in 1975. The Labour Māori Member of Parliament for Northern Māori, Matiu Rata, persuaded government to pass his Treaty of Waitangi Act. This significant piece of legislation provided for the establishment of a Tribunal to inquire into and recommend redress for Māori grievances relating to breaches of the Treaty of Waitangi. Its jurisdiction was limited, however, to post-1975. In 1984, a critical development of this legislation resulted in broadening the Tribunal's jurisdiction and retrospective legislative changes

allowed it to enquire into grievances dating from the signing of the Treaty in 1840. This gave it a more central and authoritative role in Māori politics. It also became the focus of often intense non-Māori resentment of Māori issues (Aimer 2001). Since 1984, the Waitangi Tribunal has had a pivotal role in contemporary interpretations of the Treaty and in the promotion of Māori rights and recommendations for redistributive justice.

*TINO RANGATIRATANGA: MĀORI SELF DETERMINATION.*

In 1984 the Labour Party<sup>7</sup> was elected into government. At the time of its election the New Zealand economy was in serious trouble, with a substantial balance of payments deficit and rising overseas debt. Just hours after being elected, the new government had to deal with a fiscal and foreign exchange crisis that proved to be the catalyst for radical economic change. Government rapidly instituted a comprehensive programme of liberal/market driven economic reform, including fundamental changes to public policies, structures and management systems. Many of the state's commercial activities were either corporatised or sold in an effort to reduce debt. The deficit and debt situation led to measures being taken that increased revenue and, more importantly, reduced government spending. The Labour government of 1984 restructured and "downsized" the "machinery of government", introduced private sector management practices and cut back on social welfare spending and programmes. The move from a predominantly welfare state with an interventionist/protectionist economy to an economy structured according to a form of market liberalism was rapid (Boston *et al.* 1991, Kelsey 1993). The short to medium term transition costs of the reforms impacted heavily upon the indigenous people. Low inflation and a reduction of the overseas debt were government priorities; economic considerations outweighed social concerns and had a significant impact in the areas of employment, crime and violence, health and education. In particular, increased unemployment as an effect of these policies impacted most notably on Māori. In 1985 (December quarter) Māori unemployment was 8.3 percent compared to 3.2 percent for European/Pakeha,<sup>8</sup> i.e., non-Māori. By 1989 (June quarter) these figures had risen to 19.3 percent and 5.6 percent respectively, and they peaked in 1992 (March quarter) at 27.3 percent and 8.3 percent. In 1996 (June quarter) they had fallen to 14.4 percent for Māori and 4.4 percent for European/Pakeha. By 1998 (December quarter) however, they were increasing again with Māori unemployment at 19.5 percent and European/Pakeha at 5.4 percent, before coming down more recently (June quarter, 2002) to 11.0 percent and 3.7 percent respectively (Statistics New Zealand 2002a).

Nevertheless, Māori continued to be proactive culturally and politically. A dramatic resurgence of expressions of Māori cultural identity<sup>9</sup> occurred in the 1980s, with particular emphasis on the revitalisation and recognition of the Māori language, and protest action continued as well. Māori were very active in tribal politics and visibly active in national politics and in the courts. The selling of state assets led to the Government being taken to court by the New Zealand Māori Council, which resulted in positive outcomes of some disputed land ownership issues for Māori. Recommendations from the Waitangi Tribunal regarding fair and equitable compensation for Māori resources, which had been alienated, confiscated or unjustly taken from Māori, led the government to try and resolve some Māori grievances through negotiation. The government's willingness to negotiate compensation settlements for Māori grievances relating to breaches of the Treaty of Waitangi was important to its attempt to reform the welfare state, because the ongoing claim disputes between the State and Māori could impact adversely on the credibility and time consistency of fiscal policy.

The first major economic Treaty settlement concerned fisheries assets. This was a direct response to Article 2 of the English language version of the Treaty of Waitangi that guarantees to Māori "full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries". When over-fishing in the early 1980s threatened the fishing industry and fish were classified as covered by property right, fishing quotas were introduced to conserve and manage the industry. Under the 1989 Maori Fisheries Act and the Treaty of Waitangi Fisheries settlements Act 1992, Māori were eventually awarded fishing quota and assets, so that at the end of 2001, Māori owned nearly 60 percent of the total allowable commercial catch and other fisheries assets valued at around \$800 million. Currently, these assets are being held in trust for Māori until an agreement among Māori can be reached on how and to whom these assets will be distributed. In return, the government demanded an agreement from Māori that all Māori claims to commercial fishing rights would be extinguished.

The second major economic settlement came with the Waikato Raupatu Claims Settlement Act 1995. One central North Island Māori tribe, Tainui, reached an agreement with the Crown regarding the unjust confiscation of 1.2 million acres of prime land in the 1860s. A financial settlement, coupled with a written apology from Queen Elizabeth of England, provided the Tainui people with assets and cash to a value of \$170 million.<sup>10</sup> A third major negotiated Treaty settlement involved the South Island tribe, Ngai Tahu, and concerned a long-standing breach of contract. Ngai Tahu sold about 1.38

million hectares of land to the Crown in a 20-year period between 1844 and 1864. This sale was conditional on one-tenth of the land being set aside as “reserves” for the tribe. These conditions were never honoured. Under the Ngāi Tahu Claims Settlement Act 1998, Ngāi Tahu received a settlement package worth \$170 million.<sup>11</sup> The settlements have also provided important cultural redress, recognising or acknowledging non-commercial assets such as important tribal sites, burial sites, flora, fauna and *taonga* ‘(other treasures’.

Overall the 1980s can be characterised as the decade of recognition and litigation. Historical grievances were recognised and legitimised by the state. Because of new legislation (such as the State Owned Enterprises Act 1986) to allow for the privatisation of state owned assets and because of more effective acknowledgement of the principles<sup>12</sup> of the Treaty of Waitangi, Māori were able to use the courts to validate their claims. The government sponsored Waitangi Tribunal, although only an advisory, albeit influential, body to government, also validated historical Māori grievances and paved the way for negotiated financial resolutions of some longstanding grievances in the 1990s. At the same time considerable political anxiety was evident in the 1980s. Welfare needs noticeably increased, government had radically “downsized” its departments, unions were disempowered and Māori unemployment increased rapidly (see Kelsey 1993). The Labour government was voted out of office in 1990 and a National government installed. Between 1990 and 1996, Treaty settlements were a priority for the government. But issues of representation regarding urban or tribal, pan-tribal or traditional *iwi* created considerable tension among Māori.<sup>13</sup> The general populace was looking for political change, including a reassessment of the electoral system, which also created a new political situation for Māori. The politicising of Māori grievances in the 1970s, the complex political and legal successes of the 1980s, the negotiated settlements of the 1990s and the harsh social costs of economic reform were essential elements in ensuring the Māori franchise would finally be taken seriously in the post-1996 political environment of MMP.

#### MIXED MEMBER PROPORTIONAL REPRESENTATION (MMP)

Until 1996, Māori were virtually guaranteed four Māori parliamentary seats regardless of the size of the Māori population. The Labour Party had monopolised the four Māori electorates and Māori parliamentary representation for 50 years.<sup>14</sup> How effective was that representation? The socio-economic differential between Māori and the general population had not decreased over the years, even though successive governments

variously implemented policies of assimilation, integration, devolution and mainstreaming (for a review of these policies, see Sullivan 2001). Wilson (1995:6) suggests:

One of the reasons why Māori have been unable legally to entrench the Treaty has been their lack of effective political representation. This has meant that Māori have had only limited influence on legislation affecting their interests. They have been, and remain, policy takers and are rarely policy makers.

Following considerable voter disillusionment with the state's economic and restructuring reforms, in 1992 the people voted in a national referendum to change the electoral system, and in 1993 a second referendum bound government to electoral change.<sup>15</sup> The first-past-the-post system (FPP) was rejected in favour of MMP, a form of proportional representation that had been recommended in the 1986 Report of the Royal Commission on the Electoral System. The Commission had argued that an electoral system such as MMP was the best means of providing effective minority representation and fair proportional representation. MMP is a two-vote system that elects electorate parliamentary representatives as well as providing a second vote so that political parties can be represented proportionally according to their share of the party vote.

The Electoral Act 1993 established MMP and increased the number of Member of Parliament (MPs) from 99 to 120. Nearly half of the MPs are drawn from "party lists", with slightly more than half voted into office by electorates. The legislation provides for Māori electorates with a population size similar to that of general electorates, to be determined by the number of Māori who choose to enrol on the Māori electoral roll. Previously, the Māori electorates were fixed at four regardless of the number of Māori on the Māori electoral rolls. The significance of this change became immediately apparent. As Table 1 shows, the first MMP election in 1996 saw the number of Māori electorates increase from four to five (out of 65). At the 1999 elections there were six Māori electorates (out of 67) and at the 2002 election enough Māori had chosen to enrol on the Māori roll to warrant seven Māori electorates (out of 69). Additionally, most political parties had positioned at least one Māori in a favourable position on their party lists so that in 1996 for the first time in New Zealand's electoral history, Māori parliamentary representation was proportional to the Māori population. Fifteen<sup>16</sup> Māori were elected to the Parliament of 120 MPs. In 1999, a similar number of Māori were elected to Parliament and, in 2002, 21 MPs claimed some Māori ancestry, 19 identifying as Māori. MMP is well on

Table 1: Maori MPs\* and Maori Population\*\*

Year	Maori Electorates	Maori MPs	% of all MPs	Year	Maori Population	% of total Population
1990	4	5	5	1991	434,847	12.9
1993	4	7	7			
1996	5	15	13	1996	523,374	14.5
1999	6	15	13			
2002	7	19	16	2001	526,281	14.1

\* Listed by election years

\*\* Listed by census years. Source: Statistics New Zealand, 2001 Census: Ethnic Groups, Table 2b, [www.stats.govt.nz/](http://www.stats.govt.nz/)

track in providing Māori with parliamentary representation proportional to their population.

MMP has also introduced New Zealand to coalition governments. Changing the electoral system has radically changed the make-up of New Zealand governments. Previously, single parties (either National or Labour) controlled government, and party members, including Māori, were required to support their respective party's policies. Individual MPs were unable to take a policy position that disagreed with the party position and were unable to act independently of their party. For the Māori MPs, this was a position of potential conflict between their Māori constituency and their political party. In 1980 Matiu Rata, a former Labour Minister of Māori Affairs, resigned from Parliament and the Labour Party, because of this type of conflict among other reasons. Before 1996, governments rarely had to seek compromises to ensure the passing of legislation, policies or expenditure. Post-1996, governments have been determined by a coalition of the highest polling political party and a minor party. As a result, MMP governments have had to accommodate some of the demands of their junior partners.

The Māori seats at the 1996 and 1999 elections were pivotal in the formation of a government and the Māori members potentially had considerable influence. Both governments appointed more than one Māori to the executive—an unusual occurrence for New Zealand governments. In 1996, the minor political party New Zealand First (NZF) captured the five Māori electorates and determined whether the country would have a left or right wing government; the five Māori electorate MPs were central to

the balance of power. The Labour Party failed to secure the support of the New Zealand First Party and consequently failed to become government. Labour's loss of the Māori seats demonstrated how crucial the Māori vote was to forming a government in 1996. The five Māori seats ensured the 1996 National/New Zealand First coalition government was made up of two parties, not three. It also helped the minor coalition party (NZF) to negotiate nine out of 26 cabinet positions, a number disproportionate to their actual voter support of 13 percent of the total party vote. Of those nine positions, three were Māori MPs, Winston Peters, Tau Henare and John Tuariki Delamere. Winston Peters as the NZF leader was also appointed as deputy Prime Minister.

In 1999, the six Māori seats, while reverting to Labour, were again essential to providing the numbers for a Labour-led coalition government. If the six Māori electorates were removed from the equation, Labour would have had to go into a multi-party coalition rather than a two-party coalition. The importance of the Māori vote was acknowledged when Labour appointed two Māori MPs to cabinet, Sandra Lee (Alliance) and Parekura Horomia (Labour),<sup>17</sup> and one Māori MP as Minister outside Cabinet, Tariana Turia (Labour). In 2002, the Labour Party secured the support of two minor parties (Progressive Coalition and United First) in order to govern. Labour retained the seven Māori electorates and two Māori MPs, Parekura Horomia and John Tamihere, were appointed as Ministers inside Cabinet and another two, Tariana Turia and Dover Samuels, were appointed as Ministers outside Cabinet. Māori parliamentarians have become much more visible than in the past.

Māori appointments to the executive reflect increased attention by all political parties to the Māori vote, as does the attendance of political party leaders at an increasing number of Māori functions. In 2001, the Labour Prime Minister attempted to make herself and her Ministers accessible to Māori by conducting and attending a series of local *hui* 'meetings' throughout the country. The highly publicised presence of a large number of politicians from all political parties and other Māori political aspirants at the Ratana Church's annual commemorations of the birth of its founder in January 2002 also marked the first such occasion when a leader of the National Party was present at the celebrations. There was a similar turnout of leaders to the Ratana celebrations in 2003. The Labour Prime Minister demonstrated the importance of the Māori vote by participating in Waitangi Day celebrations at Waitangi in February 2002, after refusing to attend the two previous years, because of the lack of respect given to her position as Prime Minister by some protesters. The Green Party, contesting the 1999 elections for the first time as an independent entity and without a Māori

on their party list, expressed their determination to court the Māori vote in the 2002 elections.<sup>18</sup> They included a Māori woman on the party list for the 2002 elections and she subsequently was elected into Parliament. Likewise, the National Party gave a very favourable list ranking to a former senior civil servant and highly respected Māori woman, Hekia Parata, to contest the Wellington central electorate. National also appointed a former Chief Executive Officer of a Government department, Wira Gardner, to lead Māori developments within the National Party and enlisted the support of a number of very successful Māori businessmen.

Since 1996, the visibility of Māori cultural practices in Parliament has increased considerably, including regular displays of Māori *tikanga* 'cultural values' and performances of *waiata* 'songs'. The Māori language is used in debates and responses to parliamentary questions by Māori politicians and Māori supporters in the public gallery. Many of these occasions have been shown on national television, which helps invoking in viewers a Māori sense of pride and Māori unity, and promotes Māori nationhood. Currently government is providing funding to establish and support a Māori television channel, aimed at fulfilling some of the Crown's Treaty of Waitangi obligations to actively protect<sup>19</sup> the Māori language. Language helps consolidating a collective identity. For Māori, their language and identity also incorporate a common history, the recognition of traditional lands and shared culture. Māori nationalism cultivates these features of identity within the existing framework of a wider, inclusive state or civic nationalism. For most Māori,<sup>20</sup> their tribal identity is relevant to their individual identity and thus the state is able to generate considerable goodwill by paying attention to an important cultural marker—the Māori language.

Increased political sensitivity has not, however, translated into markedly improved overall social and economic status for Māori, nor has government expenditure specifically targeted areas of Māori socio-economic deprivation. Yet, while the differences between Māori and non-Māori have not decreased, some current statistics do portray a less bleak picture than those of the past. For example in health, the Māori rate of Sudden Infant Death Syndrome (SIDS) is decreasing, Māori rates of hospitalisation have fallen, and there are improvements in Māori infant mortality and Māori life expectancy. There have also been some improvements in the overall Māori education statistics (see Ministry of Māori Development 1999). Sullivan and Margaritis (2000) have shown a considerable increase in Māori entrepreneurial activity over the past decade. Increasing numbers of Māori are self-employed, and Māori are moving into skilled occupations at a faster rate than non-Māori.

The three coalition governments since 1996 have increasingly moved to support tribal and community developments with initiatives for Māori social and welfare needs. These developments are similar in substance to the devolution policies of the 1980s, but have tighter contractual requirements. By 1999, for example, 15 *iwi* 'tribal groups' had been recognised as Iwi Social Service (ISS) providers, delivering specific government services to Māori. Māori MPs have been attempting to monitor government departments' expenditures in an effort to ensure efficient use of limited funds—\$243 million over four years for the latest Māori policy of "capacity building" (Māori Affairs Select Committee 2001). Increased Māori representation means that public policies are being scrutinised by more Māori politicians at the vital stage of policy formulation in parliamentary select committees than was previously possible. For example, legislation providing greater opportunity for Māori representation in local government,<sup>21</sup> as well as legislation providing for separate Māori representation on one local government council,<sup>22</sup> was supported at the select committee stage by Māori parliamentarians regardless of their party affiliations. This in turn helped influence positive legislative change for Māori in local government. Ministerial positions raise the profile of the Māori MP. The positive role modelling this provides to Māori has not been quantified, but having Māori in influential positions of government does help break down negative stereotyping.

#### DEMOCRACY AND THE MĀORI FRANCHISE

There have been ongoing debates regarding the need or otherwise of separate Māori electorates since the seats were first introduced in 1867. These debates have been well documented (see Sullivan 2003). In substance, they reflect differing interpretations of the concept of democracy that centre either on individualism or collectivism. On the one hand, the liberal individualist arguments focus on the notion that "everyone is equal". This school of thought uses Article 3 of the Treaty of Waitangi to demonstrate that all citizens have equal rights and opportunities, arguing that separate representation on the basis of ethnicity or indigeneity privileges one sector of society at the expense of others and is therefore undemocratic. On the other hand, at the heart of the collectivist arguments is the belief that democracy only requires each vote to be of equal value. This line of reasoning suggests that democracy requires individuals to be treated fairly; when an identifiable group is a minority and unable to gain representation, because they are constantly outvoted, then this is undemocratic. Mulgan (1989:81) suggests that sometimes adjustments to an electoral system are justifiable to

protect minorities and to prevent majority tyranny. Kymlicka, in his book *Multicultural Citizenship* (1995:109), argues that group rights, such as guaranteed minority representation, can be seen as just because they help eliminate inequalities when a group is unfairly disadvantaged by a majority. Group rights, in these circumstances, alleviate the vulnerability of minority groups to majority decisions. He argues that this allows minority groups to have the same opportunities to participate as members of the majority.

Liberalism, Kymlicka (1995) argues, incorporates notions of justice and fairness, and for indigenous peoples this can be done by recognising their unequal circumstances, systemic disadvantage or claims to self-government. A separate (group) political representation for Māori can be argued on the grounds that their historical domination “by other groups has left a trail of barriers and prejudices that makes it difficult for historically disadvantaged groups to participate effectively in the political process” (Kymlicka 1995:141). There may be problems associated with separate representation, such as ensuring that representatives actually represent the group’s interests or determining how representatives are accountable for the group. About this Kymlicka (1995:150) says: “Democracy involves a commitment to the principle of political equality, but there is no way to deduce the single best system of representation from that abstract principle.” Representation rights are primarily demands for inclusion and full membership in the larger society (Kymlicka 1995:192). They compensate for systemic disadvantage. For Māori, the proportional representation that has been gained by using an electoral system that prioritises population size (MMP) rather than geographic boundaries (FPP) is a welcome improvement. The current MMP electoral environment better reflects and mirrors all sectors of society than was possible under FPP. Not only are Māori better represented in Parliament, but also Pacific Islanders have been able to gain representation, as have minority political parties such as the Greens, United Future and others.

Māori only gained proportional representation in the first two MMP elections, because the separate Māori seats had been retained. If the Māori electorates had been excluded in the 2002 elections, Māori representation would also have been less than proportional to their population. However, it is likely that there will be increased public debate on whether preferential Māori seats in Parliament should be retained if MMP continues providing proportional representation for Māori. A right-wing political party, ACT, strongly supports the abolition of separate Māori seats; New Zealand First does not favour the separate electoral franchise either. The National Party’s restructuring and repositioning following its abysmal defeat at the 2002 polls resulted in the removal of its only Māori caucus member from the party’s

front bench. Also, a push for abolishing separate Māori representation was high on the (former) party leader's discussion agenda for 2003 (English 2003). The debates have started resurfacing in relation to whether Māori should be assured of representation in local government (see Sullivan 2003) as recent changes to local government legislation now provide local councils the choice of either retaining FPP, changing to STV (a form of proportional representation) or providing separate Māori electorates. It is apparent that the Māori franchise is being recognised by policy makers at both national and local government levels as an important and inclusive element in the state's national building process.

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The social, cultural and economic development of Māori over the past two decades has been mixed. Official statistics portray a dismal picture, but progress in economic settlements of certain Treaty of Waitangi land, resource and fisheries claims has provided a number of tribes the impetus for future autonomous economic development. There is considerable Māori economic advancement taking place in terms of entrepreneurial development. Recent census data<sup>23</sup> show some positive social and economic developments, including an increasing number of Māori participating in education, particularly noticeable at preschool and tertiary levels.

At a political level, Māori are more visible and the Māori voice is much more audible than in the past. A quick perusal of *Letters To Editor* columns in major daily newspapers shows a heightened public interest in Māori developments, Māori issues and Māori culture. There is considerable public debate and discussion on the Treaty of Waitangi within many sectors of New Zealand society, not just Māori, that was not evident before the Treaty of Waitangi legislation was passed. The Māori Language Act 1987 established Māori as an official language and, in 1994, the Privy Council acknowledged the Māori language as a *taonga* 'treasure' to be protected. State investment in Māori broadcasting is the tangible outcome of this.

Within the New Zealand Westminster system of government, the Māori franchise might be used to help facilitate Māori efforts for political self-determination/*tino rangatiratanga*. To date there is little evidence of this. MMP favours coalition governments and they have been dependent on the Māori electorates to govern. So far the MMP Māori franchise has been an important bargaining tool for Māori access to Cabinet in coalition governments, but it is not evident that this has resulted in Māori becoming "policy makers", in the sense of being able to positively influence Māori

welfare developments. The accumulating effect of these developments has been the enhancement of the cultural identity of tribal members and their sense of Māori nationhood. While there are disputes within Māori society regarding tribal or pan-Māori recognition for resource redistributions, such as the allocation of fisheries assets or the delivery of government services, these struggles are mainly about gaining equality and independence within the nation-state. Few Māori are calling for an independent Māori state. Currently Māori nationalism is strong in terms of having control over economic and cultural resources, based on a tribal identity within Māori society rather than a collective Māori identity predicated on a pan-Māori solidarity.

## NOTES

1. James Carroll first entered Parliament in 1887 as the representative for Eastern Māori. He had both Māori and Irish ancestry, which enabled him to register on the general roll. In 1893 he was successful in the European electorate of Waiapu and then from 1908-1919 represented the European electorate of Gisborne (Sorrenson 1986:B-29, 32).
2. Historically the term Pakeha referred to people predominantly of Anglo-European descent. Throughout this essay, however, I have used the identifier “non-Māori” which centres Māori as the subject and everyone else (including Pacific Islanders) as “Other”.
3. James Carroll became the first Māori member of the Executive Council. In 1899 he was appointed Minister of Native Affairs. For a few months in 1909 and again in 1911 he was the acting Prime Minister (Love 1977:129). His personal achievements were considerable but there was little evidence of the Māori franchise being an effective political tool for Māori.
4. For example, in 1928 a Royal Commission to Inquire into Confiscation of Native Lands and Other Grievances Alleged by Natives (more commonly referred to as the Sim Commission after its Chairman) was established. See Sullivan (1995) for the history behind the setting up of the Māori Trust Boards.
5. Ratana members held Southern Māori from 1932, Western Māori from 1935 and Northern Māori from 1938. They also dominated Eastern Māori from 1943, except for the electoral periods of 1963 and 1966. While Peter Tapsell, elected to Parliament in 1981 for Eastern Māori, and Bruce Gregory, entering Parliament in a 1980 by-election in Northern Māori, were not followers of Ratana, they did have Ratana endorsement (Sorrenson 1986, Sullivan and Vowles 1998).
6. See Armitage 1995, Sullivan 2001.
7. Supposedly a left wing political party, but its actions between 1984 and 1990 were decidedly right wing. It introduced radical and rapid reforms that rolled back the welfare state and liberalised the economy, which included restructuring of the public sector, remodelling public enterprises into corporate entities and privatising many of the state commercial activities.

8. European/Pakeha is the terminology used by the Department of Statistics.
9. Many individuals were renaming themselves, discarding their western or Christian names and taking Māori names. Māori naming of newborn Māori infants was also evident. Books on, about and by Māori were much more prolific in the 1980s and 1990s than previously.
10. Some reports suggest the confiscated lands in 1996 would have had an estimated value of over \$12 billion (Te Anga Nathan 1996; see also Van Meijl, this issue).
11. The estimated value of the reserved lands Ngai Tahu should have owned in 1998 was \$20 billion.
12. Since the passing of this legislation, the principles of the Treaty of Waitangi have been, and are being, defined by the Waitangi Tribunal, the courts, Government agencies and various Māori organisations (see Te Puni Kokiri 2001 for a review of a number of principles).
13. See Sharp 1997:311-16 for an excellent analysis of these issues.
14. Few Māori were elected to Parliament by way of the General seats. The National Party had two Māori MPs elected in 1975, followed by Winston Peters in 1978. Sandra Lee was elected to represent the Alliance Party (a leftwing party that emerged out of Labour) in 1993. Labour has never had any Māori representing a general electorate.
15. Sixty-six percent of Māori electors on the Māori roll supported MMP compared to 54 percent of the general population (Roberts and Levine 1994).
16. Sixteen including Jill Pettis who has been in Parliament since 1993. She claims Māori ancestry but does not identify as Māori.
17. Dover Samuels was also a Minister for a short period; after being demoted, he was made a Parliamentary Under Secretary.
18. Sue Bradford on National Radio, Morning Report, 7 February 2002.
19. Privy Council 1994, Māori Broadcasting case.
20. Only 20 percent of all Māori are unable to identify their *iwi*/tribe (Statistics New Zealand 2002b).
21. An amendment to the Local Electoral Act 2001 gives councils the option of using the proportional electoral system STV (Single Transferable Vote).
22. The Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001.
23. See <http://www.stats.govt.nz/>