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# Enhancing Self-determination and Capacity-Building: Online Voting in the Indigenous Communities of Canada, Australia and the Unites States

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**Abstract.** Although Indigenous communities in many European settler-states have experienced acknowledgment of their status and been increasingly granted the right to administer their own affairs, imposed western-style systems of governance have often proved unviable in their context. However, in some cases communities have utilized these policies as an impetus to regain agency over their lives and the land that they inhabit. In Canada, First Nations have been increasingly drawn to the use of digital technologies to strengthen community connectedness and improve political participation. In particular, internet voting has been utilized to mitigate the challenges of collective decision making that many communities are facing. As Canadian cases have shown that internet voting was able to positively impact the degree of self-determination and capacity building, the question arises as to what extent the deployment of internet voting in the Indigenous communities of other jurisdictions can yield similar results. A cross-comparison of Indigenous self-governance in Canada, Australia and the United States of America shows that Indigenous communities are often facing similar obstacles to effective governance that can be over-come by new means of political participation. The identification of the three underlying factors of self-governance framework, political participation, and social geography serve as an analytical tool that guides the cross-comparison. The resulting analysis demonstrates that, albeit significant similarities between the Indigenous populations, self-governance and the deployment of online voting therein is impacted by differing legislation and socio-political factors.

**Keywords:** self-governance, online voting, Indigenous communities, Australia, Canada, United States of America

## 1 Introduction

Since the beginning of European colonization, the Indigenous peoples of the Americas, Australia and New Zealand have been subject to policies of displacement and enforced assimilation that often resulted in cultural extrusion and genocide. Although many have experienced acknowledgment of their status over the course of the 20th century, most legal frameworks established in the respective settler states have practically reaffirmed colonial sovereignty over Indigenous communities. This applies especially to financial and territorial reimbursements paid to Indigenous people but also pertains to early

policies of self-determination, which by imposing western-style systems of administration often proved unviable in the Indigenous context. While it is arguable that the adoption of European forms of governance presented a continuation of historic wrongs, in some cases communities have utilized these policies as an impetus to push “into a paradigm of negotiation which assumes the political or legal authority of Indigenous communities to represent their members and to control resources” (Ford & Rowse, 2012, p. 3). For instance, Ford & Rowse (2012) argue that the neoliberal withdrawal has enabled Indigenous communities to mediate between resource extracting corporations, thereby creating opportunities for enhanced capacity-building.

Within the last decade, Canada and its sizable Indigenous population have continually provided examples of such developments where progressive legislation in combination with new means of collective decision-making are enabling Indigenous communities to overcome previous obstacles to successful self-determination and capacity-building. In particular, the cases of the Whitefish River Nation (WFRN) and the Wasauksing First Nation (WFN) and their deployment of online voting (OLV) for the ratification of the new matrimonial real property law (MRP) and the 2017 Land Code vote, respectively, have showcased the potential benefits of digital voting technology for strengthening political participation and modernizing Indigenous self-governance (Gabel et al., 2016a; Budd et al., 2019). While the WFRN and WFN experiences only present a small sample size of Indigenous existence and the Canadian legal framework is distinct from other settler states, many communities in other jurisdiction face similar challenges of being increasingly targeted by corporate resource extraction and diminishing administrative capacities. Therefore, the question arises as to what extent the deployment of OLV in the Indigenous communities of Australia and the United States of America (USA) can yield similar effects on communal capacity-building and self-determination. The question of a potential applicability to these jurisdictions suggests itself not only because of their shared characteristic of being colonial settler-states, but also because all three have a common law legal system and a similar federal framework. Additionally, the choice of comparing Canada, the USA and Australia and not including additional jurisdictions with sizable Indigenous populations, such as New Zealand<sup>1</sup>, Mexico or various South- and Latin-American countries, was made because, in contrast to other settler-states, OLV has been trialed and used in multiple local and regional elections in all three of the selected countries. Although public opinion and acceptance of OLV in the three jurisdictions differ from one another, it is feasible that the respective experiences facilitate the adoption of OLV for the purpose of Indigenous self-governance. Hence, the focus of the article is on OLV deployment in self-governance, rather than Indigenous participation in the federal system of the respective countries.

To answer the aforementioned research question, in section 2 the author will first re-examine the cases of the WFRN and WFN and the respective case studies by Gabel et

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<sup>1</sup> While the Indigenous population in New Zealand has no officially recognized self-government framework and are instead given special representation in the federal system, Local Maori communities have already utilized OLV in their local iwi elections. For instance, Te Korowai o Ngāruahine Trust, which is the post-settlement governance entity for Ngāruahine iwi, offered OLV next to traditional voting channels for their 2020 Board and Trustee Elections (Te Korowai o Ngāruahine Trust, 2020)

al. (2016a) and Budd et al. (2019). In doing so, the underlying factors and circumstances that were able to produce the positive outcomes in regards to self-determination and capacity building are going to be identified. In particular, it will be shown that the assessment of the Canadian experiences highlights the need to compare the three Indigenous communities across the three underlying factors, namely: the legal framework of Indigenous self-governance, the political participation in Indigenous communities, and the social geography of the respective populations. Thereafter, the USA (in section 3.1) and Australian (and 3.2) legal frameworks, as well as the contemporary situation of their Indigenous populations, will be examined and analyzed on their potential to yield similar results through the employment of OLV. Eventually, the last two sections of the paper will provide a summary of the findings (section 4) as well as concluding points of references for future research (section 5).

## 2 Indigenous Existence in Canada

For most parts of the 19th and 20th century, Canadian Indigenous affairs have been governed through the *Indian Act* of 1876, a piece of legislation that has for the time of its enactment sustained the colonial and paternalistic character of Indigenous-state relations. Although the *Indian Act* of today entails certain aspects of self-governance, such as the right to elect community chiefs and councils and the authority to pass by-laws, it only allows for a limited form of local governance with little regard to the respective circumstances of individual communities (Abele & Prince, 2006). Principally, the Act covers to main aspects of Indigenous-state relations. First, it determines the legal status of Indigenous individuals, which is defined through descendants. It was only in 1985 that amendments finally terminated previous regulations that fostered assimilation through not granting the native title to descendants of mixed Indigenous/non-Indigenous couples<sup>2</sup>. Secondly, the Act defines the rights, obligations, and functions of Indigenous communities. Moreover, the Acts describes the way in which communities can be created and governed. Generally, self-governance is only partially envisaged, as Indigenous governments remain accountable to the Crown-Indigenous Relations and Northern Development Canada and Indigenous Services Canada and the designated reserve lands cannot legally be owned by a community or its members (Flanagan et al., 2010).

However, since the end of the 20th century alternative paths to self-governance have come into existence. Based on section 35 of the 1982 Constitution Act, the Inherent Rights Policy of 1995 has led to the launch of self-government negotiations between individual First Nations and the federal government. Contrasting previous legislation, self-government agreements bestow communities with law-making authority in a broad range of matters from governance and socio-economic development to health and education (Alcantara & Davidson, 2015). In addition, communities can enter established agreements or initiate their own negotiations and agreements. However, in order to opt into self-governance, the negotiated agreement needs to be approved by community

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<sup>2</sup> The *Indian Act* and *First Nations Election Act* specifically pertain to First Nations, and not Metis or Inuit communities, which are other Indigenous populations in Canada.

vote which needs to entail an approval of at least 25% of the respective community's electorate (Goodman & Pammet, 2014, p. 215). Although more than 30 communities have already made the transition into self-government agreements and several others are in the process of negotiation, most of Canada's 617 First Nations are still governed under the framework of the *Indian Act* (Goodman & Pammet, 2014).

In addition to the *Indian Act*, the *First Nations Elections Act* came into force in 2015 as a result of negotiations between the Government and First Nation leaders from across Canada. The aim of the Act was to provide First Nations with a stronger, more effective framework of governance by, among other things, introducing longer office terms and allowing for advance polling. However, adoption of the *First Nations Elections Act* are optional, and have to be initiated by First Nation Council resolution. The current form of both Acts still requires communities to achieve relatively high participation rates, which in the light of a geographically dispersed population and generally low political participation can present a significant obstacle to effective decision-making, as they have often done so in the past (Gabel et al., 2016b). This has meant the path to more effective governance is rendered continuously complicated for communities lacking administrative capabilities. Nonetheless, it needs to be noted that in 2018 amendments to the *Framework Agreement on First Nation Land Management* were passed that allow First Nations to set their own participation thresholds or choose a simple majority for the passage of Land Code Agreements, thereby providing an opt out for the land management sections of the *Indian Act* and the *First Nations Elections Act*.

While there are several factors at play that prevent Indigenous communities from entering self-government agreements, it is arguable that low political participation rates prevent willing communities from achieving the required 25% approval rate to opt into the *First Nations Elections Act*. Moreover, low participation rates in Indigenous affairs are generally hampering collective decision-making and self-governing capacities even when needed agreement and self-administering frameworks are already given. While low participation rates are often attributed to general distrust of the Indigenous population towards state and federal institutions, it is argued that a lack of community connectedness stemming from a growing off-reserve population is likely to be most decisive (Alport & Hill, 2006). While OLV arguably has the potential to alleviate some of the described obstacles of decision-making in Indigenous communities, it can only do so indirectly and under certain circumstances. Both the *Indian Act* and *First Nations Elections Act* regulations only allow for the use of postal and stationary paper polling and outlaw the use of OLV for referenda and election of representatives. However, the deployment of OLV is not prohibited for community polls and ratification votes such as the ones discussed in this section (Budd et al., 2019, p. 211).

Both the WFRN and WFN serve as exemplary experiences for the circumstances that many Canadian Indigenous communities face in their pursuit of self-governance. At the time at which the research had been conducted by Gabel et al. (2016a) and Budd et al. (2019), off-reserve population of the WFRN as well as that of the WFN made up for a considered share of the total population, of up to one third, with ca. 400 of the WFRN's 1,200 (equivalent to 33%) and 369 of the WFN's 1,090 member (34%) residing outside of their respective reserves (Gabel et al., 2016a, p. 4; Budd et al., 2019, p. 215). Further, at the time of writing, both communities are governed under the framework of the

*Indian Act* and both had, prior to the employment of OLV, struggled with low participation rates (Gabel et al., 2016a; Budd et al., 2019). However, it shall be noted that with the WFN's adoption of the Land Code, the First Nation is now only partially governed under the *Indian Act*, as the Land Code present an opt-out of the *Indian Act*'s land management provisions.

In the case of the WFRN, OLV technology was employed for the ratification of the new Matrimonial Real Property Law (MRP). The law itself presented an important piece of legislation for the property rights of Indigenous women and the self-governance capacities of the WFRN more generally, as it was intended to replace persisting inequalities in matrimonial law of the *Indian Act*. OLV was provided both as the channel for early voting and as an additional channel to paper ballots on election day. In the case of the WFN, OLV technology was used for the vote on the passing of Land codes, an integral part of the First Nations Land Management Act that is sought to replace sections of the *Indian Act* regarding the management of reserve lands. In this case, OLV was solely offered as an early voting method, additionally to mail-in ballots in the ratification vote of the WFN's newly drafted land code. As such, they present an important contribution to Indigenous governance and capacity building as they allow communities to regain control over their lands and resources.

As for all ratification administered under the *Indian Act*, both communities were required to achieve a quorum of 25% approval rate, which in both instances was successfully reached. However, uptake of internet voting in the WFRN was significantly differing from that in the WFN: while votes cast via internet in the WFN land code ratification accounted for 30% of the votes, only 12% of the votes cast in the WFRN's ratification of the new MRP were cast via internet (Gabel et al., 2016 p. 9; Budd et al., 2019, p. 216). Nonetheless, as in both cases the quorums for minimum participation were only barely met, it is arguable that the vote cast via internet played an important part in preventing a failure of the ratification votes. Although it is feasible that those who have voted online would have utilized another voting channel if OLV had not been made available, it nevertheless can be assumed that OLV technology facilitated the success of the ratification votes.

**Table 1.** Comparison of the WFN's and WFRN's ratification votes

	WFN's Land Code Ratification	WFRN's MRPL
Population Size	1,090	1,200
Size of off-reserve population	369 (34%)	400 (33%)
Mandated quorum	25% approval	25% approval
Use of OLV	As early voting method	As early voting method and on election day
Participation rate	26%	27%
Proportion that voted via OLV	30% of all votes cast	12% of all votes cast

Moreover, Gabel et al. (2016) and Budd et al. (2019) hold that the employment of OLV improved community connectedness and facilitated political participation more generally as it enabled the involvement of members who are living off-reserve or change residency frequently. In addition, community leaders were reported to find OLV a cost-effective way of keeping off-reserve member engaged and informed. Besides the direct benefits of OLV, Gabel et al. (2016) noted that the use of OLV indirectly led to the advancement of self-governance capacity as it successfully contributed to the passage of the respective pieces of legislation. Most importantly, however, the adoption of OLV presented an empowering process in and of itself that ultimately fosters community autonomy (Gabel et al., 2016, p. 222). Considering the fact, that such advantages were made evident by the use in ratification votes only, it seems feasible that extending the use of OLV to elections of representatives and referenda will prove beneficial to communities as well. Although many of the communities governed under the *Indian Act* and the *First Nations Elections Act* are still excluded from such deployments of OLV, Goodman & Pammett (2014) point out that already more than half of 617 First Nations in Canada are governed under the self-government agreements and custom and community election codes that make a wide-ranging use of OLV possible.

### **3 Indigenous Self-determination in Australia and the United States**

Having revisited Indigenous OLV experiences in Canada, three underlying factors can be identified as having played a significant role in enabling the positive effects stemming from the employment of OLV technology. First, without an existing legal framework that acknowledges the inherent right to self-governance, Indigenous self-governance would not exist nor could it be positively impacted by OLV. Second, the social geography of communities that are often widely dispersed with growing off-reserve populations creates a need for community connectedness that can be addressed by OLV technology. Third, low rates of political participation paired with high participation requirements, which are aggravated by the social geographies, create a hindrance to collective decision-making that can be overcome by the employment of OLV.

In order to identify the extent to which the employment of OLV can yield similar effects in Australia and the USA, the situation of their respective Indigenous population is going to be analyzed in the following section. Hereby, the three underlying factors identified in the previous paragraph will serve as guidance for the analysis

#### **3.1 Indigenous Self-Determination in Australia**

Although Australia as a post-colonial settler state exhibits similar characteristics to those of Canada, the evolution of Australia Indigenous affairs is differing in significant ways to that of its Canadian counterpart. Acknowledging the historic wrongs committed against Australia's Indigenous population, the Australian State has taken various measures to compensate Indigenous people for the mistreatment they have experienced over the past centuries. While granting Aboriginal and Torres Strait Islander People a

native title that is accompanied by Land rights and other forms of cultural protection, the Federal state does not view the Indigenous population as a political separate entity and thus fails to grant Indigenous peoples the right for self-governance (Vivian et al., 2017). Moreover, after officially distancing themselves from early policies of assimilation, the path chosen by the federal administration was that of providing Indigenous groups with channels of political representation within the white mainstream society rather than establishing independent Indigenous system outside of it. Over the course of the second half of the 21st century, these channels of representation took on various forms of differing competences, with most of them having been discontinued by following administration. Examples of such bodies include the Department of Aboriginal Affairs (1972-1990), the National Aboriginal Consultative Committee (NAAC) (1972-1985), and the most recent Aboriginal and Torres Strait Islander Commission (ATSIC) (1990-2005) (Perkins, 2008). While the Department of Aboriginal Affairs was more of a public service with Indigenous employees than a representational body, the NAAC as well as the ATSIC consisted of Indigenous representatives elected by Aboriginals in the 36 regions of Australia to (Patterson et al., 2017).

As the ATSIC was eventually abolished and merged with the Department of Families, Community Services and Indigenous Affairs, Indigenous communities started to seek out other mechanisms of self-determination. In South Australia, for example, the Nation of the Ngarrindjeri people has made numerous political efforts that resulted in constructive and beneficial relationships between their people and state and regional governments (Vivian et al., 2017, p. 217). Additionally, the Gunditjmara People of Victoria are using democratic mechanisms to attend to their peoples' needs and have negotiated several agreements with the state government to advance their self-determination in regards to cultural heritage, land and resource use (Vivian et al., 2017, p. 217). Most notably, however, the amicable attitude of the state of Victoria towards its Indigenous population resulted in the creation of the Victoria's First People Assembly (VFPA). Although the VFPA is not responsible for the negotiation of treaties, its main objective is the creation of a treaty negotiation framework as well as rules and processes by which a treaty can be agreed in Victoria (VFPA, 2019).

Despite the regional character of Indigenous politics in Australia, it can be argued that approaches like those followed by the VFPA ultimately contribute to the advancement of self-determination and Indigenous governance. However, even if new channels of representation are being created, the general lack of political participation among Australia's First People presents a challenge of similar magnitude. Ever since the extension of the franchise to Indigenous Australian in the 1960s, voter mobilization has been difficult to achieve. This is partly due to socio-economic reasons, but similar to their Canadian counterpart, many Aboriginal Australians are wary of participating in the Anglo-Australian political system and view doing so as a continuation of institutional assimilation (Hunt et al., 2008). For instance, in 2020 only 76% of Indigenous Australians were registered to vote, in comparison to 96% of the general population (AEC, 2020.) Moreover, it is arguable that a general distrust of the Indigenous population led to the low participation rate in the VFPA election, where only 2,000 of the eligible 30,000 Indigenous voters cast their vote (Towell, 2019).

Despite growing number of Indigenous Australians, the issue of underrepresentation is aggravated by the socio-geographical characteristics of the Indigenous population, which is widely dispersed Australia's territory and thus varies greatly from state to state (ABS, 2018). While the in the Norther Territory Indigenous population present about 20% of the regional population, they only make up for less than one percent of Victoria's population. Additionally, the migratory pattern further complicates political organization and collective decision-making. For example, between 2011-2016 45% of Aboriginal and Torres Strait Islander people moved their residency, with many of them moving from one state or territory to another (ABS, 2016). Although there is a general trend of migration to urban areas, almost 20% of the Indigenous population continues to live in remote areas (ibid).

### 3.2 Indigenous Self-Determination in The United States

The development of Indigenous-state relation in the USA is similar to that in Canada, and thus differs significantly from the Australian approach to Indigenous and settler coexistence. While the first centuries after the colonization of the territory that now comprises the USA was generally characterized by hostility towards the Indigenous population, there was a gradual move away from cultural suppression and assimilation towards recognition and self-determination<sup>3</sup>. Although the passage of the Indian Reorganization Act in 1934 foresaw an extension of Indigenous governance and a strengthening of Indigenous communities, the succeeding administrations terminated most special relationship and agreements between communities and the federal government and implemented assimilationist policies such as mandatory boarding schools and other forms of governmental paternalism (Strommer & Osborne, 2014). It was only after the increased activism for civil rights in the 1960s that the concepts of Indigenous sovereignty and self-determination began to characterize Indigenous-state relationship. Thus, the passage of the Indian Self-determination and Education Assistance Act (ISDEAA) in 1975 is widely regarded as the key-legislation that laid the foundation for self-determination and the state to state character that coined Indigenous affairs ever since.

Most importantly, the ISDEAA acknowledges the status of Indigenous peoples as First Nations and their inherent right for sovereignty. Moreover, the Act grants communities the right "to assume the responsibility, and associated funding, to carry out programs, functions, services and activities that the United States government would otherwise be obliged to provide to Indians and Alaska Natives" (Strommer & Osborne, 2014, p. 4). As a consequence, First Nations of today are legally authorized to administer their own healthcare and social services, determine matters of education, religion and infrastructure. Additionally, Indigenous governments are given the authority to administer the use of Indigenous lands and the extraction of resources through third parties, which significantly contributes to the economic capacity of Indigenous

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<sup>3</sup> It shall be noted that the circumstances and legal matters described in section 3.2 only pertain to Indigenous population in the contiguous USA, and no to the Indigenous peoples in Alaska, Hawaii and Samoa. Affairs regarding Alaska, Hawaii and Samoa Indigenous peoples are each governed by separate legislation.

communities and thus furthers their economic and ultimately political autonomy. Nonetheless, although recognized communities retain their political sovereignty, their status is similar to that of federal states as they receive financial assistance from the federal government and are bound by and subject to some aspects of federal law (Johnson & Hamilton, 1994).

In comparison to their Canadian counterpart, In the USA Indigenous communities enjoy sovereignty in a much wider array of policy areas. Many communities have established their own state organs and political bodies that are not limited to resource and land-management, but also include Indigenous courts, law enforcement agencies and first responders (Johnson & Hamilton, 1994). However, probably the most distinctive feature of Indigenous governance in the USA is that in contrast to Canadian First Nations, collective decision-making within the communities is not bound to electoral codes or federally mandates quorums. Stubben et al. (2005) note that although a majority of communities are still governing themselves through European-style of democratic decision-making their understanding of politics is still heavily influenced by traditional practices of direct democracy and unanimous decision making

As of today, there are 6,8 million Indigenous people living in the USA, with 566 federally recognized communities presiding over the lives of their members in 35 federal states (US Census, 2020). While most of the communities have a population of fewer than 10,000, some nations such as the Navajo People or the Cherokee have more than 200,000 members (Navajo Nation, 2020; Cherokee Nation, 2020). The most populous communities have established electoral commissions and regularly hold elections for position such as chief, deputy chief as well as regional and local councils. For instance, the elections of the Cherokee Nation are held on a specific day and conducted through walk-in polling stations that are on reserve or at specifically assigned polling stations across the country (Cherokee Nation, 2020).

Despite the relatively well-established systems and self-governance, achieving adequate political representation remains a challenge for many Indigenous nations. Despite the widespread use of information and communication technology, many struggle to maintain sufficient community connectedness as over 75% of the total Indigenous population is living outside of jurisdictional boundaries of their nations (Milke, 2020).

#### **4 Cross-Comparison of Canadian, Australian and US-American Self-Governance of Indigenous Communities**

Having explored the state of Indigenous existence and the varying degrees of self-determination in the Australian and US-American settler state, the following last section of the paper will compare their respective features to the situation of Canada's First Nations in order to come to conclusions about the potential applicability of OLV in the Australian and USA contexts. Hereby, the focus will be on the preconditions identified in section 2, so as to guide the cross comparison of the three jurisdictions. More specifically, the goal of the comparison is to determine the degree to which Australian and US-American Indigenous peoples exhibit the characteristics that facilitated the positive effects of OLV for Canadian First Nations.

#### 4.1 Legal Frameworks of Indigenous Self-Governance

First, the legal frameworks and policy approaches towards the respective Indigenous populations of the three settler states shall be compared. In Canada, although Indigenous peoples are officially recognized and granted the right to administer their own affairs, federal legislation directed at First Nations is still limiting the self-determination and capacity-building of many communities. This is mainly due to the remnants of colonial legislation, such as the *Indian Act*, that exhibit paternalistic and assimilationist characteristics. While the self-governance of many communities remains to be regulated under the *Indian Act*, there has been a gradual move towards the adaption of legislation that mitigates and compensates for the systemic injustices of the existing framework. Moreover, past and on-going negotiations have resulted in the drafting of new self-government agreements that present an opt-out of the *Indian Act* and provide communities with the opportunity to create self-governance structures in accordance with their own values and principles. The cases of the WFRN and WFN can be regarded as first-hand experiences of this advancement in self-governance and capacity building.

Similar to Canada, the US Government's policy approach towards Indigenous people is characterized by recognition of the Indigenous status and acknowledgement of the right for self-governance. The US-American legal framework grants Indigenous communities many of the rights and competences that are also given to Canadian First Nations under the *Indian Act*. Moreover, the degree of autonomy granted through the ISDEAA exceeds that of Canadian communities. Most notably, Indigenous self-governance in the USA is not limited by federally imposed election codes, which arguably facilitates collective decision-making and therefore allows for a higher degree of self-determination.

On the other hand, Australia's legislation and policy approach towards its Indigenous population stands in stark contrast to that of Canada and the United States. Although the Australian state acknowledges the native title and grants Australian First People cultural protection and settlement rights, there is no legal framework that grants Indigenous communities the right to govern themselves as distinct political entities. Instead of presenting a channel for self-determination, Indigenous representation in the form of regional councils solely presents a channel of co-determination within the existing settler society.

#### 4.2 Political Participation

Next, the political participation and the general acceptance of imposed self-governance structure shall be compared. In Canada, political participation of the Indigenous population in Indigenous as well as federal affairs is differing widely across the individual communities, but in most instances turnout rates are far below the non-Indigenous average. While low participation rates present a significant challenge to effective decision-making in First Nation governance, self-determination is additionally impeded by inadequately high election quorums mandate through federally imposed election codes. While in Australia there is generally no nation-wide framework for Indigenous self-governance and hence no mandated election quotes that would hamper collective

decision-making, local efforts of community organization struggle to attract the attention of the Indigenous population and further suffer from low participation rates. In this regard the VFPA is paradigmatic, as during its first general elections the participation rate did not exceed 7% of the eligible voters (VFPA, 2019).

The situation among Indigenous people in the USA, on the other hand, seems to be differing from that of Australia's first people and Canada's First Nations. While the participation of Indigenous citizens in state and federal election is generally below the average of other non-Indigenous groups, the research conducted over the process of writing this essay has not produced any relevant indication that self-governing communities are suffering from comparable lack of participation. Moreover, as Indigenous people in the USA are granted the right to determine their own election codes, collective-decision making is not bound to externally imposed participation quorums that complicate effective self-governance.

### 4.3 Social Geography

Lastly, the social geography of Indigenous communities shall be compared. In the case of Canada, high shares of the Indigenous population residing off-reserve as well as a high seasonal mobility of community members aggravated collective decision-making and therefore provided the circumstances in which the employment of OLV proved to be profitable. While in the WFRN and WFN around two thirds of the population was still residing on Indigenous lands, in the whole of Canada only 44% of all First Nation members are still living on their designated reserve lands (Milke, 2006).

The analysis of Australian and USA communities has shown a similar situation of community connectedness. In Australia, the vast majority of the Indigenous population is dispersed over the urban areas of the various federal states, with only 20% remaining in the remote areas traditionally inhabited by Australian first people (ABS, 2016). Additionally, Australia's Indigenous population is highly mobile, with 45% having changed their place of residency in the period between 2011 and 2016 (ABS, 2016). Under these conditions, it is arguably obvious that community connectedness is difficult to sustain and collective action and decision-making are challenging undertakings for Indigenous communities. Moreover, similar to Canada, the vastness of the Australia territory and great distances between individual rural and urban settlements further complicate such matters.

Indigenous communities in the USA as well have not been spared from urbanization and the dissemination of their population over the territory of the federal states. With 75% of Indigenous residing out of their respective jurisdictions, community connectedness is challenged in a similar way to that of Canadian and Australian communities. However, it can be argued that despite the geographical vastness of the US territory, a more densely developed infrastructure as well as measures of remote voting are able to mitigate the effects of population dispersion more effectively than in Canada or Australia.

**Table 2.** Comparison of the preconditions in Canada, The USA and Australia

	Canada	USA	Australia
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Legal Framework	Allows for comprehensive self-governance	Allows for comprehensive self-governance	Does not allow for any form of self-governance
Social Geography	Highly dispersed; Significant off-reserve population	Highly dispersed; Significant off-reserve population	Highly dispersed
Polit. Participation	Low participation rates	No information	Low participation rates

## 5 Conclusion

Having evaluated and compared Indigenous self-governance in the United States, Australia and Canada, the following section summarizes the findings in order to come to a conclusion about the applicability of OLV technology in the self-governance of US-American and Australian Indigenous communities. More specifically, the objective of the preceding analysis was to determine the extent to which an employment of OLV in Australia and the USA could yield similar positive results on self-determination and capacity building. As the author has determined, the three underlying factors of the social geography of Indigenous communities, low political participation and existing legislation of self-governance to be most decisive in providing the necessary circumstances under which Indigenous communities could benefit from the employment of OLV technology, the following conclusion is based on the existence of these factors in Australia and the USA.

The analysis of the state of Australia's Indigenous population has shown that local Indigenous communities exhibit similar social geographies. Indigenous communities in Australia are often widely dispersed over the different federal states with a sizable share living in urban metropolitan areas, which hampers community connectedness and aggravates collective decision-making. Additionally, political participation of the Indigenous population is often significantly below that of the average settler population, while turnout rates for local council election, such as the pioneering Victoria's First People Assembly fail to exceed 10%. However, the lack of a legal framework that grants Australia's First people the right to govern themselves, presents a considerable obstacle to Indigenous self-determination and the advancement thereof. Although the existence of low community connectedness and low participation rate speak for the utilization of OLV technology, the lack of a designated self-governance structure in which such technology could be employed, call the potential of OLV for Australia's First Peoples into question. However, it is perceivable that once a legal framework of self-governance has been implemented, Australia's Indigenous communities could benefit from the use of OLV. In such a case, Australia's geographical make-up and the demographics of its Indigenous population would render traditional voting via polling stations and mail-in ballots burdensome for small communities with limited resources.

In the United States, the social geography of the Indigenous population is similar to that of Canada's First Nations and Australia's First People. Only 25% percent of the Indigenous people in the USA still reside on the reserve land of their respective Nations,

which present a challenge to collective decision-making. While some of the more populace communities have remote voting channels in place to accommodate for their off-reserve electorate, it is perceivable that for smaller communities, elections present a considered administrative and financial burden. Although research into Indigenous communities on US territory has not revealed any issues with low participation rates, it is arguable that an employment of OLV technology could yield benefits for their degree of self-determination. More specifically, since US-American legislation on Indigenous self-governance is similarly comprehensive as the Canadian framework, it is perceivable that the utilization of OLV technology could lead to more effective decision-making that ultimately contributes to the advancement of self-determination and capacity building. Although it can be argued that OLV's effect on self-determination will not be as far-reaching as for Canada's First Nations, as there is no need to achieve participation thresholds in order to extend Indigenous autonomy, OLV can nevertheless facilitate the participation of Indigenous individuals residing off community lands in the USA.

Finally, the legitimacy of Indigenous institutions in all three jurisdictions, be they federally recognized or only of regional character, could benefit from an increased political participation and interest of their respective populations. While previous studies have shown that OLV only leads to moderate increases in turn-out rates (Goodman & Stokes, 2018), there has been no research on the participation rates of electorates with significant shares of remote voters. The question whether or not the deployment of OLV can lead to noticeable increases of participation rates is still lacking sufficient data backing and hence needs to be addressed in future research. As OLV is thought to make the voting process easier and more comfortable it is conceivable that OLV could lead to increase of participation among the sizable off-reserve population of Indigenous peoples. Further, taking on a pioneering role in the adaption of OLV and modernizing collective decision-making might be able to provide an identity-establishing and empowering process which ultimately benefits the self-determination and capacity building of Indigenous communities. However, it shall be noted that potentially positive effects of OLV, would predominantly impact Indigenous communities that were able to adopt western-style governance system. Hence, it seems unlikely that the employment of OLV has a similar effect in Communities for which western-style systems of governance have proven unviable in the past.

Nevertheless, a potential employment of OLV in an Indigenous context is dependent on a multitude of factors of which only a few have been explored in this paper. Among others, it still needs to be clarified to which extent participation of electorates with high shares of remote voters, such as Indigenous communities or migrant countries, is impacted by OLV. On a more general note, it needs to be stressed that issues and challenges experienced by Indigenous communities in Canada, the USA and Australia also exist in other settler-states where Indigenous peoples are striving for recognition and self-determination. Most notably, Indigenous peoples in New Zealand, Greenland, Peru as wells Columbia, have been granted different forms of self-governance and political representation and thus the potential benefits of OLV for those communities should be included in deliberations for future research.

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