INDIGENOUS "STAKEHOLDERS"?

Theorising external citizenship rights for Māori in Australia

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Abstract

Bauböck's (2005, 2009) concept of "stakeholdership" provides a theoretical framework for the extension of political rights to "external citizens" who live outside the territorial boundaries of the polity of which they are members. But is this concept useful in developing normative claims for external citizenship rights of indigenous peoples, who are widely recognised as having "citizens-plus" status in their nation-state of origin? This article offers an original contribution to political theory by drawing together both the indigenous rights and the external citizenship literatures to analyse the specific case of expatriate Māori living in Australia. It finds that Bauböck's (2005, 2009) stakeholdership criteria are more useful for framing proposals for an eighth Māori electorate seat than funding for te reo Māori in Australia. But, overall, his concept provides useful insights into what plausible normative claims can be made for external citizenship rights on behalf of Māori living in Australia.

Keywords

external citizenship, Māori, self-determination, voting, language preservation

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Introduction

This article considers the utility of Bauböck's (2005, 2009) unique theorising in claiming external citizenship rights on behalf of Māori living in Australia. External citizenship refers to the ongoing relationship (including rights and obligations) between citizens who live outside the territorial boundaries of the polity and the countries of origin that recognise them as members (Barry, 2006; Bauböck, 2009). The article is driven by recent empirical research raising concerns about the impact Māori emigration may have on Māori political influence and language/cultural preservation (Bargh, 2011, 2013; Hamer, 2008, 2012; Human Rights Commission [HRC], 2011; Kukutai & Pawar, 2013). It first establishes the need to theorise Māori expatriates as external citizens by briefly reviewing the constraints of territorially bounded ideas of citizenship for indigenous peoples. We then outline Bauböck's (2009) two criteria for recognition as a "stakeholder citizen", highlighting key limitations when they are applied to Māori in Australia. We argue his criteria are more useful in framing arguments for an eighth Māori electorate seat than funding for te reo Māori in Australia. Nonetheless, the idea of "stakeholdership" provides insights into what plausible normative claims can be made for external citizenship rights on behalf of Māori living in Australia.

Citizenship, indigenous rights and the nation-state

Conceived as the status of membership in a particular political community, citizenship entails basic rights, legal obligations and opportunities to participate in political decision-making. Historically, most liberal political theory has tended to conflate the borders of national territorial jurisdictions with the boundaries within which citizenship operates and thus assumes these also determine human societies (Barry, 2006; Bauböck, 2009). This has been problematic for indigenous peoples for several reasons relevant to our focus on the external citizenship rights of Māori in Australia.

First, liberal political theory positions the state as responsible for protecting and promoting the freedoms of individual citizens and ensuring equality of opportunity and access to resources. Critical scholars (Ivison, Patton, & Sanders, 2000; Kymlicka, 1995; Patten, 1999) note that recognition of cultural difference in governance structures has subsequently been framed as inhibiting individual freedoms and privileging certain groups within society. However, such scholars argue that liberalism *can* acknowledge cultural difference, not just by offering the same legal equality but also by way of group-differentiated rights (Blackburn, 2009; Holder & Corntassel, 2002; Kymlicka & Norman, 1999). Notably, Kymlicka (1995) distinguishes between the polyethnic rights of ethnic minority groups seeking inclusion within a "unitary" political community through migration and the self-government rights associated with indigenous peoples. Moving beyond simply better including indigenous peoples within mainstream realms of citizenship (Blackburn, 2009), self-government rights frame indigenous peoples as "citizens-plus": they hold the rights of citizenship afforded to every citizen *plus* rights which recognise the special legal, political and social position of indigenous groups because they were and are independent political entities with inherent rights to self-determination (Cairns, 2011).

Although the rights claimed vary, indigenous peoples commonly seek greater self-determination over land, identity and political voice (Durie, 1998; Kymlicka, 1995). Perhaps most importantly in settler nation-states like New Zealand, indigenous peoples call for state recognition of a *shared* sovereignty status (Alfred, 2006; Maaka & Fleras, 2000). This rarely entails full secession from the state, yet has nonetheless challenged scholars to reconsider ideas that sovereignty offers the state

unlimited and *undivided* authority to establish and enforce laws freely and independently from any external control (Alfred, 2006; Cox, 1993). Despite the formal recognition of Māori rights to autonomy in Te Tiriti o Waitangi, the idea of shared sovereignty has not been universally accepted at the nation-state level in Aotearoa, as illustrated by recent political debate as to whether acknowledgement of a Waitangi Tribunal (2014) report finding that Ngāpuhi never ceded sovereignty in 1840 would lead to "separatism" (Patterson, 2015).

Calls for shared sovereignty move beyond earlier attempts to redefine indigenous individuals as part of the national collectivity. Indigenous peoples also draw upon international human rights law as a basis for entitlement and engagement (United Nations General Assembly, 2008). But the nation-state remains the key site where indigenous rights are recognised and implemented, as is the case for citizenship rights and obligations (Soysal, 2012). This leads us to a second major problem. Linking citizenship rights and duties to the territorial boundaries of the nation-state has been challenging for indigenous groups with an historical affinity to territories in two or more nation-states, such as the Salish peoples, whose lands straddle the Canada–United States border (Thom, 2009), and the Sami peoples, who herd reindeer across the borders of Finland, Norway, Sweden and Russia (Lantto, 2010). Indigenous peoples further see themselves as having nested membership in polities (such as whānau, hapū and iwi) that sit parallel to the larger "national" political community (Durie, 2003). Indigenous peoples thus have *dual* citizenship in the sense they have rights and obligations both to the state and to their own tribal or sub-tribal entities (Blackburn, 2009; Steinman, 2011). In some cases these indigenous forms of citizenship may offer a legal status; in others citizenship is simply what Barry (2006) calls a "practiced identity".

We identify a third problem: the ambivalent political status of indigenous peoples *voluntarily* emigrating from their home country to live in a different nation-state. There they are positioned simply as an "ethnic minority" and have limited recourse to either citizenship or indigenous rights in their country of origin. To date, political theory has paid little attention to this group, which is not surprising given: a) a fundamental source of grievance has been the historical imposition of a nation-state *over* indigenous peoples' existing political and territorial boundaries; b) strong ties to a homeland may discourage indigenous emigration; c) distinctions between indigenous and ethnic minority rights; and d) assumptions that individual nation-states are responsible for protecting both citizenship and indigenous rights.

In an "age of migration" (Castles, de Haas, & Miller, 2013), however, it is impossible to ignore that indigenous peoples voluntarily emigrate. New Zealand-born Māori living in Australia offer a unique case study of such indigenous emigration and its implications for indigenous self-determination because of both the size of the Māori diaspora—which scholars estimate to be at least one in five of those identifying as Māori—and its heavy concentration in nearby Australia (Hamer, 2012; Kukutai & Pawar, 2013). Recent scholarship (Hamer, 2008; McMillan, 2014) also highlights the precariousness of basic rights for New Zealanders resident in Australia affected by 2001 changes to the social security agreement that supports the Trans-Tasman Travel Agreement (TTTA). This treats them less favourably than other migrants granted permanent residency in Australia, leading to a number of anti-discrimination cases taken against Australian states (McMillan, 2014). Immediate attention should thus be paid to the large number of expatriate Māori in Australia, whose ambiguous legal status sets them apart from Māori living in other overseas countries who can eventually apply to claim full citizenship rights in their country of residence.

Although the extensive literature on migration/settlement processes and experiences increasingly focuses on transnational migration

experiences where migrants remain attached to one or more country, only limited emphasis has been placed on the citizenship rights and obligations migrants may embody as external citizens of their country of origin (Barabantseva & Sutherland, 2011; Barry, 2006; Bauböck, 2009). Bauböck (2005, 2009) stands out as one of the leading theorists in this area and it is to his work we now turn.

External citizens as "stakeholders"

Bauböck (2009) concedes that external citizenship rights may not have equal importance with those derived from residence but believes them indispensable for securing individual liberty and well-being in certain contexts. He argues that liberal theorists increasingly accept differentiated citizenship rights in order to treat individuals as equals, given unequal structural positions or opportunities in society. Thus:

> It does not seem a big step to extend the argument to migration contexts and the need to differentiate citizenship in order to achieve equality between migrants and natives or between mobile and sedentary populations. Yet this step adds a new layer of complexity by requiring a transnational framework for the allocation of rights and corresponding government duties. When considering the claims of migrants, we need to abandon not the norm of equal respect and concern for all citizens, but the notion that this demand is exclusively addressed to the government of a single country. (Bauböck, 2009, p. 477)

Although Bauböck (2005, 2009) is not alone in challenging theoretical assumptions that citizenship rights apply only to residents living within a specific nation-state, his principle of stakeholdership details how such demands can be addressed to an individual's country of origin by linking their well-being to the common good of the political community. He argues

that the circumstances of an individual's life must determine whether s/he is a stakeholder or not, rather than his or her subjective preference for membership in a particular polity. These circumstances justify special responsibilities for particular polities to include particular individuals.

Arguing that citizenship status and rights cannot be tailored to fit individual interests and circumstances and that we need some general principles for deciding which individuals should hold external citizenship rights, Bauböck (2009) suggests two qualifying conditions: a) external citizens depend on a political community for long-term protection of their basic rights (the "dependency" criterion), which he argues applies to all current citizens living in the jurisdiction, but may also include refugees and stateless people who lack any protection through a citizenship of origin *or* b) they are or have been subjected to that community's political authorities for a significant period over the course of their lives (the "biographical subjection" criterion).

There are some significant limitations to Bauböck's (2009) concept when considering indigenous peoples. For instance, he insists on keeping the nation-state in the picture, arguing against a more deterritorialised conception of society which sees migrants as stakeholders in transnational social formations because this necessitates some international authority guaranteeing rights for mobile populations, but does not obviously support their claims to citizenship in a specific territorial jurisdiction. Indeed, Bauböck (2009) notes that, in contrast to his previous work focused on a simpler understanding of societal membership—emigrants remain members of society by virtue of previous residence and ongoing social ties to family members still living in the country of origin—he conceives external citizens as needing to demonstrate a stake in a *political* community. He deems this reconceptualization necessary because of problems defining the society in question in the context of transnational migration and of

globalization more broadly, where the very notion of a bounded national society becomes problematic. In our case, however, the political community in question is a nation-state that has been resistant to Māori self-determination and reluctant to acknowledge iwi, hapū and whānau as political (rather than cultural) entities. While Bauböck's (2005) principle of stakeholdership "allows not only for overlapping membership, but also for nested membership in polities contained within larger polities" (p. 686), thus recognising that immigrants (like indigenous peoples) have relevant stakes in more than one polity, he assumes external citizenship right claims can and will be met by the nation-state, not by sub-national (iwi or hapū) governance bodies. For brevity's sake, we focus on the rights and responsibilities of governments because they control the bulk of resources and enforcing of rights that could assist Māori expatriates in Australia, and because many iwi and other entities already extend "citizenship" rights to members living outside of New Zealand, but we later indicate the importance of recognising these sub-national polities in assessing the "biographical subjection" criterion.

A second problem with Bauböck's (2009) criteria for external citizenship is that both focus on an *individual's* circumstances, which sits in tension with the collective basis of Māori society and of indigenous rights, as well as collective experiences which indicate that Māori expatriates in Australia as a *group* meet the dependency criterion. For instance, continuing socio-economic gaps between Māori and non-Māori and ongoing discrimination against Māori within Aotearoa are a significant factor behind Māori emigration (HRC, 2013). In 2006, Te Puni Kōkiri commissioned Hamer (2007) to conduct the only major survey of Māori in Australia. Ninety-five percent of a non-representative sample of 1,205 respondents were New Zealand-born and close to 60 percent of those said improved economic opportunities for the benefit of whānau drove their move to Australia, outweighing distance from whānau

and papa kāinga (Hamer, 2012; Harwood, 1993). This is not surprising given that Māori are consistently more vulnerable than other New Zealanders in Aotearoa's low-wage, insecure labour market. Many remain in low-skilled occupations in Australia but higher wages and employment rates generally offer improved economic outcomes compared to New Zealand (Hamer, 2007; HRC, 2013; Kukutai & Pawar, 2013). Hamer's (2007) participants also wished to escape negative experiences in Aotearoa, including perceived prejudice towards Māori; gang, drug and crime issues (including family violence); and a whānau environment that discourages success. These are linked to colonisation and institutional discrimination, raising questions as to whether Māori really "choose" to leave. As former Māori Party co-leader Pita Sharples stated, "No wonder our young are escaping to the land of dreaming . . . Cos sometimes it must seem like a living nightmare back home" (Turia & Sharples, 2007, para. 12). Such experiences suggest that many Māori emigrate because Te Tiriti's Article Three promise of equal citizenship is not being fulfilled for all Māori individuals in Aotearoa. In that such emigration is facilitated by the TTTA, which places significant limits on New Zealanders accessing citizenship rights in Australia, we argue that the New Zealand government retains an obligation to ensure that both citizenship and Treaty rights are fulfilled.

A second reason that Māori meet the "dependency" criteria concerns the vulnerable state of te reo Māori. Article Two of Te Tiriti emphasises the right for Māori to maintain tino rangatiratanga over all taonga, including te reo Māori (Ngaha, 2014; Waitangi Tribunal, 2014). Although the passing of older speakers and a slowing down of enrolments in kōhanga reo and kura kaupapa contribute to this, Hamer (2011) argues that emigration is likely a significant factor. Approximately 10,000 te reo speakers moved to Australia between 1996 and 2006, 140 of whom were trained teachers who spoke te reo at home. Some have since returned

but the Waitangi Tribunal (2014) identifies a lack of qualified te reo teachers as a contributing factor to recent language decline. Māori is an official language of New Zealand, it is not spoken by any other cultural group in the world and later discussion highlights the impact language loss can have on Māori identity. We contend that such a reality, coupled with the lack of available funding to improve te reo proficiency in Australia, offers a further reason that Māori living there meet the "dependency" criterion.

Most New Zealand-born Māori in Australia also meet the "biographical subjection" criterion, in that they have not only lived in Aotearoa for a significant proportion of their lives but have continuing links across the life course both through whānau and iwi links and through a culture, language and politics that can only exist in relation to Aotearoa. Over a third of Hamer's (2007) sample said they would "definitely" live in Aotearoa again and over a quarter would "probably" do so, indicating a strong desire to return home, mostly for cultural reasons. He argued that this level of intention to return appeared higher than that for Pākehā, which is not surprising given Māori cultural connections to place and kinship connections/social obligations to whānau.

Indeed, although there is no culture of sending *economic* remittances amongst New Zealanders generally or Hamer's (2007) participants specifically, he found evidence of ongoing *social* remittances, which Levitt and Lamba-Nieves (2011) define as the norms, practices, identities and social capital circulating between origin and host countries. In addition to physical visits, letters, emails, telephone calls and social media contact, Hamer (2007) reported Māori in Australia raised at-risk children for New Zealand kin and helped New Zealand whānau settle in Australia. Remittances in collective, organisational settings, which Levitt and Lamba-Nieves (2011) believe contribute to local-level organisational culture and practice and may in the long term influence regional and national changes, were also evident:

Hamer's (2007) respondents reported being rate-payers on Māori land; financial members of New Zealand political parties; recipients of iwi organisation dividends and scholarships; and involved in wānanga on matters of cultural importance. A significant minority of his sample (13.4 percent but ranging up to 25 percent for members of some iwi) also voted in iwi elections.

Bauböck's (2009) notion of "biographical subjection" excludes individuals whose only tie with the polity is a shared language or ancestry but whose claims are not grounded in their life circumstances, thus potentially denying the second-and-third generation (that is, the children of migrants) external citizenship rights. This sits in tension with Māori understandings of whakapapa, which extend well beyond one or two generations, but we concede such restrictions may be necessary to avoid over-inclusiveness which in itself might be considered illiberal. But Bauböck (2009) does allow room for some discretionary decision-making rather than blanket rules so as to avoid certain kinds of claimants (for example, those wishing to gain citizenship to protect their property investments in a foreign country). We argue that such discretion is needed for second-or-third generation Māori born in Australia, who we believe should meet the "biographical subjection" criterion if they participate in citizenship activities at iwi, hapū and whānau levels which indicate an enduring connection to an indigenous polity given the Treaty relationship and given Māori culture is uniquely and intimately tied to New Zealand national identity. However, the remaining discussion largely centres on first-generation New Zealand-born Māori when considering the utility of Bauböck's (2009) principle of stakeholdership in two key areas—voting and Māori language/culture programmes—where scholars and other commentators have proposed rights should extend to Māori in Australia.

Māori voting rights

Indigenous self-determination rights frame indigenous peoples and tribal organisations as political entities and imply some form of power-sharing arrangement. Although voting in national elections is only one form of Māori political activity (Bargh, 2013; Durie, 1998), indigenous engagement in mainstream politics arguably makes domestic law more likely to recognise Māori interests (Durie, 2003). Māori have a long history of involvement in the formal politics of Aotearoa, not least via the Māori electorate seats established in 1867. The historical rationale for these seats was mixed and they remain contested (Cox, 1993; Joseph, 2008), but they exemplify the "citizens-plus" model by recognising Māori as indigenous peoples and Treaty partners within New Zealand's political framework. That many Māori choose to vote on the general electorate roll indicates variances within Māoridom. However, the number of Māori seats in Parliament is proportional to the number of Māori enrolled on the Māori roll (Sullivan, 2010), providing a strong rationale to increase the enrolment and voting rates of Māori, no matter where they live.

In this context, the Māori Party has articulated the need for an eighth Māori electorate in Australia (Turia & Sharples, 2007). Although some Māori in Australia already vote, meaning an Australian Māori electorate seat could slightly reduce the size of existing Māori electorates, estimates that 130,000 to 160,000 Māori live in Australia suggest the new electorate would significantly extend the right to vote in parliamentary elections already offered to New Zealand citizens living overseas if they visit Aotearoa once between elections (held every three years) and permanent residents if they return each year. Such existing external voting rights, which Bauböck (2009) argues are a fundamentally progressive adaptation of democratic practices to changing conceptions of political membership, have been offered in an expanding number of countries over the last three decades (Barker & McMillan, 2014). New Zealand political parties have actively encouraged such non-resident voting through media campaigns (Gamlen, 2012) but it is questionable whether the current policy is sufficient, given only a minority of Māori participate in New Zealand's national elections while living in Australia.

Based on the number of overseas votes from Māori electorates, Hamer (2008) found that only 612 Māori living overseas voted in a Māori electorate in 2005, while Bargh's (2011) analysis suggested that 72 percent of eligible Māori living overseas chose *not* to vote in the 2008 election. These figures reflect a decline in voter turnout globally (Bargh, 2013), and high levels of political apathy/reluctance among Māori in Australia more particularly, but actually represent an increase in Māori voters in Australia participating in New Zealand elections on previous years (Hamer, 2008). Nonetheless, both Hamer's (2008) and Bargh's (2011) survey respondents indicated multiple barriers inhibiting their participation in New Zealand general elections, including having insufficient information about enrolment or electoral candidates and cynicism about New Zealand political parties seeking their votes only at election time. The political disenfranchisement of Māori in Australia is exacerbated by the fact that few can or do become Australian citizens and thus cannot vote in their country of residence. In comparison to other immigrant populations in Australia, Māori have among the lowest rates of citizenship uptake at 23.3 percent in the 2011 Census. By enumerating the number of trans-Tasman Māori voting in New Zealand elections and those voting in Australia, at best only 25 percent of the Māori population in Australia participated in elections (Kukutai & Pawar, 2013).

While one might question whether the New Zealand government needs to show equal concern for citizens living outside its jurisdiction if many are not participating in the citizenship practices already extended to them, it is

important to acknowledge the broader historical reasons behind Māori disengagement with mainstream politics (Bargh, 2013). These barriers are unlikely to be overcome until Māori feel they have voice and influence, notably through greater Māori control over all things Māori and improved recognition of the partnership implicit in Te Tiriti (Durie, 1998). An Australian Māori electorate would build on an existing *internal* representation system aiming to ensure equal participation amongst indigenous Māori by extending this citizens-plus model to an expatriate context. This does not seem unreasonable given New Zealand generously allows permanent residents to vote in general elections prior to meeting the five-year residency requirement for citizenship (Barker & McMillan, 2014). Australia is the main destination for Māori emigrants, so there is also a rationale for an electoral district stressing the special extraterritorial character of a place, rather than asking expatriate electors to vote in the electoral district they last lived in, which stresses the relationship of the external citizen to the state (Nohlen & Grotz, 2007). We acknowledge that an Australian electorate sits in tension with the notion of mana whenua that underlies separate Māori electorate representation in New Zealand but we believe political representation for Māori in Australia should be as specific to their needs as possible to encourage greater political participation.

Reserved representation in Parliament for *all* expatriates is an alternative articulated by the Expatriate Party of New Zealand formed in the lead-up to the 2014 election (Safi, 2014). Eleven countries already have such reserved expatriate seats but these have not increased external voting (Fierro, Morales, & Gratschew, 2007), while Baubӧck (2009) does not support the normative argument for separate representation, believing expatriates should be viewed as individual stakeholders in the *common good* of the polity and thus seek participation and input through deputies who also have a domestic mandate. Notions of the "common good" have

historically often excluded indigenous peoples and Hamer's (2007, 2008) survey respondents suggest the current process does not adequately reflect Māori interests, while media reports noted uncertainty about how Māori interests would be represented by the Expatriate Party ("Expat Party", 2014). We argue only a Māori electorate in Australia would encourage New Zealand politicians to more consistently and comprehensively focus on the issues important to expatriate Māori living there. Hamer (2007) further estimates that "Māori living overseas probably feel a greater stake in the politics of their homeland than do expatriate Pākehā" and "it may well be that Māori in Australia make up a surprisingly large proportion of those voting in New Zealand elections in Australia" (p. 68).

Other proposed policies for all expatriate New Zealanders might, however, encourage Māori in Australia to participate more regularly in general elections in Aotearoa. For instance, the Expatriate Party argues that it would be less onerous to maintain a formal relationship with the nation-state if external voting rights were available for a longer time period or without expatriates having to *physically* visit Aotearoa within any given time period (Safi, 2014). The party's other proposals include reinstating 10-year New Zealand passports, removing disincentives discouraging expatriates from returning (for example, student loans, taxation, transferability of superannuation) and introducing e-voting (NZ Ten Year Passports, 2014). These suggest many expatriates maintain their relationship with Aotearoa in the long term but face financial and bureaucratic barriers in doing so.

McMillan (2014) argues that removing the Electoral Act requirement that voters be physically present in Aotearoa at least once between elections to remain eligible to vote would be constitutionally significant but could be founded on three grounds: the pursuit of a common Australasian labour market by both the New Zealand and the Australian governments;

the incentives for migration established by the TTTA; and New Zealanders' exclusion from the status of permanent residency by Australian immigration law. In the case of Māori in Australia, removing the requirement for all expatriate New Zealanders to physically visit Aotearoa would lessen the burden of political participation for Māori, making it easier to be involved in New Zealand decision-making. It is possible that fewer physical visits to Aotearoa could weaken the ability of some Māori to meet Bauböck's (2009) "biographical subjection" criterion but the inclusion of expatriate Māori contributions and linkages to indigenous collectives should overcome this problem. Moreover, the next section indicates that greater spending by the New Zealand government on Māori language and cultural programmes could strengthen such biographical ties to New Zealand by maintaining and enhancing a Māori identity.

Language and cultural programme funding

Self-determination concerns not only indigenous political participation but also the strength and vibrancy of indigenous languages. Although mātauranga Māori and te reo are integral to Māori development (Durie, 2003), the ability of Māori school-age children to speak te reo decreased from 90 percent in 1913 to 5 percent in 1975 (Waitangi Tribunal, 2012), sparking a flax-roots revitalisation movement that included the development of kōhanga reo and kura kaupapa (Hamer, 2011). Significant improvements resulted but, despite community efforts and close monitoring by Te Puni Kōkiri, the 2013 New Zealand Census recorded a 4.8 percent decrease in the number of Māori language speakers between 2006 and 2013 (Ngaha, 2014; Statistics New Zealand, 2013). Both scholars and government institutions suggest te reo Māori is in crisis (HRC, 2011; Ngaha, 2014; Waitangi Tribunal, 2012).

Given an inextricable link between language and identity, a diminishing of Māori language may weaken the strength of Māori cultural identity (Durie, 2003; Ngaha, 2014; Waitangi Tribunal, 2012). The New Zealand state has acknowledged its obligations to support te reo Māori as an official language, which enables the right to be able to speak te reo in court and educational settings, through the funding of Te Taura Whiri i te Reo Māori—Māori Language Commission (TTW) and Māori Television. Not only are Māori language and culture unique to Aotearoa but Hamer (2007) highlights their centrality to New Zealand's national identity and image at home and abroad. There is good reason, therefore, why the New Zealand government might wish to nurture Māori language and culture amongst Māori living in Australia not only as a means for upholding the Treaty relationship but for economic reasons.

Interestingly, while proficiency in te reo has decreased in New Zealand, the number of speakers of te reo in Australia increased from 5.7 percent to 6.3 percent between 2006 and 2011 (Kukutai & Pawar, 2013). This is likely influenced by new Māori-speaking arrivals rather than increasing use of Māori as a community language, for te reo has among the highest rates of inter-generational language shift in Australia. Although difficult to measure, this refers to the proportion of people from a particular birthplace or ancestry not speaking their community language at home. Hamer (2011) estimates that there is a first generation shift of 51 percent for Māori in Australia.

The HRC (2011) consequently identifies support for te reo in Australia as central to the language's survival. Certainly many of Hamer's (2007) Māori survey respondents living in Australia wanted the New Zealand government to fund the teaching of te reo and the building of Māori community centres in Australia to help promote Māori culture/language. Having initially wished to escape some of the pressures associated with Māori society, they later developed a thirst for mātauranga Māori and

reported significant levels of contact with other members of their iwi in Australia (24 percent met them at least once a week, 31 percent at least once a month). Hamer's (2007) respondents in Australia were more likely to know their iwi affiliations than Māori participating in the New Zealand Census, suggesting those moving to Australia are not disconnected from their iwi, although Hamer (2007) acknowledges this result may have been affected by the way the survey was advertised. Not only do the "push" factors noted earlier complicate the notion of "choice" in Māori emigration, but those born in Australia or who migrate at a young age did not make any choice. Anecdotal evidence from Hamer's (2011) research suggests that a positive identity as Māori will help them succeed in life: for instance, many school-aged children studying in kura kaupapa who emigrated with their whānau to Australia require English language assistance and it seems likely that te reo will play a particularly important role in (re)developing a positive identity in such circumstances.

It is therefore problematic (if unsurprising) that the Australian government offers little financial assistance for the protection and extension of Māori language and culture, viewing Māori as a small "ethnic minority" group, not an indigenous peoples, and prioritising non-English speaking immigrant groups. Hamer (2007) identified some kōhanga reo in Australia but they offered only limited hours for study, combined a wide range of age groups for language learning and lacked resources and skilled teachers.

Bauböck's (2009) shift away from societal membership, with its focusing on ongoing social ties with the country of origin as a basis for external citizenship rights, means he would not support arguments for New Zealand-funded Māori language support in Australia. However, greater funding would enhance Māori identity and encourage (or at least maintain) social remittances with Aotearoa, thus making it easier for Māori to meet Bauböck's (2009) "biographical subjection" criterion. There is also precedent

for external citizens making normative claims regarding language preservation and revitalisation: although a one-off case, the New South Wales Māori School of Learning, which teaches te reo to adults in Sydney, secured funding from TTW in 2006 (Hamer, 2012). Other governments also regard ongoing support for language and culture amongst expatriates as a worthwhile investment; for instance, the Italian government funds an organisation to support the teaching of Italian in schools in New South Wales and Queensland (Co.As.It, 2010), while the Welsh Language Board, an organisation with a similar remit to TTW, funds the London Welsh Centre (2015) to promote Welsh culture and language education. It is thus conceivable that TTW could regularise and promote funding for strong applications from Māori groups and organisations in Australia.

Hamer (2012) argues that high rates of intergenerational language shift suggest funding alone will not change factors such as residential dispersal or exogamy and he supports Te Puni Kōkiri creating a number of community liaison positions in Australia and investigating the broadcasting of Māori Television in Australia as a means to support te reo Māori retention and extension. The New Zealand government could also fund expanded Māori language online learning resources, available to Māori no matter where they live. Other requests made by Hamer's (2007) participants for support from Aotearoa (including transitional support services and business-skill programmes for new migrants and funds for research into Māori living there in Australia) are harder to justify because they do not improve the ability of Māori individuals to meet the "biographical subjection" criterion in the ways we suggest. The need to support te reo Māori as a taonga protected by Te Tiriti further rationalises government funding in this area given we interpret Māori as clearly meeting Bauböck's (2009) "dependency" criterion, in that te reo is a unique language associated with Aotearoa that is not supported by other governments and is

at risk of extinction if all avenues to revitalise the language are not employed.

Conclusion

Citizenship rights are not static. Notable extensions include the Māori electorate seats and New Zealand being the first country to offer women the vote, as well as being one of a minority offering permanent residents electoral rights. Barker and McMillan (2014) note decisions to expand rights have traditionally been based on a mix of egalitarianism and pragmatism. Recent research (Bargh, 2011; Hamer, 2007; Kukutai & Pawar, 2013) suggests the same approach is necessary to address the problems faced by Māori living in Australia. From an indigenous rights perspective, the New Zealand government has Treaty and international obligations to enable Māori to participate fully in New Zealand politics and to protect and revitalise te reo Māori. In a practical sense, Māori expatriates are a potential economic resource for the New Zealand nation-state (Gamlen, 2012; Hamer, 2007). Given the Australian government has little or no policy interest in promoting and safeguarding Māori language and culture in Australia, there are strong normative arguments for the New Zealand government to play a role in this area.

To assist in justifying and defending the extension of external citizenship rights for Māori, this article has made a first tentative step in linking theorising around indigenous rights and external citizenship. Although suffering from many of the same limitations that Western political theory has traditionally demonstrated when considering indigenous peoples, Baubök's (2009) stakeholder principle is a useful starting point for moving beyond purely territorial conceptions of political community. Nonetheless, his two criteria need to be extended or reinterpreted to acknowledge the specific circumstances, rights and concerns of indigenous peoples. In particular, Māori in Australia

should be acknowledged as *collectively* meeting the "dependency" criterion because: a) many Māori have been driven from Aotearoa as a result of the discrimination, stigma, social/economic problems they experienced there *as Māori*; and b) of the vulnerability of te reo Māori, a language unique to New Zealand.

In addition, we contend that, although the "biographical subjection" criterion must be based on individual circumstances, it should include an assessment of trans-Tasman social remittances amongst iwi, hapū and whānau that help support Māori cultural values, including mana whenua. These and other ongoing contributions to Aotearoa justify an extension of the citizens-plus status through an eighth Māori electorate situated in Australia. In addition, there is a strong rationale for the New Zealand government to fund te reo Māori and cultural programmes in Australia to ensure the survival of the language overall, as well as positive identity formation amongst Māori and their children in Australia.

Acknowledgements

Glossary

Aotearoa	New Zealand
hapū	kinship group, clan, tribe, subtribe
iwi	extended kinship group, tribe, nation
kōhanga reo	Māori language preschool
kura kaupapa	Māori language school
mana whenua	territorial rights, power or authority over a land or territory

mātauranga Māori	Māori knowledge
Ngāpuhi	largest Māori tribe in New Zealand, whose original home is in the Northland area
Pākehā	New Zealanders of European descent
papa kāinga	original home, home base, village, communal Māori land
taonga	treasure, anything prized; property, possessions
Te Puni Kōkiri	Ministry of Māori Development
te reo Māori	Māori language
Te Taura Whiri i te Reo Māori	Māori Language Commission
Te Tiriti o Waitangi	Treaty of Waitangi
tino rangatiratanga	self-determination, sovereignty, autonomy, self-government
wānanga	seminars or discussions; tertiary institution that caters for Māori learning needs
whakapapa	genealogical table, lineage, descent
whānau	extended family, family group

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