

**INDIGENOUS REPRESENTATION:
A COMPARATIVE PERSPECTIVE**

3.1 INTRODUCTION

Dedicated seats have been established for particular ethnic or indigenous groups in several countries including Lebanon, Fiji, Zimbabwe, Singapore and New Zealand. The state of Maine in the United States has also established dedicated seats for two Indian tribes, although the representatives in these seats do not have the right to vote. This Chapter briefly describes dedicated seats in New Zealand and Maine because electoral arrangements in these places are similar to those in NSW.

The establishment of indigenous parliaments, either as part of the existing political structure or as advisory bodies with control over certain areas is another way to enhance political representation for indigenous people. This Chapter also looks at how one country, Norway, has provided for representation for indigenous people at a national level through the establishment of an indigenous parliament. A participant at the consultation meeting in Redfern asked the Committee to investigate indigenous representation in Canada. A brief summary of the Committee's research on this issue is provided at Appendix One.

The material in this Chapter is a very brief summary of the information in the Issues Paper produced in 1997 for this Inquiry entitled, *Aboriginal Representation in Parliament*. Copies of the Issues Paper are available from the Committee Secretariat. Updated information about the Sami Assembly was obtained from the Norwegian Government's Internet site (www.ODIN.DEP.NO).

3.2 DEDICATED SEATS IN NEW ZEALAND

Dedicated Maori seats have existed in the New Zealand Parliament since 1867. The New Zealand Parliament is comprised of one House: the House of Representatives, which has approximately 120 members. There are currently fifteen Maori Members in the New Zealand Parliament, five of whom have been elected to dedicated seats.

The number of Maori seats was fixed at four from 1867 to 1996, regardless of the size of the Maori population. The number of dedicated seats increased to five after the introduction of the Mixed Member Proportional Representation electoral system when it was decided to base the number of seats on the size of the Maori electoral population.

3.2.1 THE MAORI ELECTORAL OPTION

Persons of Maori descent can choose whether they wish to vote for a member of Parliament elected to represent one of the Maori electorates or whether they wish to vote for a member of Parliament representing a general electorate. They can make this choice during a two-month period shortly after each five-yearly population census. This process is known as the Maori Electoral Option. A Maori Option card is sent to every

person who indicated they were of Maori descent when they registered to vote, allowing them to elect to change from one roll to the other. If the card is not returned, the voter remains on the roll on which they were last registered.

3.2.2 AN EVALUATION OF THE MAORI SEATS

Some commentators question the extent to which Maori interests have been furthered by the provision of dedicated seats. The 1986 Royal Commission into the New Zealand electoral system concluded that Maori seats had rarely given full effect to Maori concerns and that they may even reinforce their political dependence. Other limitations of the seats include:

- the small number of Maori MPs makes it difficult for them to scrutinise all relevant legislation resulting in some laws being passed which disadvantage Maori (Dibley, 1993:77);
- difficulties for Maori members representing their constituents due to the large size of their electorates; and
- the constraints of party allegiance, making it difficult to speak out strongly on Maori issues for fear of alienating the Pakeha (non-Maori) supporters of their party.

Despite the above limitations, Maori seats ensure a Maori voice is heard. Maori members in the dedicated seats can afford to devote themselves wholeheartedly to Maori issues, unlike Maori members who represent general electorates who have to be sensitive to the interests of the Pakeha majority.

In 1996 the Royal Commission on Electoral Reform recommended the abolition of the four Maori seats but Maori were successful in arguing against their abolition. These seats were found to have significant symbolic importance to many Maori and were widely supported, as one of the Select Committees to the Royal Commission discovered:

There is virtual unanimity in Maoridom regarding the need to retain the present four Maori seats (Electoral Reform Project Steering Committee, 1993:22).

3.3 DEDICATED REPRESENTATION IN MAINE, USA

The state of Maine in the United States provides representation for two of its largest tribes, the Penobscot and the Passamaquoddy. Each of these two tribes has a representative in the state legislature but the representatives do not have voting rights. These seats have existed in Maine in various forms since early last century.

The tribal delegates share many of the other privileges enjoyed by the 151 members of the state legislature. While they do not receive a salary, they are paid a daily rate for attending the House and they also receive the same allowances for meals, housing, constituent services and travel expenses as other members.

3.3.1 AN EVALUATION OF THE TRIBAL SEATS

There are mixed feelings about the effectiveness of the tribal seats in Maine. Some tribes and nations in the United States feel that participation in state legislatures by indigenous people compromises their sovereignty. It can be frustrating for the representatives to sit in the House and contribute to debate, but not be able to vote. Critics argue that non-voting is a way to keep the tribal representatives “in their place”, making representation a half-way measure.

On a more positive note, tribal representatives have been able to educate other members and the community about tribal issues and have been able to incorporate aspects of tribal culture into the parliamentary process. Non-voting members have gained invaluable experience in politics and leadership. It is also argued that these representatives have been able to draw attention to important native issues through their work on committees.

3.4 THE SAMI ASSEMBLY IN NORWAY

3.4.1 THE SAMI

The Sami, formerly called the Lapps, are an indigenous minority group in Norway, Sweden, Finland and Russia. They have their own settlement areas, languages, culture and history. Today, approximately 70% (40,000 - 45,000) of the Sami people live in Norway, and are largely concentrated in Finnmark in the north of the country.

3.4.2 THE SAMI ASSEMBLY

In 1984, the Sami Rights Commission proposed that a Sami Assembly (the Sameting) be created. The *Sami Act* was subsequently passed in the Norwegian Parliament (the Storting) in 1987, and the structure, responsibilities and powers of the Sami Assembly were established. It was officially opened in 1989.

The Assembly consists of 39 members, with three members elected from each of the 13 constituencies which the country is divided into. Members are elected for a term of four years by direct ballot by Sami people registered on the Sami electoral register. Those entitled to register must sign a declaration that they consider themselves Sami, and either use the Sami language at home or have a parent or grandparent who does or has done so. Eligible voters for the Sami Assembly also vote in elections for the Storting which are held on the same day. In other cases, election is by majority vote.

On average 75% of eligible Sami vote in elections, which is comparable to the turn-out for national elections but Sami organisations have conducted several education campaigns to ensure all eligible voters will participate in elections. In the recent 1997 elections, 72% (approximately 6,200 people) of the 8,600 enrolled Sami voted.

While mainstream political parties are represented in the Sami Assembly, the largest party is the Association of Norwegian Sami. The Sami Parliamentary Council – the “cabinet” of the Assembly – consists of the President, the Vice-President (the only full-time Assembly members) and three other members. Although these members have no official portfolios, issues such as education, fisheries, and reindeer husbandry are allocated informally.

The role of the Sami Assembly is two-fold. In addition to its role as a political institution, it is responsible for a number of cultural, linguistic and educational programs which are managed through four councils within the Assembly: the Sami Heritage Council, the Sami Language Council, the Sami Cultural Council and the Sami Development Fund. A Sami Educational Council is also planned.

The Assembly meets four times a year for one week at a time. The budget for the Assembly and its activities is allocated each year by the Norwegian government which grants most of the funds for specific programs. This dependence limits the freedom of the Assembly to develop new initiatives and gain appropriate funding.

The Assembly reports each year to the Storting. The reports cover different issues of importance and recommends action. The Storting discuss the report, and may respond by introducing legislation, allocating resources or through other political action, but there is no obligation on the government to respond. In addition, every four years the government publishes a White Paper on Sami policy, which is discussed in both the Storting and Sami Assembly, and the views of members of the Sami Assembly may be taken into account.

3.4.3 AN EVALUATION OF THE SAMI ASSEMBLY

The achievements of the Sami Assembly are difficult to assess as it is a relatively new institution. However, commentators suggest the Assembly has contributed towards the unification of the Sami community as well as raising the political profile of the Sami in the broader community.

The provision of an annual report from the Assembly to the Norwegian Parliament enables the formulation of a fully developed Sami policy on major issues affecting the Sami people. While the government is not required to respond to the report, the issues raised have often created the impetus for action – particularly in relation to cultural and linguistic preservation. The Assembly has had less impact on issues such as land and water rights, and self-determination in health and education. In short, the existence of

the Sami Assembly means that Sami interests can no longer be ignored or dismissed in Norway.

3.5 CONCLUSION

The Committee recognises that it is difficult to make direct comparisons between the indigenous peoples or governmental systems of various nations. Nevertheless, overseas examples provide a useful basis from which to explore the question of dedicated representation in the Australian context.