Reclaiming democracy through Indigenous self-determination: what does a 'functioning country' mean?

Rauna Kuokkanen & Sarah Maddison

Published online: 01 May 2025.

Submit your article to this journal 🖉

Article views: 919

View related articles 🗗

View Crossmark data 🗗

Routledge
Taylor & Francis Group

🔓 OPEN ACCESS | Check for updates

Reclaiming democracy through Indigenous self-determination: what does a 'functioning country' mean?

Rauna Kuokkanen [a] and Sarah Maddison [b]

aFaculty of Social Sciences, University of Lapland, Rovaniemi, Finland; bSchool of Social and Political Sciences, University of Melbourne, Australia

ABSTRACT

The recognition and advancement of Indigenous rights is often posed as a threat to democracy. In this article, we counter this idea to argue that the expansion of Indigenous rights does not in fact undermine democracy; rather, it offers an opportunity to reclaim democracy by establishing a more inclusive and pluralistic governance and society. We examine what reclaiming democracy and a 'functioning country' mean in the context of structural injustice and the ongoing oppression of Indigenous peoples. We propose that strengthening Indigenous rights and expanding political autonomy could serve as a pathway to reclaiming democracy. More specifically, advancing a more just and functioning society requires embracing the twin aspects of Indigenous self-determination: Indigenous participation in broader society and political autonomy over internal affairs. This dual approach challenges the traditional concept of a unitary state with centralized and uniform sovereignty. Instead, it promotes pluralism, wherein multiple sovereignties coexist. Drawing on theories of democracy and structural (in)justice, and using empirical examples from Australia and Sápmi (Scandinavia), we argue for moving from democratic cultural pluralism to *democratic political pluralism*.

Introduction

In October 2023 Australia voted in a referendum on the proposal to enshrine an Indigenous Voice to Parliament in the Australian Constitution. If successful, the Voice was to be a permanent advisory body advising Australia's federal parliament on any issue of concern to the First Nations peoples of the continent. After a bitter, chaotic campaign that split on party lines as well as substantive issues, around 60 percent of Australians voted 'no' to the proposal. Along with the proposed creation of a Makarrata Commission to oversee a process of agreement-making and truth telling, the Voice proposal was a central plank of the 2017 Uluru Statement from the Heart. The statement was produced through a carefully designed and managed process of twelve Indigenous dialogues held in regional centres around the country, culminating in a convention at Uluru. The statement from the Heart called for structural change in the relationships between Aboriginal and Torres Strait

---

CONTACT Sarah Maddison ✉ Sarah.maddison@unimelb.edu.au

Islander peoples and settler Australia and for recognition of Indigenous sovereignty that has 'never been ceded or extinguished, and co-exists with the sovereignty of the Crown'.[1]

A variety of reasons were given for voting against the proposal, including the claim by some prominent Indigenous actors that the Voice would domesticate Indigenous sovereignty through its inclusion in a colonial institution.[2] A more common concern, however, was that articulated by a white man who planned to vote no, as reported by BBC Global News on October 13, 2023: 'If you want to have a functioning country you can't have divisions, you can't have separations'. Counter this view, in this article we ask, *Can democracy be reclaimed to create a 'functioning country' that is able to actively advance Indigenous rights of self-determination? What might that mean in the context of structural injustice and continued oppression of Indigenous peoples?*

The Voice proposal emerged to address prolonged structural injustice that has resulted in shorter life expectancy, poorer educational and employment outcomes, and the mass over incarcerations of Indigenous people in Australia. As the statement argued, 'These dimensions of our crisis tell plainly the structural nature of our problem. This is the torment of our powerlessness'.[3] This kind of injustice, we would argue, is hardly the hallmark of a functioning country. In opposing the Voice proposal, however, the leader of the federal opposition, Peter Dutton, claimed that the new body would divide and 're-racialise' Australian society.[4] Analysis suggests that this argument resonated with many Australian voters who drew on a narrow understanding of democracy and were concerned that the Voice would divide and separate an apparently unified nation.[5] Narrow conceptions of democracy often emphasize a singular national identity, typically at the expense of recognizing the distinct rights and self-determination of Indigenous peoples. Voting 'no' to the recognition of greater Indigenous rights, driven by concerns about national unity, reflects a fear that recognizing these rights could undermine the perceived cohesion or territorial integrity of the nation, conflicting with the idea of a single, indivisible nation-state. This suggests an understanding of democracy that prioritizes uniformity over diversity and views granting rights to Indigenous communities as creating a form of 'special treatment' or a separate legal status, rather than rectifying historical and ongoing injustices.

Such an understanding, however, fails to accommodate the pluralistic nature of modern democracies, where different groups have unique historical, political, legal, and cultural claims. Indigenous peoples in these contexts also hold unique connections to land and assert ongoing sovereignties over their territories. A limited approach to navigating these complexities overlooks the many ways in which democracy is *strengthened* by recognizing that multiple forms of sovereignty or governance can coexist within a state. By focusing narrowly on majoritarian principles, the 'unitary democracy' notion dismisses the importance of substantive equality and the need to address power imbalances and structural inequities that have long affected Indigenous peoples.

In this article, we argue that democracy is not undermined by the expansion of Indigenous rights; rather, we suggest that democracy might in fact be *reclaimed* through a robust framework for Indigenous rights and enhanced political autonomy. The current democratic landscape is being disrupted by actors who exploit vulnerabilities within existing political systems. Traditional political parties, once central to representing large constituencies, have lost public trust, making them susceptible to destabilization. This process involves leveraging the weaknesses of democratic institutions to expose their inefficiencies and eroded legitimacy, amplifying public discontent. The broader context of contemporary

democracy is one of slow, systemic decline: underfunded public services, struggling industries, and governments that fail to address the needs of ordinary citizens. Mainstream parties, unable to propose transformative solutions, leave voters disillusioned and cynical about democratic responsiveness. Exploiting this frustration, political 'hackers' adopt strategies akin to those in Silicon Valley – placing multiple bets on emerging movements, accepting that most will fail, but aiming for a breakthrough success that reshapes the landscape. However, as scholars have noted, while disruption in industries like banking or manufacturing may lead to innovation, applying the same logic to democracy risks chaos and instability. When democratic structures are weakened or dismantled, what replaces them may not follow the same principles or safeguards. This underscores the urgent need to reclaim and reinforce democratic institutions to ensure resilience against autocratic (or oligarchic) forces that seek to destabilize rather than improve them.[6]

We contend that, despite its many limitations for Indigenous peoples, democracy nevertheless provides a more conducive environment than other political systems (such as authoritarian regimes), in which Indigenous peoples may exercise their right to self-determination in the fullest sense. This may include the more profound reorganizing of Indigenous political life through forms of refusal and resurgence.[7] That is, Indigenous peoples may still wish to turn away from the state and prioritize their own social and political systems and democracy, we suggest, can be more enabling of that work than other political systems.

We challenge the tendency to reduce Indigenous peoples and their rights to matters of culture rather than recognizing them as political actors with inherent self-determination. By framing Indigenous rights primarily as cultural, liberal democracies sidestep deeper political obligations, treating Indigenous governance systems as secondary to state authority. This is why we build on Young's concept of democratic cultural pluralism but argue for *democratic political pluralism* that fully acknowledges Indigenous nations as political entities with legitimate decision-making power, rather than simply as cultural groups to be accommodated within existing state frameworks.

To provide a more inclusive and pluralistic understanding of governance and democracy, we examine the idea of a 'functioning country' through the democratic norm of Indigenous self-determination through an empirical analysis of examples from Australia and Sápmi (Scandinavia). We do this by engaging with important theories of pluralistic democracy that emerged in the 1990s, specifically the work of Iris Marion Young and Will Kymlicka, to consider why these insightful diagnoses have not translated into meaningful change for Indigenous peoples. The Australian Voice to Parliament referendum is just one example of the ongoing challenges for Indigenous peoples seeking to exercise their inherent rights in democratic societies. In the context of global democratic backsliding, and 17 years after the United Nations adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007), Indigenous peoples are still treading water. In Scandinavia, the three Sámi Parliaments, established between 1989 and 1995, were designed as self-governing institutions, elected and operated by the Sámi. However, due to their limited political authority, the Sámi Parliaments have primarily functioned as self-administering bodies.[8] Nordic Sámi policies also tend to 'culturalize' the Sámi people and their rights – to consider and understand them only in narrow terms of culture rather than as a people and distinct society. In this article, we focus on the Sámi Parliament in Finland because of the explicit 'Sámi Cultural Autonomy' legislation.

The overall argument, however, applies to all Sámi Parliaments, despite some advances particularly in the Norwegian Sámi Parliament over its 35 years of existence.[9]

In the Indigenous context, self-governing and self-administering represent different levels of autonomy and decision-making power within a state framework. Self-government implies a higher degree of political and legal autonomy, where Indigenous nations have the authority to create and enforce their own laws, policies, and governance structures. Self-governing Indigenous entities can negotiate agreements with the state and exercise decision-making power over land, resources, education, and other key areas. Their governance is recognized as a form of political sovereignty, though still often constrained by national or international legal frameworks. Self-administration refers to a more limited form of autonomy, where Indigenous institutions manage certain programs or services but do not have full decision-making authority. They may implement policies and administer funding provided by the state, but their power remains within the boundaries set by national governments. Self-administering structures often function as extensions of state governance rather than as independent political entities.[10] In many cases, Indigenous institutions labeled as 'self-governing' are, in practice, closer to being self-administering, as they remain dependent on state policies and funding rather than having full jurisdiction over their affairs.

Self-determination, as enshrined in international law, recognizes that all peoples have the right to freely determine their political status and pursue their economic, social, and cultural development. This includes the world's Indigenous peoples.[11] The right to self-determination is inherent, as it neither originates from nor is granted by colonial laws or policies; rather, it stems from Indigenous peoples' longstanding existence as autonomous, sovereign polities and jurisdictions with established legal and governance systems prior to colonization.[12] For Indigenous peoples to fully exercise their inherent right of self-determination, we must have both an account of Indigenous democratic engagement in mainstream institutions as well as an understanding of how Indigenous sovereignty and governance may be best advanced and reclaimed. From the vantage point of nation-states, implementing these two dimensions of self-determination do not always sit easily together. In Australian Indigenous policy, for example, responding to historical and structural forms of injustice has produced an ongoing oscillation between policy focused on either 'incorporation (the allocation of the same rights to Indigenous people as all Australian citizens) and separation (allocation of rights to live differently)',[13] largely along party lines. Our claim in this article is that these two dimensions in fact can work together to reduce tension and conflict by producing a more legitimate democracy and a 'functioning country' that encompasses twin aspects of Indigenous self-determination.

The two dimensions of Indigenous self-determination as outlined in the UN Declaration on the Rights of Indigenous Peoples, include Indigenous *participation in* broader society and the *political autonomy* over internal affairs. Political autonomy for Indigenous communities allows them to exercise self-governance over their internal matters (e.g. culture, education, land and resource governance), while still participating in functions of broader society. If fully implemented, this approach has the potential to create a multi-layered sovereignty model where the legitimacy of Indigenous legal and political systems are recognized alongside those of the state. Following Iris Marion Young and Will Kymlicka,[14] we maintain that democracy is enhanced when all groups within a

society are meaningfully involved in political processes. Ideally, Indigenous participation in broader society ensures that Indigenous perspectives are not only heard but also their positions considered in national decision-making processes, including legislative, executive, and judicial institutions. This must go beyond merely tokenistic forms of 'inclusion' or 'consultation' and enable substantive participation in, and influence over, policy decisions.[15] Involving Indigenous peoples in the national policy-making process brings diverse worldviews and governance traditions to the table, enriching democratic dialogue and making state institutions more representative and legitimate.

A pluralistic democracy, from the vantage point of Indigenous rights, would further enable innovative governance structures and institutional design and lead to multi-level citizenship frameworks. For example, new forms of shared governance could be developed for natural resources, where Indigenous communities or institutions have a leading role in decision-making alongside state authorities. When Indigenous territories are involved, it would also be essential to implement the principle of free, prior, and informed consent (FPIC). This means not only engaging in good-faith negotiations but also ensuring that the solutions reached are acceptable to the Indigenous peoples concerned. Such frameworks could include mechanisms for Indigenous communities to set legal precedents or have specific jurisdictional powers over certain territories.

In the first part of this article, we draw on the work of Young and Kymlicka to pull apart the common idea that social justice amounts to 'divisions and separations' and suggest that in fact, the opposite is true; that a functioning, democratic country is premised on 'not the melting away of differences, but institutions that promote reproduction of and respect for group differences without oppression'.[16] In the second section, we explore the political autonomy dimension of Indigenous self-determination, which is often neglected by mainstream democracy scholarship. We analyze how liberal democracies undermine Indigenous self-determination by framing it as a cultural issue rather than strengthening it, as would be required to uphold fundamental democratic principles and values. We argue that enabling self-determination will not be achieved through state policy unless that policy is specifically focused on fostering Indigenous sovereignty and governance.

The ideal of democracy

Democracy serves a dual role. As the late political theorist Iris Marion Young suggests, 'Democracy is both an element and a condition of social justice'.[17] Firstly, democracy, with its emphasis on equality, participation, and representation, is viewed as a mechanism to achieve fairness, inclusivity, and rights for all members of society. Secondly, democracy is considered a prerequisite or set of circumstances that enable the establishment and maintenance of a just and equitable social order. Without democratic processes, systems, and values, achieving broader social justice becomes considerably more challenging or even impossible.[18]

There is a common practice, intentional or not, to reduce democracy to the ideas and institutions associated with protecting individual rights and freedoms, majority rule, and formal equality under the law (i.e. no 'special treatment' to any individual or group). What is frequently forgotten is that the protection of so-called minority rights is a fundamental democratic principle. Will Kymlicka's work on pluralism and democracy was foundational

in challenging the narrower conception of democracy, particularly regarding the rights of minority groups and Indigenous peoples within liberal democracies. Kymlicka argues that traditional liberal frameworks, which emphasize individual rights and formal equality, are insufficient to address the unique historical and structural disadvantages faced by Indigenous peoples. Instead, he advocates for a model of multicultural citizenship that includes necessary correctives to systemic injustices[19] and asserts that justice in pluralistic societies requires not only the protection of civil and political liberties but also proactive measures to sustain cultural diversity. Unlike assimilationist models that encourage the absorption of Indigenous peoples into dominant settler societies, Kymlicka supports institutional accommodations that enable Indigenous nations to maintain their distinct identities while participating in broader democratic structures.[20]

However, Kymlicka's approach to pluralism and Indigenous rights has been subject to criticism, particularly from Indigenous scholars and settler colonial theorists. Critics argue that Kymlicka's model remains fundamentally constrained by liberal democratic norms, which continue to prioritize state sovereignty over Indigenous self-determination. While he acknowledges the need for Indigenous self-rule, his proposals often assume that Indigenous governance should remain embedded within the constitutional and legal frameworks of settler states without challenging the underlying logics of settler colonialism or strengthening Indigenous sovereignty.[21] Kymlicka's state-centric view has led some scholars to suggest that his framework ultimately reinforces rather than disrupts colonial power structures.[22] We further argue that his arguments on pluralist democracy and multicultural citizenship fail to address gendered exclusions and power asymmetries without which Indigenous self-determination and sovereignty remain incomplete.[23] Despite these limitations, Kymlicka's contributions remain significant for their emphasis on the ethical and political necessity of recognizing Indigenous rights within liberal democracies, and his work continues to shape debates on reconciliation, multicultural justice, and the limits of liberal inclusion.

Liberal democracy, as practiced in settler colonial societies, is designed to protect fundamental rights and prevent the 'tyranny of the majority', which can otherwise suppress the rights of minority groups and Indigenous peoples, who are in most cases numerical minorities within nation-states.[24] A healthy democracy, then, does not seek to erase or homogenize the diverse social groups, identities, cultures, and perspectives within a society. Instead, it should actively encourage and support these differences. In essence, a democracy that functions well and legitimately recognizes the pluralism inherent in society and establishes institutions, norms, and laws that protect the rights and identities of various groups. It strives to create an environment where diversity can flourish without a fear of marginalization.

Yet, Indigenous peoples often experience democracy as problematic due to their historical and ongoing experiences of marginalization, discrimination, dispossession, and a lack of genuine representation within democratic systems. As Patrick Wolfe has argued, democracy in settler colonial societies will always be an oxymoron for Indigenous peoples, as it is democracy that has pursued their elimination.[25] Democracy, as it has historically evolved, was often imposed on Indigenous communities by colonial powers without their consent and without any effort to understand Indigenous peoples' own political orders and governance systems. This history of imposition raises concerns about the compatibility of democratic structures with Indigenous values and traditions.

There are at least four problems with democracy for Indigenous peoples. First, many democratic systems lack an understanding of Indigenous governance structures and their vital role in self-determination. Indigenous nations have their own complex systems of governance that are often not acknowledged or involved in democratic processes. As Waanyi author Alexis Wright has suggested, it is evident that the liberal democratic systems that underpin settler colonial governance in countries like Australia are 'the wrong system of governance for people who have been working to their own governing system for thousands of years'.[26] Second, Indigenous peoples often find themselves underrepresented or not represented at all within democratic institutions. Electoral systems and the majority rule might not adequately represent their unique cultural, social, and political needs, leaving them without a voice in decision-making processes that affect them directly. Third, democratic processes tend to favor the dominant culture, norms, and languages, disadvantaging Indigenous peoples. The majority may unintentionally or intentionally marginalize Indigenous perspectives and practices. Fourth, democratic systems also tend to prioritize economic interests that lead to the exploitation of Indigenous lands and resources, disregarding the rights of Indigenous communities and their vital connection to their lands and waters.[27]

These are all serious concerns that must not go unheeded. Ongoing global democratic backsliding[28] also shows that the yearning for political cohesion leads to the subjugation of diversity and frequently results in the exclusion of certain voices and viewpoints from the public discourse. This is because more privileged groups, with their dominant position, tend to – and are able to – frame the concept of the 'common good' in ways that align with their specific interests. This is closely connected to the ideal of impartiality, a foundation of most modern moral theories and theories of justice. Some contemporary theorists of participatory democracy also adhere to the notion of a civic sphere in which individuals set aside their distinctiveness and disparities.[29] This view, however, distorts the idea of democracy.

Young argues that, given how a universalist notion risks marginalizing certain groups, the meaning of 'public' also must be transformed to highlight the value of group differences. We would add to this that the meaning of 'public' must be transformed to recognize what Patrick Macklem has called the 'Indigenous difference'.[30] According to Young, the concept of impartiality further serves to validate hierarchical decision-making structures and enables the standpoint of the privileged to appear as universal. This dual role frequently results in decisions that sustain the subjugation and disadvantage of certain groups while perpetuating the privilege of others.[31] Thus, the fundamental problem with impartiality and formal equality is that they disregard social group differences and uphold the misguided ideal of a universal humanity. This enables privileged groups to overlook the particularities of their own identity. Young argues that disregarding differences sustains cultural dominance and promotes an 'assimilationist ideal' that envisions humanity as a whole from 'an unsituated group-neutral point of view'.[32] But such a view simply does not exist, and this is precisely why the circumstances and experiences of those in power often come to establish the standards for this false universal humanity. We call the unsituated group-neutral position *settler fiction* that relies on the discourse of formal equality as a means of continued (neo)liberal oppression. It is true that as the result of the institutionalization of formal equality, certain individuals from previously marginalized groups have achieved success according to mainstream criteria. However, structural patterns of group privilege and oppression persist nonetheless.

Structural injustice

Indigenous peoples the world over experience ongoing structural injustice arising from colonization and dispossession, operationalized through the logics of settler colonialism, race/racism, capitalism, and heteropatriarchy. In practice, this means disregarding and riding roughshod over Indigenous peoples' basic human rights to language, culture, education, identity, and others, on a daily basis. As Leanne Betasamosake Simpson has argued, underlying and supporting the structure of settler colonialism is a set of processes that exist for the sole purpose of dispossessing Indigenous peoples. Simpson describes 'a series of complex and overlapping processes', evident in state practices including consultations, inquiries, policy, and law. These processes may seem like an opportunity to reshape Indigenous peoples' relationship with the state, but in practice, they bring little meaningful change.[33]

The forms of structural oppression are normalized, and frequently invisibilised, by non-Indigenous populations who rely on the tenets of democracy as evidence of the alleged fairness of their political systems and societies. This has implications not just for Indigenous peoples but for democracy itself. Indeed, we contend that any country that is defined by high levels of structural injustice, such as the kinds of injustice experienced by Indigenous peoples, cannot be considered to be functioning in the way that democratic theory envisages social and political life. Understanding settler colonialism itself as a form of structural injustice illuminates the 'objectionable social structures', including those based on race, class, and gender, that expose 'large categories of persons or peoples to social positions of inferiority or structural indignity that heightened their vulnerability to various forms of victimization'.[34]

Young argued that structural oppression will not be eliminated 'by getting rid of the rulers or making some new laws, because oppressions are systematically reproduced in major economic, political, and cultural institutions'. She points to the ways in which oppression arises from social systems rather than stemming from the decisions or policies of a select few. Its roots lie in ingrained norms, customs, and symbols, as well as the underlying assumptions of institutional regulations and the collective outcomes of adhering to those regulations. Young draws on the 1960s and 1970s social movements that redefined oppression to mean 'the disadvantage and injustice some people suffer *not* because a tyrannical power coerces them, but because of the everyday practices of a well-intentioned liberal society'.[35] Individuals exist within structures of dominance if other groups can dictate the terms of their actions without reciprocity, either through direct means or due to the structural implications of their actions.

Building on Young's work, political theorist Catherine Lu argues that to address ongoing colonial injustices, we must tackle the various structural injustices that led to those historical wrongs.[36] She maintains that the persistence of structural injustices – despite the fact that particular policies or acts of colonial rule ended long ago – demands a present-day responsibility for transforming social structures to ensure that they are more just. A profound reorganizing of things in order to address the structural injustice experienced by Indigenous peoples, then, requires a rethinking of both the existing structures of liberal democracy *and* the social systems that underpin them. As Duncan Ivison notes, to address structural injustice we must address the 'background conditions against which people act (and interact) and the institutions and norms in which they are

enmeshed', to focus not only on unjust *acts*, but also on the social structures within which those acts occur'.[37]

Young assumes that structural justice and democracy operate within the nation-state, advocating for reforms that make states more inclusive. In contrast, Indigenous analysis rejects state-centered politics as the sole site of democracy, arguing for governance based on relationality, kinship, and responsibility to land and future generations, rather than mere participation in settler institutions. Indigenous critics of democracy propose sovereign Indigenous governance models that either coexist with or challenge state authority. Young's multifaceted concept of oppression – which she has called as its the five faces consisting of exploitation, marginalization, powerlessness, cultural imperialism, and violence – in many ways aligns with those of Indigenous critiques. Building on the analyzes of Young and Indigenous scholars, we argue that democracy and structural justice must place greater emphasis on how gendered violence, extractivism, and territorial dispossession shape Indigenous political struggles – issues that Young does not fully address.

Participation: 'Respecting difference in policy'

Indigenous self-determination as participation in broader society is necessary to avert marginalization, which according to Young, stands out as one of the most perilous types of oppression. Indigenous people themselves continue to demand inclusion in democracy[38] even as they 'continue to contest the authority of the state to offer it'.[39] Marginalization, which involves excluding an entire group of people from meaningful engagement in society, leaves them vulnerable to significant material deprivation and, in extreme cases, extermination. Preventing group oppression can only be achieved if marginalized groups have the opportunity to voice their interests and perspectives in the public sphere on an equal footing with other groups. If a denial of difference is a form of structural injustice that contributes to social group oppression, there is an evident need for 'a politics that recognizes rather than represses difference'.[40]

A common liberal argument against recognizing social or Indigenous difference is that emphasizing these differences could revive past stigmas, such as the notion of Indigenous inferiority. Social movements and feminist scholars have challenged this fear by promoting an understanding of group difference flexible, without fixed boundaries that limit individuals – neither a uniform unity nor absolute individuality.[41] Here 'difference' does not signify 'otherness' or exclusive opposition. Martha Minow suggests that group differences should be perceived as relational rather than delineated by substantive categories and attributes.[42] A relational understanding of differences also challenges the notion that privileged groups are the norm, recognizing that both privilege and oppression involve distinct experiences.

In the relational understanding, difference is also contextualized. Recognizing differences among groups does not preclude the existence of shared experiences or commonalities between groups. Morgan Brigg, Mary Graham and Martin Weber point to the 'false diversity' that is often attributed to First Nations across the Australian continent in an effort to counter the earlier homogenization of Indigenous peoples. These authors contend that too much emphasis on the diversity and specificity among First Nations 'can serve to separate Indigenous groups from one another'.[43] In fact, shared worldviews,

along with shared experiences of colonization, create bonds between Indigenous peoples across their diversity and remain the foundation of Indigenous societies, cultures, governance, and political ordering. This could be considered as an expression of what Young has termed *democratic cultural pluralism*,[44] a vision of the good society that does not eliminate or transcend group difference.

Importantly, democratic cultural pluralism is different from *interest group pluralism*. For Young, the issue with interest-group pluralism is not that individuals advocate for their own interests.[45] Rather, the normative shortcomings of interest-group politics primarily stem from two factors. Firstly, it fosters a form of representation and decision-making that is privatized and does not require expressions of interests to be grounded in principles of justice. Secondly, the disparities in resources, organization, and power enable certain interests to prevail while others are left with minimal or no influence. Moreover, interest-group pluralism serves to de-politicize public affairs. In welfare capitalist society, policy has been established as the domain of experts, and public involvement has been limited to 'bargaining among interest groups about the distribution of social benefits'.[46] As a result, questions of decision-making authority are not part of public discussion, let alone policy making processes. This is a particular problem for Indigenous peoples, for whom policy is a critically important site of political encounter and engagement with the state.[47] Depoliticized policy-making makes it challenging to recognize the institutional norms, practices, and social dynamics that uphold domination and oppression, let alone to address these structural obstacles.[48]

As Young argues, oppression continues as long as law and policy declare that all are equal. The thing is, she notes, 'ignoring group differences in public policy does not mean that people ignore them in everyday life and interaction'.[49] Respecting difference in policymaking, then, implies creating institutional mechanisms for the effective recognition and representation of groups that are oppressed or disadvantaged. According to Young,[50] these mechanisms would have three main dimensions:

(1) The self-organization of group members to attain collective empowerment and an understanding of their shared experiences and concerns in society;
(2) Group evaluation and the collaborative formulation of policy recommendations within established settings where decision-makers are mandated to demonstrate the inclusion of group perspectives in their deliberations; and
(3) Collective authority to veto policies that directly impact the group, such as policies related to women's reproductive rights or land use planning on Indigenous territories.

The proposed Voice to Parliament in Australia was intended to be precisely such an institutional mechanism. Like the Sámi Parliaments, which are often referred to as models for other Indigenous peoples, the Voice to Parliament was to be an advisory rather than a decision-making body. In the Nordic countries, there has been a general tendency to consider Indigenous rights as little as possible by the state and its institutions. Although the Constitutions of Norway, Sweden, and Finland have recognized Sámi as an Indigenous people, Sámi self-determination has been largely limited to a form of Sámi cultural, non-territorial autonomy exercised through elected, representative bodies of the Sámi Parliaments. The three Sámi Parliaments are also government-funded agencies in charge of administering Sámi-related affairs, specifically Sámi cultural

policy. All three Sámi Parliaments have somewhat ambivalent mandates, but all have been established as mainly consultative or advisory bodies with no veto power rather than self-governing institutions.[51] The proposed Voice to Parliament in Australia was to play a very similar role. Yet despite this very limited mandate – one that would only enable Indigenous participation in policy debate rather than affording First Nations more political power *per se* – the proposal was defeated.

The limited (or lack of) success of even these moderate models for Indigenous recognition, representation, and participation in policy-making reveal the limitations of democratic reform that contents itself with the culturalization of Indigenous rights. With that in mind, we turn now to consider political autonomy as the second dimension of Indigenous self-determination, and explore the limits of a culturalized approach to self-determination, which reduces Indigenous rights to a vehicle for consultation with national governments. This may be a form of democratic participatory engagement but does not extend to full political autonomy, with jurisdiction and decision-making powers over internal affairs.[52]

In the next section, we critique the common practice of culturalizing Indigenous peoples and their rights, and expand Young's concept of democratic cultural pluralism, and call for a shift toward democratic political pluralism.

Indigenous self-determination as political autonomy: from culturalization to shared sovereignty

For Indigenous peoples, participation in broader society is only one aspect of what is required for the exercise of their right of self-determination. In addition to participation, Indigenous peoples must have capacity for self-governance in the form of political *autonomy*: the ability to govern themselves, manage their own affairs, and exercise authority over their lands, resources, and cultural practices. The political autonomy dimension of Indigenous self-determination is crucial for the survival and flourishing of Indigenous peoples and their societies.

In our view of a 'functioning country', democratic political pluralism and structural justice require Indigenous *political* autonomy for several compelling reasons. Above all, self-determination is a core democratic principle. Democracy is not just about participation; it is also about the ability to exercise meaningful control over one's own affairs, both individually and collectively. Second, Indigenous political autonomy is essential to redress historical and ongoing colonial injustices that have systematically undermined Indigenous sovereignty and governance institutions. Indigenous political autonomy also contributes to the decolonizing the structures that continue to disenfranchise Indigenous peoples. Third, as discussed above, democracy is enhanced by recognizing multiple forms of sovereignty and governance within a state. Indigenous political autonomy allows for a pluralistic model of democracy, where different forms of governance can coexist and interact within the same political framework. This acknowledges the diversity of legal, cultural, and political traditions that make up the state, enhancing democratic legitimacy by including systems of governance that are meaningful to Indigenous peoples. Furthermore, Indigenous political autonomy allows Indigenous legal traditions and governance systems to be integrated into the broader legal and political framework. This strengthens the rule of law by acknowledging multiple legal systems and fostering a

more inclusive justice system that respects Indigenous customs. It ensures that Indigenous laws and dispute resolution practices are recognized as legitimate and authoritative within the state.

Finally, we argue that social cohesion can be enhanced through *shared sovereignty*, the idea and arrangement where multiple governing authorities or nations collaboratively exercise political power and decision-making over the same territory or population.[53] Granting Indigenous political autonomy can advance social cohesion by addressing the root causes of conflict and inequality. Formalizing and institutionalizing Indigenous governance would go a long way in resolving longstanding grievances and building mutual respect between Indigenous and non-Indigenous populations. This would foster a shared sovereignty model that accommodates diverse forms of governance, thus contributing to national unity based on mutual recognition and respect. However, achieving Indigenous political autonomy under current conditions of settler colonialism requires more than formal recognition within existing state structures. Settler states, built on the ongoing dispossession of Indigenous peoples, must be reimagined in ways that recognize Indigenous nations as co-sovereign entities with the authority to govern themselves.

Our analysis, along with other recent Indigenous scholarship, highlights the layered and complex ways in which settler states resist Indigenous political autonomy. Simpson cautions Indigenous people against the seductive nature of the shape-shifting structure of settler colonialism 'made up of processes', pointing out that, despite appearances to the contrary, the state always uses its power to ensure that the outcome of all such processes is 'consistent with its goal of maintaining dispossession'.[54] What a critical Indigenous analysis such as this suggests is that while colonial structures may one day be dismantled, the shape-shifting nature of their underlying processes make them difficult, if not impossible, to reform.

One way in which these shape-shifting processes appear is through attempts to culturalise Indigenous peoples. The state refusal or resistance to embrace the political autonomy dimension of self-determination has led to more contained approaches that celebrate aspects of Indigenous culture as part of the wider liberal multicultural project. This approach, however, fundamentally fails to treat Indigenous peoples as 'distinct peoples with their own historical, political, and territorial contexts'.[55] As Kuokkanen has argued,

> Culturalizing Indigenous peoples disregards and dismisses their history and unique political, social, and legal systems, reducing them to cultures rather than peoples with the right to self-determination under international law. It has significant legal and political implications as it diminishes Indigenous peoples to minority status and frames their rights in terms of minority rights.[56]

We can see the culturalization of Indigenous rights at play in both Australia and Sápmi, where Aboriginal and Torres Strait Islander peoples and the Sámi people alike are afforded recognition for their cultural differences rather than their distinct status as sovereign Indigenous peoples. As Kuokkanen notes, while Indigenous and ethnic minority rights 'partially overlap' they are not the same thing.[57] In contrast to suggestions that both the Sámi Parliaments and the failed proposal for an Indigenous Voice to Parliament in Australia would enhance Indigenous self-determination, we contend that without proper political authority, these kinds of institutions *reduce* Indigenous peoples to a

kind of 'special minority' status; groups that should be heard in public policy in some limited capacity but not as Indigenous peoples with pre-existing sovereignty and political autonomy with valid rights claims to their territories.

This concern links directly with the theme of this special issue. Simpson suggests that what she describes as 'cultural resurgence' can be dangerously compatible with settler colonialism because it does not challenge dispossession.[58] While she recognizes that Indigenous culture and politics are intertwined, and that community-based language revival projects are both political and cultural, Simpson argues that labeling these efforts 'cultural' depoliticizes Indigenous resurgence. This depoliticization makes it easier for the settler state to co-opt these initiatives through its own recognition processes. What is needed instead is 'radical resurgence' predicated on 'an extensive, rigorous, and profound reorganization of things'.[59]

The settler fiction of a depoliticized, cultural approach to policy-making goes some way to explaining the limited impact of policies that are ostensibly designed to support Indigenous self-determination without actually enabling the exercise of Indigenous political autonomy. In Australia, the formal policy of self-determination that was in place between 1972 and 2004 was designed by bureaucrats and undermined by its weak and compromised philosophical underpinnings. These contradictions in Australian self-determination policy suggested that Indigenous political autonomy could be 'restored through building an Indigenous bureaucracy modelled on, and linked to, the state bureaucracy'.[60] Rather than the nation-to-nation relation that characterizes Indigenous self-determination policy in the United States, Australia instead insisted on a state-centric and 'top-down approach' to self-determination,[61] which was clearly a contradiction in terms. In this approach, aspirations for autonomy were buried in assimilationist practices, compromising the capacity of Indigenous peoples to actually exercise their right to self-determination. As Cobble Cobble woman and legal scholar Megan Davis has pointed out, Australia has promoted an 'impoverished', 'one-dimensional' and 'state-centric' form of self-determination that has proven 'unable to facilitate freedom or choice for many Aboriginal people'.[62]

The proposed Voice to Parliament, which was outlined in the 2017 Uluru Statement from the Heart after more than a decade of debate over Indigenous recognition in the Australian Constitution, was intended as a step towards more meaningful self-determination. The Voice was part of a triumvirate of demands in the Uluru Statement, which were referred to as calls for Voice, Treaty, Truth. This sequencing was important. As Torres Strait Islander political scientist Sana Nakata points out, the Voice was to be 'a start' in a long-overdue process of bringing First Nations and the Australian state into a more legitimate relationship based on more than false claims of *terra nullius*.[63] The Voice was never intended as the whole answer to such a vexing set of questions, but rather a pathway to more substantive Indigenous self-determination to be achieved through truth-telling and treaty negotiations. Throughout the contentious campaign leading up to the 2023 referendum, the proposed scope and influence of the Voice were progressively reduced in an attempt to counter opposition claims that an Indigenous-only institution was inherently divisive. From the 2017 rejection of the Voice by the then-prime minister, who argued it would create a 'third chamber of parliament', to claims that this 'highly experimental idea' would undermine equal citizenship and legal equality,[64] even this modest advisory body was ultimately deemed too radical far for

the Australian public. The failed referendum was a reminder that while the structures of settler colonialism may appear fluid and permeable, transformation of settler colonial institutions remains extremely difficult particularly when the aim is to advance Indigenous self-determination.

In Finland, Sámi self-determination is framed and legislated as 'cultural autonomy', a model commonly used for minority groups, typically taking the form of non-territorial autonomy. However, international law explicitly ties Indigenous self-determination to land rights, affirming the right of Indigenous peoples to govern their own affairs and develop their political, social, and cultural institutions within specific territories. This connection between Indigenous peoples and their land is underscored in various international human rights instruments, including the ILO Indigenous and Tribal Peoples Convention 169.

The Sámi Act proposed in 1990 aimed to recognize Sámi land rights and transfer ownership and management of 'public' lands from the state to Sámi siidas, as well as establish decision-making authority over Sámi affairs. However, strong opposition particularly at the regional level led to the defeat of this legislation. As a compromise, the proposal's 'cultural autonomy' component was preserved for further negotiation, while the issues of Sámi land rights and ILO Convention ratification were separated into a distinct process. The negotiations evolved into the concept of 'Sámi cultural autonomy'. Even though the Sámi were constitutionally recognized as an Indigenous people in Finland in 1995, their rights were contained to 'cultural autonomy' in their designated Sámi home region in the northernmost Finland. The *Sámi Parliament Act*, passed concurrently, established a framework for Sámi cultural autonomy.

Despite the constitutional recognition, the scope of Sámi self-governing powers was significantly reduced compared to what was initially proposed. The *Sámi Parliament Act* was further weakened by the Finnish government just before approval, stripping the Sámi Parliament of political authority and relegating it to a consultative role. While the Sámi Parliament in Finland represents the Sámi nationally and internationally, promotes Sámi language and culture, and can issue proposals and statements on Sámi related matters, it lacks actual self-government powers and jurisdiction. The Sámi Parliament's decision-making authority is limited to administrative tasks, such as hiring staff, organizing elections, producing Sámi-language educational materials, and allocating state funds for cultural activities. Thus, the focus on 'cultural autonomy' has effectively depoliticized Sámi self-governance, limiting it to cultural matters rather than recognizing full political autonomy linked to their land rights.[65]

Conclusion

Both Kymlicka's pluralist democracy and Young's democratic cultural pluralism assume the state is a neutral arbiter that can fairly balance minority rights. This premise has been rejected by Indigenous and other critical scholars who argue that the state remains a settler colonial entity that enforces territorial control and tramples on Indigenous rights whenever possible. Building on this, we have argued for democratic political pluralism that requires not only rights-based inclusion but decolonization, which involves land back, shifts in power and governance, as well as the dismantling of racialized and gendered power structures that commonly further marginalize Indigenous women and

gender-diverse people. The challenge of pluralist democracy is that it is ultimately contained within the structures of the liberal nation-state. Democratic political pluralism expands democratic participation beyond the state and recognizes Indigenous political systems as equal, not merely accommodated within a dominant settler framework.

Young has further argued that justice requires differentiated citizenship, which involves recognizing group-based oppression and providing political representation to historically marginalized groups. We contend that true justice requires sovereignty, self-determination, and decolonization, rather than mere participation in settler institutions. Instead of advocating for 'better representation' in state decision-making, democratic political pluralism calls for autonomous Indigenous governance structures that are not subordinate to state authority.

By examining the idea of a 'functioning country', democratic political pluralism and structural justice through the twin aspects of Indigenous self-determination we have revealed the limitations of views that emphasize the need for political cohesion and a single, indivisible nation-state. We argue instead that a functioning country would recognize Indigenous nations as key actors in decisions and policy-making affecting land use, natural resources, health, and education. This will require the creation of institutions that go beyond the culturalization of Indigenous peoples and instead focus on creating mechanisms that guarantee Indigenous participation in policy-making processes. Co-drafting legislation with Indigenous representatives and establishing mechanisms for Indigenous veto or consent on policies impacting their communities could ensure that the principle of free, prior, and informed consent (FPIC) is upheld, thus aligning national policies with international human rights standards and would address the political inclusion dimension of Indigenous self-determination.

A 'functioning country' under this framework would also support greater political autonomy and economic self-determination for Indigenous communities by recognizing and facilitating their right to govern lands, resources, and economic activities. Indigenous political autonomy enables Indigenous peoples to make decisions about their internal matters, cultural practices, and governance structures. This goes beyond participation in existing state institutions, ensuring that Indigenous communities have the freedom to govern according to their own laws, customs, and political priorities. Indigenous economic models based on sustainability and relationality with the environment could complement national development strategies. This could include measures such as revenue-sharing agreements, land restitution, or granting legal recognition to Indigenous business practices and communal ownership structures, reinforcing Indigenous economic autonomy while contributing to national prosperity.

Merely including Indigenous voices in mainstream political processes does not address the deeper need for Indigenous communities to exercise control over their lands, resources, and cultural affairs, which have been central to historical marginalization. Political autonomy is crucial for Indigenous communities to manage their lands, resources, and economic development according to their own priorities. This supports sustainable development practices that align with Indigenous values and can lead to economic self-sufficiency. When Indigenous communities have control over economic decisions, they can pursue development paths that respect the environment and cultural heritage, rather than being subject to state-imposed economic policies. Simply participating in broader state institutions often limits Indigenous influence to advisory roles or token

representation, without real decision-making power. Political autonomy ensures that Indigenous communities are not just consulted but can implement policies and make binding decisions on issues that affect them directly. This prevents tokenism and ensures that Indigenous governance structures have genuine authority and impact.

Further, Indigenous political autonomy is necessary to implement the FPIC principle, which requires Indigenous communities to have the authority to approve or reject projects that affect their territories and lives. Autonomy ensures that Indigenous consent is not merely symbolic but legally and politically binding, reinforcing their right to self-determination as outlined in international human rights standards. Through the exercise of Indigenous political autonomy, a functioning country recognizes the unique rights and governance needs of Indigenous communities, leading to a more just, pluralistic, and inclusive democracy. It ensures that Indigenous peoples are not merely participants in the state but are also co-creators of its political landscape.

Instituting both dimensions of Indigenous self-determination in democratic societies will indeed require a profound reorganizing of things. Ensuring a functioning country necessitates transformations that will support both Indigenous inclusion and Indigenous political autonomy. The first step must be the recognition that such transformations will strengthen and reclaim the positive aspects of democracy rather than fracturing democracy through a lack of unity. The idea of a functioning country challenges the traditional notion of a unitary state, where sovereignty is centralized and homogenous. Instead, it embraces a form of political pluralism where multiple sovereignties coexist.

Notes

1. Referendum Council. 2017. *Uluru Statement from the Heart*. https://ulurustatement.org/the-statement/view-the-statement/
2. James Massola, Blak Sovereign Movement blasts Yes and No camps, dismisses Voice as 'cheap window dressing'. *The Age*, 20 July 2023, https://www.theage.com.au/politics/federal/blak-sovereign-movement-blasts-yes-and-no-camps-dismisses-voice-as-cheap-window-dressing-20230720-p5dpwq.html
3. Referendum Council, *Uluru Statement from the Heart.*
4. Audrey Courty. Peter Dutton says Indigenous Voice will 're-racialise' the country in a speech Linda Burney describes as 'disinformation'. *ABC News*, 22 May 2023, https://www.abc.net.au/news/2023-05-22/peter-dutton-says-indigenous-voice-will-re-racialise-the-country/102378700
5. Nicholas Biddle; Matthew Gray; Ian McAllister and Matt Qvortrup, M. (2023) *Detailed analysis of the 2023 Voice to Parliament Referendum and related social and political attitudes*. ANU Centre for Social Research and Methods (2023) https://csrm.cass.anu.edu.au/research/publications/detailed-analysis-2023-voice-parliament-referendum-and-related-social-and
6. See, e.g., Christoph Richter and Matthias Quent, 'Democracy under stress: Right-wing success at the German Parliamentary Elections: Socio-economic and political-cultural influences', in *Stifled progress–International perspectives on social work and social policy in the era of right-wing populism*, ed. Kerry Dunn and Jörg Fischer (Opladen, Berlin & Toronto: Barbara Budlich, 2019); Quinn Slobodian, *Crack-up capitalism: Market radicals and the dream of a world without democracy* (Random House, 2023).
7. Audra Simpson, *Mohawk Interruptus: Political life across the Borders of Settler States* (Durham: Duke University Press, 2014); Leanne Betasamosake Simpson, *As We Have Always Done. Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017).
8. Rauna Kuokkanen, *Restructuring Relations: Indigenous Self-Determination, Governance and Gender* (New York: Oxford University Press, 2019).

9. On recent developments in the Norwegian Sámi Parliament, see Eva Josefsen, 'Sámi Political Shifts: From Assimilation via Invisibility to Indigenization?', in *The Routledge Handbook of Indigenous Development*, ed. Katharina Ruckstuhl et al. (New York: Routledge, 2022).

10. Ken S. Coates and W.R. Morrison, 'From Panacea to Reality: The Practicalities of Canadian Aboriginal Self-Governance Agreements', in *Aboriginal self-government in Canada: Current trends and issues*, ed. Yale Belanger (Saskatoon: Purich, 2008); Stephen Cornell, 'Remaking the tools of governance: Colonial legacies, indigenous solutions', in *Rebuilding Native nations: Strategies for governance and development*, ed. Miriam Jorgensen (Tucson: University of Arizona Press, 2007); Stephen Cornell, Catherine Curtis, and Miriam Jorgensen, *The concept of governance and its implications for First Nations. A report to the British Columbia regional Vice-Chief, Assembly of First Nations*, Native Nations Institute for Leadership, Management and Policy (Tucson, Ariz., 2003); Joyce Green, 'Decolonisation and Recolonisation in Canada', in *Changing Canada: Political Economy as Transformation*, ed. Wallace Clement and Leah F. Vosko (Montreal: McGill-Queen's University Press, 2003); Erich Steinman, 'The Contemporary Revival and Diffusion of Indigenous Sovereignty Discourse', *American Studies* 46, no. 3/4 (2005).

11. United Nations, *Declaration on the Rights of Indigenous peoples*, United Nations General Assembly (New York, 2007).

12. Iorns, Catherine J. 1992. 'Indigenous peoples and self determination: Challenging state sovereignty'. *Case Western Reserve Journal of International Law* 24 (2): 199–348.

13. Melinda Hinkson and Jon Altman, 'Lurching between consensus and chaos: Shades of Populism in Australian Indigenous Affairs'. In Bruce Kapferer and Dimitrios Theodossopoulos (eds.) *Democracy's Paradox: Populism and Its Contemporary Crisis*. (New York: Berghahn Books, 2022), 74.

14. Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1995); Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford: Oxford University Press, 2007).

15. See, for example, Michael A. Murphy, 2008. 'Representing Indigenous Self-Determination'. *The University of Toronto Law Journal* 58 (2): 185–216. http://www.jstor.org/stable/20109843; Dylan Lino, 2016. 'What Is Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples'. *Indigenous Law Bulletin* 8 (24): 3–9; and Rauna Kuokkanen, 2019. 'At the intersection of Arctic indigenous governance and extractive industries: A survey of three cases.' *The Extractive Industries and Society* 6 (1): 15–21.

16. Iris Marion Young, *Justice and the politics of difference* (Princeton, N.J.: Princeton University Press, 2011).

17. Young, *Justice and the politics of difference*.

18. ibid.

19. Kymlicka, *Multicultural citizenship.*

20. Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*, (Oxford: Oxford University Press, 2001).

21. Kymlicka, *Multicultural Odysseys.*

22. Glen Coulthard, *Red skin, white masks: Rejecting the colonial politics of recognition* (Minneapolis: University of Minnesota Press, 2014).

23. Kuokkanen, *Restructuring Relations: Indigenous Self-Determination, Governance and Gender.*

24. Mudde, Cas, and Cristóbal Rovira Kaltwasser, *Populism: A Very Short Introduction*, (Oxford: Oxford University Press, 2017), 80–81.

25. Patrick Wolfe, *Traces of history: Elementary structures of race*, (London: Verso, 2016), 32.

26. Wright, Alexis, (2016), 'The Northern Territory is a failed state', *The Sydney Morning Herald*, 1 August, https://www.smh.com.au/opinion/the-northern-territory-is-a-failed-state-20160729-gqgf8w.html

27. See, for example, Duncan Ivison, Paul Patton, and Will Sanders, eds. 2000. Political theory and the rights of indigenous peoples. Cambridge: Cambridge University Press.

28. Elisabeth Bakke and Nick Sitter, 'The EU's Enfants Terribles: Democratic Backsliding in Central Europe since 2010', *Perspectives on Politics* 20, no. 1 (2022), https://doi.org/10.1017/

S1537592720001292; Pippa Norris, Is western democracy backsliding? Diagnosing the risks, March 2017, Harvard Kennedy School, Cambridge, MA.

29. See, for example, Amy Gutmann and Dennis F. Thompson. 2004. *Why Deliberative Democracy?* Princeton, NJ: Princeton University Press; and John Rawls 1993. *Political Liberalism*. New York: Columbia University Press.

30. Patrick Macklem, *Indigenous Difference and the Constitution of Canada* (Toronto: University of Toronto Press, 2001).

31. Young, *Justice and the politics of difference*.

32. ibid.

33. Simpson, *As We Have Always Done*: 45–46.

34. Catherine Lu, *Justice and Reconciliation in World Politics* (Cambridge: Cambridge University Press, 2017), 257.

35. Young, *Justice and the politics of difference*.

36. Lu, *Justice and Reconciliation in World Politics*, 109.

37. Duncan Ivison, *Can liberal states accommodate Indigenous peoples?* (Cambridge: Polity 2020), 6.

38. Kuokkanen, *Restructuring Relations: Indigenous Self-Determination, Governance and Gender*.

39. Strakosch, *Neoliberal Indigenous Policy*, 22.

40. Young, *Justice and the politics of difference*.

41. For example, Christine Littleton, 1987. 'Reconstructing Sexual Equality.' *California Law Review* 75 (July): 1279–337; Joan Scott, 1988. 'Deconstructing Equality-versus-Difference: Or the Uses of Post-Structuralist Theory for Feminism'. *Feminist Studies* 14 (Spring): 33–50; and Donna Haraway, 1990. 'A manifesto for cyborgs: Science, technology, and socialist feminism in the 1980s'. In *Feminism/Postmodernism*, ed. Linda J. Nicholson, 190–233. (New York & London: Routledge).

42. Martha Minow, 'Learning to live with the dilemma of difference: Bilingual and special education', *Law and Contemporary Problems* 48, no. 2 (1985); Martha Minow, 'Justice Engendered', *Harvard Law Review* 101, no. Nov. (1987); Martha Minow, *Making All the Difference* (Ithaca: Cornell University Press, 1990).

43. Morgan Brigg, Mary Graham, and Martin Weber, 2021. Relational Indigenous systems: Aboriginal Australian political ordering and reconfiguring IR. *Review of International Studies* X, 4. https://doi.org/10.1017/S0260210521000425.

44. Cf. Ernesto Laclau and Chantal Mouffe, 'Hegemony and Socialist Strategy', (London and New York: Verso, 1985), 166–71; Frank Cunningham, *Democratic theory and socialism* (Cambridge: Cambridge University Press, 1987), 186–99; James W. Nickel, 'Equal opportunity in a pluralistic society', *Social Philosophy and Policy* 5, no. 1 (1987).

45. Young, *Justice and the politics of difference*.

46. ibid.

47. Elizabeth Strakosch, *Neoliberal Indigenous Policy: Settler Colonialism and the 'Post-Welfare' State* (London: Palgrave Macmillan, 2015), 2.

48. Young, *Justice and the politics of difference*; see also Anne Phillips, 'Feminism and Republicanism: Is This a Plausible Alliance?', *Journal of Political Philosophy* 8, no. 2 (2000), https://doi.org/10.1111/1467-9760.00103.

49. Young, *Justice and the politics of difference*.

50. Ibid.

51. Kuokkanen, *Restructuring Relations*.

52. Rauna Kuokkanen, 'The problem of culturalizing indigenous self-determination: Sámi cultural autonomy in Finland', *The Polar Journal* 14, no. 1 (2024), https://doi.org/10.1080/2154896X.2024.2342125: 161.

53. Sheryl R. Lightfoot, 'Indigenous Rights in International Politics: The Case of "Overcompliant" Liberal States', *Alternatives: Global, Local, Political* 33, no. 1 (2008).

54. Simpson, *As We Have Always Done. Indigenous Freedom through Radical Resistance*. 45–46.

55. Kuokkanen, 'The problem of culturalizing indigenous self-determination: Sámi cultural autonomy in Finland', 149.

56. Kuokkanen, 'The problem of culturalizing indigenous self-determination: Sámi cultural autonomy in Finland', 162.
57. Kuokkanen, 'The problem of culturalizing indigenous self-determination', 151.
58. Simpson, *As We Have Always Done,* 48–9.
59. ibid*,* 50.
60. Elodie Fache, 'Caring for country, a form of bureaucratic participation. Conservation, development, and neoliberalism in Indigenous Australia'. *Anthropological Forum* 24, No. 3 (2014), 271.
61. Brennan Sean, Larissa Behrendt, Lisa Strelein & George Williams, *Treaty* (Sydney: The Federation Press, 2005), 32.
62. Megan Davis, 'A right that is fundamental to our aspirations', *Koori Mail*, 28 November 2012, 24.
63. Sana Nakata, 'On Voice and finding a place to start'. *Indigenous Constitutional Law*, 3 March 2021, https://www.indigconlaw.org/sana-nakata-on-voice-and-finding-a-place-to-start
64. Louise Clegg, Vote No for the Voice and an end to identity politics. *Australian Financial Review*, 1 October 2023, https://www.afr.com/politics/federal/vote-no-for-the-voice-and-an-end-to-identity-politics-20230928-p5e8gl
65. Kuokkanen, 'The problem of culturalizing indigenous self-determination'.

Disclosure statement

ORCID

Rauna Kuokkanen http://orcid.org/0000-0002-6720-5962
Sarah Maddison http://orcid.org/0000-0003-4641-2396