

A PERMANENT EXPEDIENT?

MMP AND MĀORI POLITICS.

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Nō tēnei tau tonu (1996) ka tīmatahia te āhua pōti kāwanatanga e kīia nei, ko te Mixed Member Proportional Representation. Koianei te huringa matua tuatahi o te pōti i te kāwanatanga, mai i te tau 1890 te wā i tīmatahia ai ngā rōpū kāwanatanga, ā, i whakatūhia ai te rōpū Liberal o John Ballance. Tērā anō te whakakorenga o te Kaunihera Ture i te tau 1949.

Mā te MMP pea e whakarahi ake ngā māngai mō te iwi Māori i roto i te Paremata. Nō te tau 1986 i whakaarohia ai ēnei āhuatanga, ā, ka whakaurua ki tētahi wāhanga o te pūrongo a te Kōmihana Karauna mō te Pūnaha Pōti i te marama o Hakihea i taua tau. He mahi mātatāki tā rātou, arā, te whakaatu ki te kāwanatanga tētahi pūnaha pōti e noho rite ai ngā rōpū whakataetae me ngā rōpū whai kaupapa i roto i te paremata. E ai ki tā te pūrongo, ko te iwi Māori tētahi o ngā rōpū whai kaupapa nei. Ka whakaitināhia te MMP e te Kōmihana i runga i tō rātou whakaaro ka "tōkeke atu te whai wāhi a te iwi Māori ki te paremata".

Ka tikina atu te taurira mō te puku o tēnei tuhituhi mai ērā korero i tuhia i te tau 1867. E whai ana tēnei i te whakaaro kia riro mā te Māori tonu e hoe tōna nei waka ātea. Ina kai te mōhio pai tatau kāore i tūtuki tēnei ōhaki.

I tēnei ao hurihuri nei, arā 1996 te tau, kei te māro tonu te kāwanatanga, inā kāore tonu ia e mahi tahi ana ki te iwi Māori ki te whiriwhiri i ngā āhuatanga pōti e tika ana, pērā i te tau 1867. Ko tāna titiro kē, ko ngā painga ka puta ki te katoa, me te whai i te ritenga mō ngā rōpū whakataetae, me ngā rōpū whai kaupapa. I runga i tēnei tū āhua, kia uia atu koia, he aha tā te MMP ma te iwi Māori - he hua ka puta, he momo karo anō rānei?

Abstract

This year, 1996, saw the introduction of Mixed Member Proportional Representation. This measure represented the first major reform of New Zealand's electoral system since at least 1949.

MMP was first suggested in 1986 by a royal commission on the electoral system which sought to

recommend a new electoral system that might achieve equity between all contesting parties and interest groups in New Zealand. Māori people were seen to constitute such an interest group. The Commission advocated MMP partly because it offered "more collective representation" for Māori.

Such references to "more effective representation" for Māori bring to mind the circumstances under which Māori first obtained parliamentary representation in 1867. This paper briefly revisits the circumstances of that 1867 legislation, the purpose of which was to grant Māori special representation in order to incorporate their affairs further within the functioning heart of representative government. This Māori representation measure was also intended as a temporary expedient. Yet Māori representation continued in that 1867 form for another 130 years. The temporary measure became a permanent expedient.

In the modern context, 1996, the government continues in its historical unwillingness to negotiate electoral reform with Māori, as it refused to do in 1867, on any basis other than that of realising a common good, and achieving proportionality between contesting parties and interest groups. On this basis, does MMP offer Māori anything more than another permanent expedient?

In December, 1986, after two years of deliberations, the Royal Commission on the Electoral System issued its large report. Chaired by Justice John Wallace, the five-member Commission included a Māori member, the much respected Whetu Wereta, of Ngaiterangi. The report was significant because, with its proposing of Mixed Member Proportional representation (MMP), it foreshadowed the first substantive reform of New Zealand's electoral system since party government was introduced with John Ballance's Liberals in 1890; or at least since the Legislative Council was abolished in 1949.

Behind the report lay a decade of rumbling public disquiet directed at the seemingly unfair nature of New Zealand's general electoral system. The electoral system had fallen into disfavor, if not disrepute, since the late 1970s when more electors were counted as

voting for opposition parties, than they were voting for the party of government. What was wanted was a Parliamentary electoral system which could "achieve proportionality between the parties" (Commission Report, 1986:45).

The Royal Commission's report assessed a range of electoral options in order to address this perceived existing unfairness. Included amongst the many electoral system options was the Mixed Member Proportional (MMP) representation. This was clearly the Commission's preferred option. Based on the West German model, MMP was described by the Commission as the one electoral system that would "enhance the ability of MPs to carry out their collective Parliamentary functions" (Commission Report, 1986:44).

As a consequence, the Commission recommended that general New Zealand electors should consider the MMP alternative; MMP, it thought, was clearly superior to other options. According to the Commission, MMP would also be "fairer to supporters of significant political parties." It would be "likely to provide more effective representation of Māori and other minority and special interest groups" (Commission Report, 1986:63).

This phrase, "more effective representation of Māori", sat easily, almost glibly, within a report seeking a more effective means of Parliamentary representation for all of New Zealand's general electors. Yet, as Keith Sorrenson later argued in the same report, the long-standing electoral inequity faced by Māori could not so easily be subsumed beneath a new-found need to reform the general electoral system for such a common good.

For Māori, the situation was starkly different. Since 1867, Māori had clung to their four seats in Parliament "as a guarantee that their voice would be heard ... and of influencing the executive arm of Government" (Sorrenson, 1986:B5). But for many Māori, Parliamentary representation had come too late. Earlier, a Parliament where Māori interests were not represented had prosecuted a devastating war against them. And it had also introduced a generation of 'oppressive legislation' like the infamous 1863 New Zealand Settlements Act and Suppression of Rebellion Act (Walker, 1985:253; Ward, 1995:163; Riseborough, 1989:13-21).

The Royal Commission on Electoral Reform in 1986 proposed MMP as a means of providing "more effective representation of Māori". This stated desire

of the Commission may be seen as a fair statement of high principle. According to Sorrenson, no such high principle was involved in granting Māori people political representation in 1867 (Sorrenson, 1986:B20).

The beginnings of Parliamentary authority in New Zealand lay in the Constitution Act of 1852. This Act established the right of the fledgling new colony to initiate constitutional self-government. It also enfranchised all men who owned property on an agreed basis of individual title; and most were small landowners.

Māori men were effectively excluded from the 1852 franchise and thereby from Parliament, because few Māori possessed such individual land title since Māori land was held communally. However, it was anticipated that this would soon change. The 1862 and 1865 Native Land Acts had established the Native Land Court. The primary function of the Court was to provide the means by which Māori land could be progressively granted individual title, and then surveyed to confirm individual owners, as was the practice under English law.

However, by 1867, little progress had been made in effecting such change. Māori were still substantially in possession of and residing on traditional communal holdings.

The fact that Māori men were denied the vote in 1852 did not go unnoticed in England. There, a storm of criticism was raised by groups like the Aborigines Protection Society, urging the British Government to "demand the establishment of an independent Māori council to control native Affairs". According to Walker, the New Zealand colonial government demurred. It well knew that an independent native council would "curtail wholesale alienation of Māori land" (Walker, 1985:253). Pressure was also mounting from within New Zealand to "pacify" the Māori in areas like the Waikato, Taranaki and Poverty Bay, where the threat of war lingered (Belich, 1986:203-288). The prospect of ongoing warfare in New Zealand was greatly disheartening to potential British investors. Consequently, the creation of Māori Members of Parliament was seen as a part of a "great attempt to try to pacify the Māori districts" (Butterworth, 1988:97).

In 1867, the same year that the government introduced the Native School system and consolidated the powers of Resident Magistrates, the Māori Political Representation Bill was introduced.

The Bill was a piece of "ad hoc" legislation, as Butterworth has observed (Butterworth, 1988:98). It was introduced by the experienced, though out of favor, Native Secretary, Donald McLean. The Premier of the day, Stafford, could not conceive of himself nor his Ministry introducing such a measure. Stafford's recent biographer, Edmund Bohan, presents Stafford in a more favorable light. Bohan reads Stafford's ambivalent support for the measure as evidence of his otherwise respectful disposition towards Māori (Bohan, 1994:244). However, the reverse is more likely. Stafford was afraid of a backlash from his South Island constituents, especially the West Coast goldminers who had been recently awarded increased special Parliamentary representation. Stafford could not imagine Māori men ever becoming ordinary Ministers. It was, he thought, "absurd that they should ever enter into a Cabinet and take part in the administration of the ordinary affairs of the colony" (Ward, 1995:270).

Keith Sinclair has suggested that there was "little opposition" to the 1867 Māori Representation Bill which saw Māori men become "almost the first in the world to get one man, one vote, twelve years before Pākehā men" (Sinclair, 1992:87). Sorrenson, however, pointed to instances of distinct opposition. Some members feared that Māori members who could not speak English would soon get lost in the complicated House procedures. Other members resented such "special legislation for the Native race". Supporters of the measure, however, pointed to its capacity to promote a "healing process" (Sorrenson, 1986:B20).

In the end, after two stormy readings, the Bill survived a third reading and was passed into law. However, support for the measure from legislators was largely won on the basis that enfranchising Māori would be temporary, or at least by means of such separate representation. It was still generally believed that the enfranchising of Māori would be eventually achieved through their acquiring individual land title. This would thereby qualify Māori for general representation, through the general roll. It all depended on the capacity, and the speed, of the Native Land Court in its dealings with Māori land, to provide for the granting of individual title. Premier Stafford therefore supported this temporary enfranchising of Māori (Ward, 1995:209).

Therefore Māori political representation was enacted for five years. In 1872, it was extended for another five years and then extended again indefinitely

in 1876, attesting to the "exception character" of this measure. According to Walker, the legislation was a "token gesture with deceptively manipulative purposes underlying it" (Walker, 1985:254).

This was seen in the awarding of only four seats to Māori, on a population basis of some 56,000 people. This compared unfavorably to the seventy seats existing for the general electorate, with a population base only three times that of Māori. On these figures alone, Māori people might reasonably have expected 18-20 seats.

In introducing the Māori Representation Bill, Donald McLean argued that Māori people warranted Parliamentary representation on the grounds that they owned three-quarters of the North Island. They also paid a substantial portion of taxes.

McLean also referred to the belief, expressed by many, that Māori should have "equal rights with, and all the privileges and rights of, Englishmen." Such rights and privileges were of course a condition of the Treaty of Waitangi (Sinclair, 1992:87).

But the ambit of the Treaty was significantly wider. In 1867, Māori probed the Māori Representation Bill for its underlying agendas, on the basis of their continuing belief that the Treaty promised electoral equity, not temporary expediency. Few Māori could have doubted that the government's real and ongoing intention was to grant Māori special, and temporary, political representation in order to preserve and incorporate further their interests and affairs into the ambit of "representative" Government.

Māori were clearly entitled to more. For their part, the chiefs had not asked for representation in Parliament. Their preference was for an independent Māori council, to advise the government on Native policy, as urged on the colonial government by philanthropic agencies in England.

Māori Members of Parliament, thereafter, frequently dealt with their observations of powerlessness in the House, as best they could. Thus, in the definitive 1986 report which wished MMP upon Māori, Sorrenson suggested that, for past Māori members within the Parliamentary system, despair and despondency must have been common for much of the time. Often unversed in the Parliamentary complexities, initially unable to speak English, and frequently ignored, Māori members were a "token representation that enabled Pākehā members to salve their consciences while also relieving the Māori of much of their remaining land and autonomy"



(Sorrenson, 1986:B26). So much so, perhaps, that H.V Taiaroa, MP for Southern Māori, would later in 1875 declare that, in his view, it was no longer expedient to be speaking in the House; "there was nothing to be gained." Perhaps the best thing for Māori, he wondered, was to leave the institution altogether (Parliamentary Debates, 1875, 18:346).

For Māori, MMP has promised, and promises, added parliamentary representation. This year, 1996, one extra Māori electorate seat was contested. Prominent Māori obtained high ranking party list positions. Others contested highly-marginal general seats. Now in the wake of the 1996 MMP election, some Māori have criticised earlier Labour Māori Members of Parliament for their perceived failure to provide "effective representation" for Māori, over the years. Yet, despite the best efforts of many committed Māori members over many years, Māori parliamentary representation had become a permanent expediency, and it remains so today. On this basis, we may yet be looking beyond MMP to discover an occasion where meaningful reform for Māori will yet happen.

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