

8 Sovereign Ontologies in Australia and Aotearoa–New Zealand



Indigenous Responses to Asylum Seekers, Refugees and Overstayers

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In October 2009, the then Australian Prime Minister Kevin Rudd telephoned the Indonesian President Susilo Bambang Yudhoyono to request that a boat carrying 255 Sri Lankan Tamils, heading for Australia's Christmas Island, be intercepted and escorted to the port of Merak on the north-western tip of Java. The Indonesians obliged, but a six-month long stand-off ensued when the asylum seekers refused to disembark at Merak until they had been assured passage to Australia. At a refugee support rally in the city of Melbourne on 1 May 2010, Aboriginal Australian activists responded to the stand-off by producing Original Nation Passports for the Merak asylum seekers. This was a defiant rejoinder to the Australian government's decision a fortnight prior to freeze all Afghan and Sri Lankan refugee claims until further notice. Aboriginal activist Robbie Thorpe, flanked by other activists publicly signing stacks of passports outside the neo-classical facade of Melbourne's Trades Hall, announced: 'we want to make it clear that the Aboriginal people, the true sovereigns of this land, are offering them a passport to enter into our territorial waters, and our land', adding, 'we're the colonised refugees' (Juice Media 2010). A few months earlier, in June 2009, the New Zealand Police had charged Maori activist Gerrard Otimi with deception causing loss and giving immigration advice without a licence after he sold visas to around 100 Pacific Island (mainly Samoan) immigrants desperate to remain in Aotearoa–New Zealand after the expiry of their work visas. Otimi charged NZ\$500 per visa, which consisted of a certificate

and passport sticker stating that the holder was a 'whangai'd' (adopted) member of Otimi's *hapu* (a sub-tribal grouping) and had permission to remain.

Aboriginal and Maori jurisdictions over and responsibilities toward newcomers are negotiated under the spotlight of mainstream cultural and political life as well as in fringe activism. In February 2008, an Aboriginal right to welcome was recognized at the opening of the Australian parliament, when Prime Minister Rudd delivered a speech acknowledging 'traditional' owners of the land after being presented with a message stick during a 'Welcome to Country' ceremony performed by Aboriginal people.¹ Similar rituals and statements of acknowledgement of Aboriginal custodians are relatively common at events and gatherings in Australia, but they had never been part of the opening of federal parliament until 2008. In Aotearoa–New Zealand, a *powhiri* — a welcome ceremony involving a warrior challenge, songs, dance, the laying of a peace offering, and a *hongi* (pressing of noses and exchange of *ha*, or life breath) — is customarily performed for *manuhiri* (guests). On the occasion that *manuhiri* are international dignitaries the *powhiri* becomes a high profile, mediatized event — a signifier of Aotearoa–New Zealand's unique cultural 'heritage'. Since the 1980s, *powhiri* has been part of the opening protocols of parliament in the officially bicultural (Maori and Pakeha),² bilingual (Maori and English) nation. What seems to have emerged in both national contexts is a performative, civic acknowledgement of indigenous sovereign territoriality that inheres in the right to welcome, or presumably reject, the newcomer.

Considered side-by-side, indigenous activism via the production of passports or visas (a reterritorialization of valorised documents of state power) and indigenous welcome protocols and ceremonies (which publicly enact the idea of an unextinguished indigenous territorial authority) suggest something of the schizoid cultural conditions under which Aboriginal and Maori status claims exist in Australia and Aotearoa–New Zealand today. The juxtaposition draws attention, ultimately, to contested ontologies of sovereignty. In Aotearoa–New Zealand, the Treaty of Waitangi (1840) between several Maori tribes and the British Crown,

¹ The following morning, as the first item of Parliamentary business, Rudd delivered a landmark formal apology to the Aboriginal Stolen Generations.

² A 'Pakeha' is a New Zealander of European ethnic origins, although the term is occasionally used to refer to any non-Maori person.

while beset by historical violations and ongoing dispute over key terms relating to the relinquishment of Maori sovereignty,³ represents at least a structural basis upon which Maori self-determination or self-governance may be negotiated. In Australia, where British sovereignty was founded in the absence of any such treaty, the symbolism of the ‘Welcome to Country’ does not cohere with recognizable historical or political reality. This underpinned a recent flurry of debate in Australia over the welcome ritual and acknowledgement of traditional owners, prompted by the conservative opposition leader Tony Abbott’s suggestion in March 2010 that both are often ‘out-of-place tokenism’ (quoted in Maiden 2010: 1). The main fault-line of the debate traced the role of symbolic thought and action in organizing human affairs generally, and specifically, the issue of whether Australians should be explicitly reminded of the unceded, unresolved sovereignty of Aboriginal people — in other words, of unfinished business.

In this chapter, I aim to examine what happens when we take indigeneous rights and responsibilities regarding newcomers/strangers as an analytical framework, or point of departure, for understanding transnational positionalities (asylum seekers, refugees and visa overstayers) and local positionalities (Aboriginal Australians and Maori), and indeed, for perceiving the synthesis of the two. I trace recent contexts of engagement, including protest, activism, social contact, and performance between Aboriginal Australians and Maori, and asylum seekers, refugees and overstayers. These represent certain contingent spaces for belonging (and less frequently, non-belonging) for people who are barred from both political and imagined national community. They also offer a picture of indigeneity as a complex and ambivalent identification, explicating some of the conflicted allegiances aroused by the citizen–non-citizen dichotomy, while foregrounding indigeneous authority and knowledge as lived practice, and perhaps, alternative sovereignty.

The term ‘alternative sovereignty’ is a hazy one, affixing to juridico-political, philosophical and affective meanings that can be contiguous or at odds; to be sure, the term runs into difficulty in its implication of

³ The key dispute surrounding the Treaty of Waitangi (1840) relates to the words used to represent the concept of sovereignty. The Treaty guarantees that Maori tribes retain *tino rangatiratanga*, which translates to ‘self-determination’, or arguably, ‘sovereignty’. The Maori version of the Treaty states that *kawanatanga*, or governorship, is to be ceded to the British Crown, while in the English version, the term ‘sovereignty’ is used. For in-depth analysis, see Orange (1987).

a paradoxical condition, that is, two absolute authorities co-existing in one political community. With reference to Australia, Aileen Moreton-Robinson argues that an understanding of indigenous rights (central among which is recognition of prior possession or sovereignty) must take into account the ways in which its inverse, ‘White possession’, functions as a ‘regime of truth’ (2006: 389); she makes the point, via Michel Foucault, that ‘rights should not be understood as the establishment of legitimacy but rather the method by which subjugation is carried out’ (ibid.: 390). One way of understanding these methods is to look at the ways in which indigenous peoples influence, or do not influence, national juridico-political mechanisms. For the present purposes, this requires that geo-culturally specific attention be paid to what indigenous rights and practices might look like.

Whatever form of Aboriginal sovereignty Welcome to Country rituals and activist statements signify or articulate, its structural difference from executive, legislative and judicial powers — what Moreton-Robinson terms ‘patriarchal white sovereignty’ (Moreton-Robinson 2007: 87) — is vast in a nation that has only in the most recent election seen the first Aboriginal person elected to the Federal House of Representatives. Aboriginal political participation at the state and federal level is low. Moreton-Robinson pinpoints the ambivalence of ceremonial recognition in Australia, arguing that it is ‘simultaneously a reminder and a denial of the existence of Indigenous sovereignty. The reminder is evidenced by the presence of Indigenous bodies, but its denial is contained in the words “traditional lands”, which transports ownership back into the past not the continuing present’ (ibid.: 98). The gap between material sovereignty and what might be called affective sovereignty is conspicuous.

In Aotearoa–New Zealand, Maori political representation in the national parliament has been ensured since 1867 via the Maori electorates (originally numbering four, and currently seven) that exist in addition to the general electorates. Maori voters may choose to register for either the general electoral roll or the Maori roll. Maori politicians have been a significant force in national politics since the 1980s and the Maori Party, founded in 2004, has a specific platform for Maori concerns and issues. One of the key areas of Maori juridico-political influence is in relation to the Treaty of Waitangi. In addition to continued possession of lands and waters, the preservation of Maori language and other *taonga* (treasures) is guaranteed in the Treaty (or in modern practice, in accordance with ‘Treaty principles’), and since the 1980s action in these areas has been relatively robust: the *Kohanga Reo* (Maori language

immersion) pre-school programme has flourished (despite changes in the regulatory environment in the 1990s) and Maori radio and television stations are commercially viable. This is not to say that indigenous sovereignty has greater materiality in Aotearoa–New Zealand than in Australia: the power that articulates to sovereignty — in particular, for the current purposes, territorial authority over who may enter and live in the country — remains centralized, and centrally Pakeha.

Aboriginal Australians, Asylum Seekers and Refugees⁴

Asylum seekers who attempt to reach Australia by unauthorized means (especially those arriving by boat) have been the subject of extraordinarily high profile, controversial debates for more or less the last decade. Since the passing of the Migration Amendment Act, 1992, most unauthorised asylum seekers have been placed in immigration detention centres in remote mainland or offshore island locations until their refugee claim is processed. Particularly from 2001, when security discourse centred on the threat of militant Islam was intensified in Australia as in other liberal democracies worldwide, asylum seekers have represented a battleground for major party politicians who lay claim to resolute toughness on border protection, on stopping boat people and the smugglers who transport them. The national policy on asylum seekers has proven both contentious and protean, readily conscripted into discourses of national identity, belonging and morality across the political and ideological spectrum. I will concentrate for the next few paragraphs on a particular dimension of this contention, one that articulates to indigenous Australian concerns and activist struggles.

The tiny Aboriginal township of Ampilatwatja, 320 kilometres north-east of Alice Springs in Australia's Northern Territory, is one of the 'prescribed' townships that were acquired by the federal government in 2007 for a five-year lease under the terms of the Northern Territory National Emergency Response. This controversial 'intervention' was implemented via a 'special measures' exemption from the Racial Discrimination Act, 1975 to address child sexual abuse and neglect in Aboriginal communities. In August 2009, a group from Ampilatwatja, who had walked off

⁴ Parts of this discussion of Aboriginal Australian responses to asylum are developed from Cox (2011).

their dilapidated town in protest the month before, took advantage of a visit to Australia by James Anaya, United Nations Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples, to lodge a formal request that they be classified as refugees. Spokesperson Richard Downs's letter reads: 'The current status of Aboriginal people is that we are refugees in a Country we have called our own since time immemorial' and requests that the United Nations '[e]nsure that the Australian government is aware of, and fulfils, its obligations under the International Refugee Convention, the UN Charter for Human Rights, the Declaration on the Rights of Indigenous Peoples, and other international human rights covenants' (Downs 2009).

While the Ampilatwatja people's invocation of the international discourse of asylum is intended to situate their own position — and dispossession — the reactions of a number of other Aboriginal activists, elders and scholars to asylum seekers and refugees constitute quite a cohesive statement of responsibility for and hospitality toward the dispossessed other. But like the Ampilatwatja action, these responses also seem to be propelled by an expressed understanding of experiences of displacement and oppression, and in this capacity they strategically underscore a politicized Aboriginal identity, even as they communicate a humanitarian concern for the non-citizen stranger.

The Aboriginal Tent Embassy has been at the forefront of this (indeed, it endorsed the Original Nation passports cited at the beginning of this chapter). The Tent Embassy has stood on the lawn of Old Parliament House in Australia's capital city, Canberra, intermittently since 1972 and continuously since 1992. It is an enduring nexus of activist struggles, especially regarding indigenous sovereignty and land rights. At a community event in 2000 to welcome refugees who had been resettled in Canberra, embassy activist Robert Craigie drew a connection between them and Aboriginal people, who, he asserted, had become refugees within their own country (Griffiths 2000). Sam Watson, Queensland activist and founding member of the Tent Embassy in 1972, has been a vocal advocate for asylum seekers and refugees for several years. In 2001, when Australia was redefining the limits of its sovereign power and redrawing its maritime borders in the wake of the infamous *MV Tampa* crisis,⁵ Watson made a statement of mutually-constitutive solidarity:

⁵ This incident involved the rescue at sea of more than 400 mainly Afghan asylum seekers by a Norwegian freighter ship, the *MV Tampa*, and the Australian government's refusal to allow the ship to enter Australian territorial waters. This

‘The government is scapegoating refugees in the same way as they scapegoat indigenous people’ (quoted in Mason 2001). In 2002, when mass hunger strikes and self-harm at the remote Woomera detention centre were making headlines, activist Pat Eatock extended an offer of asylum to detainees on behalf of the Tent Embassy. In doing so, she harnessed the prominence of the detainees’ plight (the Tent Embassy’s offer was reported in the national and international news media), denouncing ‘callous and inhumane’ (quoted in Barkham 2002: 18) treatment at the same time as she explicated the claim to indigenous sovereignty that is at the forefront of the Embassy’s activism. The following year, a representative from the Tent Embassy joined elders from the Bungala (Port Augusta), Kokatha (northern South Australia) and Adnyamathanya (Flinders Ranges) nations at a large rally at the (now closed) Baxter detention centre, near Port Augusta (Murphy 2003).

More recently, in November 2009, Watson, Eatock and Natasha Moore released a statement on behalf of the Socialist Alliance Indigenous Rights collective, asserting: ‘While Prime Minister Kevin Rudd increasingly resembles previous Coalition PM John Howard — the arrogantly inflexible and hard-line political “leader” who could never admit to an error of judgment or say sorry — he forgets that 98 [per cent] of Australians are “boat people”, the descendants of boat people or, more recently, “plane people”’ (quoted in *Green Left Weekly* 2009). South Australian Aboriginal activists Noeleen Ryan-Lester and Linda Dare have articulated the same line of connection at rallies and in media interviews. Dare asserts: ‘Everyone in Parliament [has] got to realise that we are the first people of this country . . . what right have they got to lock up other people? They got off a bloody boat, or their ancestors did’ (quoted in *Socialist Alternative* 2005). These statements draw a line of continuity between successive histories of exclusion and what William E. Connolly terms a ‘politics of forgetting’ (1995: 138).

Another key touchstone for Aboriginal supporters of asylum seekers is a concept of moral duty. Gungalidda (Gulf of Carpentaria) elder and Aboriginal Tent Embassy member Wadjularbinna Nulyarimma (writing on behalf of Gungalidda elders) articulates a duty of responsibility understood in terms of spiritual and ecological knowledges: ‘Before Europeans came here, (illegally), in the Aboriginal world, we were all different,

prompted Australia’s territorial excision legislation, and its offshore detention and processing of asylum seekers has been extensively discussed in journalistic and scholarly forums.

speaking different languages, but we all had the same kinship system for all human beings ... everyone is part of us and we should care about them. We can't separate ourselves from other human beings — it's a duty' (2002). Attempting to respond to state power on its terms *and* with reference to paradigms that exceed it, Nulyarimma negotiates an indistinct terrain between the rationalist epistemologies of legality and illegality that frame the government treatment of, and discourse on, asylum seekers and Aboriginal knowledge systems that fundamentally eschew these. And undoubtedly, discourses of morality and immorality are a central problem in this negotiation. Even as Nulyarimma summons morality, she enters once more into the epistemological bind she seeks to challenge (*ibid.*). Discourse on asylum in Australia and abroad has, in recent years, insistently pitted the illegality of the undocumented person against moral ideas: domestic *security* and the *integrity* of borders. Scholar Tony Birch also articulates a moral view of duty to the stranger, asserting that Aboriginal people 'must ... assert more moral authority and ownership of this country. Our legitimacy does not lie within the legal system and is not dependent on state recognition ... we need to claim and legitimate our authority by speaking out for, and protecting the rights of others, who live in, or visit *our* country' (2000: 5). This comment highlights the close (perhaps constitutive) relationship between morality and authority, and seeks a radical reorientation of the relation; Birch writes in part as a call to activism to Aboriginal people 'to speak, to write, to march, to protest, to be angry and put that anger into expression and action' (*ibid.*: 7).

It should be said that responses to asylum seekers and refugees by Aboriginal commentators are not all supportive. Indigenous family and health policy worker Marion Hansen has identified asylum seekers as competing marginalized figures that detract from social, political and economic focus on Aborigines. At a National Press Club of Australia seminar in September 2001, Hansen expressed support for government policies and voiced concerns that the economic cost of detaining asylum seekers and subsequently assisting their resettlement in Australia threatens the employment prospects of Aboriginal people and comes at the expense of funds for Aboriginal support and benefit programmes. Hansen professed to speak on behalf of indigenous people around Australia (Wright 2001: 3). But as far as the mobilization of support is concerned, three key tropes seem to emerge: Aboriginal identification with people who are seen to be systematically oppressed by Australian powers, a duty of hospitality based upon essentialist Aboriginal values, and an identified

commensurability between the Anglo-Celtic right to belong in Australia and the rights of more recent arrivals. These tropes reinforce Aboriginal identity in terms of oppression in the midst of belonging; dispossession in the midst of legitimacy; moral duty in the midst of lost authority.

What does it mean for Aboriginal people to articulate their support for asylum seekers in these ways? What is the psychological structure of this activist support and how does it construct or configure Aboriginal identities? James Goodman argues that Australia's refugee support movements are bifurcated in terms of national and global preoccupations; the former, he argues, 'is broadly instrumental, geared to national policy change, effectively to remaking "the nation", and reclaiming national pride against the shame of refugee detention' while the latter 'is more expressive, in demonstrating anger and outrage in the name of human empathy and dignity' (2009: 270–71). Both, he maintains, are underpinned by deep emotional responses to the other, which provide the necessary impetus for cross-cultural compassion and solidarity. I would argue that Aboriginal activist support for asylum seekers functions in a way that is related to, but distinct from, these modes. Aboriginal support for asylum seekers tends to not attempt to reclaim national identity, to reassert 'Australianness' as a compassionate and hospitable identity; nor does it seek to advocate for asylum seekers on the basis of values of global interconnection or cosmopolitanism. On the contrary, indigenous activists identify themselves very much in localized, territorialized terms, strategically maintaining their essential difference from other Australians. Their outrage on behalf of asylum seekers is, I want to suggest, subtly but crucially different from that expressed by other activists; it is the difference between saying *these are not Australian values* and *Australian values are not our values*.

But if one of the consequences of emphasizing, through activism, an affinity with asylum and oppression is to demarcate a politicized Aboriginal self-identification, Aboriginal activists may risk underscoring the powerlessness that they seek to challenge, reinforcing the cultural and racial hierarchies that relegate them, along with asylum seekers, to a position that is starved of hope. Australian cultural scholar Ghassan Hage reminds us that 'hope' is not a soft or whimsical idea but is vital to social success; he observes: 'once one has hope within one's field of vision, one discovers the astounding degree to which the constellations of feelings, discourses and practices articulated to hope permeate social life' (2003: 9). Hage argues that Australian society is organized in terms

of an affective economy where there is 'deep inequality' in the 'distribution of hope' (Hage 2003: 17).

I argue that it is, crucially, in clusters of interpersonal contact (which are often counterparts to activism) that a redistribution of hope takes place. Anecdotal evidence gleaned from my interviews with refugees points to the importance of face-to-face contact. Iranian artist and refugee Ardeshir Gholipour proudly describes being welcomed to Australia by occupants of the Canberra Aboriginal Tent Embassy; this welcome was deeply significant for Gholipour, whose detention for five years and prolonged battle to avoid deportation took a psychological toll (interview with Ardeshir Gholipour, Canberra, 24 July 2008). The alternative authority of Aboriginal sovereignty offered similar affects of belonging in Australia for Iranian theatre practitioner Shahin Shafaei when, following his release after almost two years in detention, he was, in his words, 'adopted' by an indigenous community in North Queensland. Shafaei possesses a carved pendant given to him by this community (interview with Shahin Shafaei, Melbourne, 19 July 2008). In these instances, an intimate experience of Aboriginal welcome was a crucial aspect of the affective work of belonging in a new country.

The importance of face-to-face welcome and support is understood by indigenous elder and former public administrator Lowitja O'Donoghue. O'Donoghue has spoken out regularly in support of asylum seekers. She expresses a particular sense of affinity with Afghans, citing the Afghan heritage of many of the indigenous people of her South Australian region as a result of colonial-era contact with cameleers. In recent years, O'Donoghue has taught English classes at her local church, and has been a regular presence at the so-called 'Afghan room' established in the home of her friend, broadcaster Stephen Watkins. Here, young refugees, having spent various periods in immigration detention centres, have been able to cultivate a sense of belonging. One declared to a reporter who visited the 'Afghan room': 'This is our territory' (quoted in Jopson 2003: 33). For O'Donoghue, the act of welcoming refugees must be performed in a personal as well as political capacity; in a speech she states, 'I have welcomed them. They are here. They are part of us. They are grafted into my ancestry and my country' (2003). The image of 'grafting' is a striking one, invoking an irreversible blood link; it performs precisely the opposite function of another biological metaphor for unauthorized migration, that of contamination. O'Donoghue's idea of intergenerational 'grafting'

is intertwined with her private role as, in her words, ‘a mother figure’ (quoted in Jopson 2003: 33) to young individuals.

Of course, other face-to-face encounters between Aboriginal people and asylum seekers have manifested quite differently to this. The ambivalence that can underpin territorial, embodied proximity is illustrated well by the indigenous Tiwi Islanders’ relationship with uninvited boat arrivals to their land in recent years. The Tiwi Islands are situated 80 kilometres from the Northern Territory’s capital city, Darwin, and within the regulated zone of the Australian Defence Force Border Protection activities in the Arafura and Timor Seas. In November 2003, the arrival of a group of 14 Turkish Kurds and four Indonesian crew members at Melville Island led to the Australian government excising the Tiwi Islands from the migration zone and thus from Australian legal obligations pertaining to migration. A number of Tiwi people were reportedly dismayed at the government’s exertion of extraordinary powers and vowed not to assist Defence Force operations in future (Hodson 2003). But in April 2009, Tiwi Land Council executive and ranger, Andrew Tipungwuti, made a request to the government for greater powers to patrol the coastline, stating: ‘Our marine rangers don’t have adequate powers to help and secure these people until the right authorities arrive’ (quoted in Toohey 2009b: 2). Head marine ranger on the Tiwis, Jack Long, articulated how a fear of contagion can exist alongside a sense of kinship: ‘I’m Stolen Generation — my mother was full-blood and my father was an Afghan, so of course I’ve got some sympathy for them . . . The real question is about disease. We don’t know what’s coming in on these boats’ (quoted in Toohey 2009a). In November 2009, Tiwi Land Council Chairman Robert Tipungwuti made an offer to the government for Bathurst Island to become a site for a new immigration detention centre. The Tiwi community’s position at the maritime vanguard of unauthorized arrivals offers an alternative perspective on indigenous and asylum seeker engagement, reminding us that indigenous sovereignty can articulate as readily to defence of country as to solidarity and welcome.

Maori Activism, Pacific Island Overstayers and Refugees

When Gerrard Otimi’s sale of Maori visas to Pacific peoples was first investigated by New Zealand Police in June 2009 it generated something of a media furore. Undaunted, Otimi articulated his position to

the assembled journalists covering the story: ‘We give them a certificate to say you are now part of our *tino rangitanga* . . .⁶ They’ve been whan-gaied into my *hapu*. Bye, see you later ’cause you cannot take my *whanau* [family] away’ (quoted in *OneNews* 2010). Perhaps not surprisingly, Otimi attracted a loyal following from his new *hapu whangai* (adopted members) and several hundred other Pacific Island visa overstayers who attended community meetings addressed by him. In a report by *Tangata Pasifika*, Aotearoa–New Zealand’s long-running, state-funded news and current affairs television programme targeted at Pacific peoples, one of the Pacific Islanders says of the visa, ‘this is from god’. Afakasi Slade, a Pentacostal Church Minister who was one of the first people to purchase a visa from Otimi, recounts that when he was issued with a deportation notice, Otimi ‘came along and said to the Immigration, “back off, I’m *whanau* to these people”’ (TVNZ). Slade explains that Otimi also gave him a new Maori name — Hohepa Otimi te Awhetu — and maintains, ‘I’m now a free man because I know that I’m being adopted by the Maori’ (ibid.). For Slade, or ‘Awhetu’, Otimi’s visa offers an integration of personal and political identities, and his own Samoan name is something he is willing to surrender in order to obtain this integration — something that he articulates in terms of ‘freedom’.

Unlike the Original Nation Passports produced by Aboriginal Australian activists in support of and solidarity with asylum seekers, Otimi’s activism — for certainly, his *hapu* visa is, whatever else it might be, a statement of Maori sovereignty — constitutes an economic as well as political transaction: Otimi made a large sum of money from the enterprise. His use (perhaps mimicry, perhaps reterritorialization) of the western-derived model of documentation to validate political belonging — the visa and the passport — includes an appropriation of the economics imbricated in this classification and documentation system. Anyone who has applied for a passport or settlement visa will know that the financial costs (not to mention the emotional investment) are high — for many, prohibitively so. In other words, political belonging, within the terms of citizenship or residency of the modern nation-state, comes at a premium. Otimi provokes the question of what happens when a right of settlement granted by a Maori sovereign authority operates according to a similar

⁶ Otimi is referring to *tino rangatiratanga*, by which he means ‘absolute sovereignty’. See Note 3 for further information on the contention surrounding this term in relation to interpretations of the Treaty of Waitangi.

rubric of value and exchange as a right of settlement sold by a state sovereign immigration authority. Undoubtedly, the status of *hapu whangai* for the Pacific Islanders came, quite literally, at a cost.

Of course, the question of Otimi's fraudulence — something we might assess by weighing his knowledge that financial payment would not produce the kind of recognized legal status the Pacific migrants presumably believed they were purchasing, against his cultural and political convictions regarding the legal status that Maori sovereignty *should* hold — is complicated and fraught. The case brings issues of indigenous sovereignty, hospitality, political integrity, and capitalism into uneasy convergence, and raises several problems for our understanding of how indigeneity functions, and for whom, in contemporary contexts. Otimi's use of his indigenous identity to exert power over vulnerable people, his brazen assertion of right without obligation, disrupts and reorients simplistic lines of association between indigeneity, ethical hospitality, anti-capitalism, and anti-exploitation. Otimi's motives were, we can say with some certainty, at least partly financial and exploitative. Nevertheless, his actions demand a reappraisal of the ontology of sovereignty — *how* Maori sovereignty may be said to exist, *what* the consequences of this existence are and *where* they become consequent. In addition, they focus an inherent problem with an individual vindicating his or her actions with reference to collective (in this case, indigenous) values; in all likelihood, for every Maori person who supports Otimi's activism, there will be another who, like prominent Maori politician Pita Sharples, likens it to 'theft' (quoted in *OneNews* 2010).

The affair also draws attention to the geo-culturally specific issue of the relationship between different Pacific indigeneities. Otimi sold passports to Pacific peoples, in other words, peoples who share his own Polynesian ancestry. Aotearoa–New Zealand's post-settlement bicultural (Maori–Pakeha) paradigm — which, starting in the late 1970s, has come to inflect the nation's executive, legislative and judicial structures as well as cultural identifications — positions Maori in relation to the European-origin New Zealander, and vice-versa. Importantly, the bicultural paradigm is crucial for the Maori as far as the Treaty of Waitangi settlement claims to the British Crown are concerned. But it arguably marginalizes other alignments and affiliations. It permits two privileged spaces of belonging, Maori and Pakeha, and in legal terms, the Polynesian indigeneity of most other Pacific peoples does not confer them access to either. The Pacific peoples whom Otimi purported to bring into his *hapu* can

be said to have some relationship with it on the basis of Polynesian kinship links, however distant, but in legal terms, their right to belong is no different from that of any other non-citizen (indeed, their legitimacy is less than that of Australians, who hold reciprocal residency rights with Aotearoa–New Zealand). If Otimi, as self-proclaimed representative of his *hapu*, or any of the individuals he sold visas to — or both — professes the sorts of affective sentiments that Benedict Anderson (1991) identifies as the basis of imagined communities (and the fervent group following Otimi inspired in many of the Pacific Islanders indicates that attachments were formulated, either with Otimi himself or with the idea of belonging that he represents) then it must be said that Otimi's actions lay bare the aporia of imagined communities vis-à-vis political belonging (citizenship). It is within this zone of misalignment that the meanings, the very ontology, of sovereignty and citizenship as well as kinship and belonging are shown as radically ambivalent political and affective ideas/ideals.

The bicultural paradigm does not, it should be said, sufficiently encompass Aotearoa–New Zealand's contemporary cultural, social, economic, and political positionings. Indeed, the nation's relationship with the Pacific articulates to post-colonial Pakeha paradigms as well as to indigenous kinship links. Mark Williams notes that many of Aotearoa–New Zealand's key cultural, social and diplomatic relations, if not its economic ties, are situated in the South Pacific, unlike in Australia, where economic and even cultural focus is increasingly directed at that nation's proximity to (or as some argue, belonging to) Asia (1996: 635). Aotearoa–New Zealand's relationship with Asia has been influenced since the mid-1990s by prominent Maori politicians Winston Peters and Tau Henare, who have become known for their vitriolic, populist opposition to mainly Asian immigration (Ip 2003: 244, 246). This context, in combination with the Polynesian indigenous connections I have discussed, highlights another important difference between the meanings and implications of Otimi's Maori visas and the Aboriginal passports for asylum seekers. Although the unauthorized migrant's vulnerability to state power is central to both, in the Australian case support is offered by Aboriginal activists in the face of explicit alterity, while in the Aotearoa–New Zealand case certain ties already bind the parties.

It is difficult to draw out the various threads of what, precisely, the Maori visa might mean for Slade/Awhetu and others like him. The possession of an indigenous identity — that is, Otimi's purchasable version of it — seems genuinely to have produced certain affects of belonging.

The term ‘possession’ should not be glossed over: the visas are not merely owned as commodities in a materialist mode, but are assimilated into the buyers’ identities. It is surprising, to say the least, that a Samoan person would be willing to ‘become’ Maori in order to achieve an integrated personal and political identity — a dubious one at that. The economic and ontological aspects of the visas might be drawn together if we consider how they create conditions for performative utterances. On the one hand, Otimi’s indigenous commodities enable him to articulate, under the glare of national media and face-to-face with juridico-political authorities (the police, immigration officials, judges, politicians) his conviction regarding Maori sovereignty. And on the other, Slade/Awhetu is able to name, before his local community and to a community of citizens via the news media, his legitimacy (and freedom). Marina Sbisà (2006) examines the communication of citizenship with reference to speech act theory, recognizing the way relations of power inflect this communication. She argues: ‘Communicating citizenship cannot be reduced to transmission of information, let alone mental content, but consists also or even primarily of ways of acting by which participants recognize or attribute to each other the rights, obligations, expectations etc. that citizenship involves, therefore affecting their actual possession of these’ (ibid.: 151). The economic expense and cultural renunciation that Slade/Awhetu’s transaction with Otimi entails might be the very obligations that, for him, endow it with legitimacy: he has paid the price for indigenous citizenship, and as such, may communicate it.

But the communication of citizenship is an intersubjective act, requiring the transmission of similar understandings between interlocutors, or as Sbisà argues more precisely, ‘transmission of information can be described as the production of an entitlement to assert’ (ibid.: 158). Whichever way Otimi’s Pacific Island clients might understand the legal (non-) status of their visas, and whatever kind of illocutionary force might accompany their assertions of indigenous belonging, their transactions as a whole underscore the dialectics between the state and the individual, assertion and belief, performative utterance and ontological change, that underpin the positionalities of citizen and alien, belonging and non-belonging, indigenous and non-indigenous.

In the final part of this chapter, I want to look at a rather different kind of performative engagement between indigenous people and non-citizens. Moana and the Tribe, a band led by Moana Maniapoto — one of Aotearoa–New Zealand’s most successful musicians — performs four times a year for refugees at the Mangere Refugee Resettlement Centre in

the city of Auckland.⁷ The band's music fuses traditional and contemporary Maori performance forms and their work is underpinned by explicit political engagement — their commercial success sits alongside and promotes their commitment to Maori cultural representation and social development. Maniapoto describes the band's regular performances at the Mangere Refugee Resettlement Centre in terms of affective cultural transactions. In April 2009, she stated on her website:

Next week, we head out to the Refugee centre, me and the gals to do our regular concert for the next incoming group of refugees from Afghanistan, Congo, Rwanda, Iraq etc. It's something we got into a year ago — just warbling a few songs and teaching some Maori to the refugees. We really enjoy it — especially the bit where we get to cuddle the gorgeous babies!! And, we get entertained by the refugees because we make each group sing a song from their homeland. It gets positively party-like sometimes! (Maniapoto 2009).

The band's visits to the centre, this comment seems to suggest, are cultural-artistic interactions between performers and spectators that produce event-based multicultural communities. Teaching Maori to the refugees and having the refugees perform songs from their homelands, Maniapoto and her fellow artists instigate exchanges of cultural knowledge and a mutually affective reciprocity.

Like many of the Aboriginal supporters of asylum seekers and refugees that I have discussed, Maniapoto contextualizes her band's presence at the centre with reference to an indigenous morality, specifically here, the Maori value of *manaakitanga*, or hospitality and generosity: 'If you look at our culture, we have a history of *manaakitanga*, of looking after visitors. Refugees, there are only 750 a year. I think New Zealand could up that quota, double it at least' (quoted in Gifford 2009). Maniapoto interpolates an indigenous moral history into the executive operations of the sovereign state. A practical dimension of this interpolation is the linguistic and cultural exchanges that her band generates. If language is an absolutely paramount means by which newcomers orient or position spaces of belonging within the community in which they arrive,

⁷ The Mangere Refugee Resettlement Centre is a former New Zealand Army base, and the central processing and assessment location for all refugees who arrive in New Zealand. Refugees undergo a six-week period of assessment and orientation prior to resettlement. As a consequence of its remote geography, New Zealand does not receive even a fraction of the number of unauthorized asylum seekers that Australia does.

Moana and the Tribe work to ensure that Maori language is part of that orientation.

The activism, social interaction and performance that I have discussed here are in many ways marginal; they remind us that the implications and meanings of the explicitly global or transnational phenomena of asylum and migration are negotiated and contested within communities and between individuals, as much as through legislation and state biopolitics. At the same time, they instantiate indigenous concerns and interests as global, and not just local, concerns and interests. Through their engagements with asylum and illegal immigration, and with the people bound to these descriptors, Aboriginal Australians and Maori (re)position themselves in the face of postcolonial governmental, legislative and cultural paradigms — which to some extent, it may be said, many indigenous peoples are in, but not of. And inasmuch as they are publicly enacted, these engagements invite citizen-spectators to examine their practical, conceptual and even ethical understandings of the conditions that impinge upon amorphous citizenships — and sovereignties — in the 21st century.



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