

# What is “Good Indigenous governance”?

## **Introduction**

Before you read on you need to know that this is not an intellectual paper prepared for a thesis. It is not supported by “other peoples” research, nor are there references to books or articles developed by other authors. It is my opinion based on my now not insubstantial experience in working with Maori organisations and their governing bodies.

I don’t therefore hold this out as a seminal piece of work from which others should take direction. I do however hope that it will stimulate reasoned discussion by indigenous groups considering setting themselves up as a “formal legal entity” and hope that the end result will more suit their needs as a result of that discussion, than the models that have been used up to this point.

## **So what is it?**

Let’s start by looking at the key words in the question.

**Good.** Is described as having desirable or positive qualities especially those suitable for a thing specified

**Indigenous.** According to the Chairperson of the United Nations Working Group on Indigenous Populations, Ms. Erica Irene Daes, Rapporteur of the Working Group, does not provide a specific definition, as this was because *“historically, indigenous peoples have suffered, from definitions imposed by others”*

An indigene is literally someone or something that is native to or originating from a given place. Therefore, when indigenous is used purely as an adjective, an indigenous people is a group or culture regarded as “coming from” a given place. In this broad sense almost any person or group is indigenous to some location or other.

The International Labour Organisation (Convention No. 169, concerning the working rights of Indigenous and Tribal Peoples, 1989) applies to:

*“both tribal peoples whose social, cultural and economic conditions distinguish them from other sections of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations, and to peoples who are regarded as indigenous on account of their descent from the populations which inhabit the country at the time of conquest or colonisation. “*

The World Bank (operational directive 4.20, 1991) reads as follows:

*“Indigenous Peoples can be identified in particular geographical areas by the presence in varying degrees of the following characteristics: a) close attachment to ancestral territories and to the natural resources in these areas;*

*b) self-identification and identification by others as members of a distinct cultural group; c) an indigenous language, often different from the national language; d) presence of customary social and political institutions; and e) primarily subsistence-oriented production.”*

**Governance.** Is described as the system by which business and transaction systems are directed and controlled. Structure of the governance system specifies the distribution of rights and responsibilities among different participants in the system such as managers of partner firms and other stakeholders. The governance structure also spells out mutually agreed rules and procedures for making decisions on business affairs.

If we were then to role these up again then the definition of “good indigenous governance” could look like: ***“A system of desirable or positive qualities by which business transactions are directed and controlled by tribal peoples whose social, cultural and economic conditions distinguish them from other sections of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations, and to peoples who are descendants from the populations which inhabit the country at the time of conquest or colonisation”.***

This has however added another term, that of “business”. So what is business? It has been described as “the production of goods or services for profit” If we add that to the mix the definition could look like ***“a system of desirable or positive qualities by which the production of goods and services for profit are directed and controlled by tribal peoples whose social, cultural and economic conditions distinguish them from other sections of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations, and peoples who are descendants from the populations which inhabit the country at the time of conquest or colonisation”.***

### ***Desirable or positive qualities***

This seems to be a major sticking point in the discussions I have been involved in around good indigenous governance. Who determines what is “desirable” or “positive”?

There tends to have been a “one model fits all” approach to Governance in most New Zealand literature on this topic. This is likely to have been driven by the fact that the “production of goods and services for profit” is also dominated by one model. There is the owner and or investor who own the business because of the capital contribution. There is then the “worker” who invests time and energy into the business for an immediate return of cash. The “owner” however may have to take a longer term view in relation to getting returns. Arguably the risk to the “owner” is also higher than that to the worker because the “owner” generally has to put up the money to get the business started. This generally is seen to be a “desirable or positive” way of producing goods or services, or at least the most accepted as this “is the way we do it around here”.

### ***Social and Economic conditions.***

The issue seems to be that whilst it is OK to have ***a system of desirable or positive qualities by which the production of goods and services for profit are directed and controlled*** the problem is that this has failed to recognise that the businesses are owned and operated by indigenous people ***whose social, cultural and economic conditions distinguish them from other sections of the national community.***

There is no vehicle by which they are able to have ***a system of desirable or positive qualities by which the production of goods and services for profit are directed and controlled*** which reflects the fact that their ***social, cultural and economic conditions distinguish them from other sections of the national community.***

### ***So we are now left with the Cultural conditions.***

In our definitions above these, along with ***the social and economic*** conditions are the things which distinguish indigenous people from the rest of the population.

I would suggest that these ***cultural conditions*** are the foundation upon which the social and economic conditions of a society are built. Once the cultural conditions have been established, usually through generations of trial and error until there are a set of norms which work for most of the people, most of the time, from this stems the “rules” of the society which in turn informs the economic model.

This has then worked fine for hundreds of years adapting to subtle changes in the environment or society, but in general the model has remained the same. Then entering the mix is a different ***culture*** with different ***social and economic*** conditions. Where the difference has been relatively minor both of the cultures have tended to evolve and develop similar ***social, cultural and economic conditions*** which has allowed them to maintain most of their distinguishing characteristics, and be able to relate to each other well.

The problem has been where the “other” culture’s social and economic conditions have been significantly different from that of the indigenous people.

### ***New Economic conditions***

The “new” culture has tended to have been the one with “superior “ technology, and in more recent history, usually based around the refinement and use of metallic substances, which has often manifested itself in superior weapons. The indigenous people now want to possess some of the technology and so employ their current economic model to do so. This was usually based around a simple barter system. The new culture also used to have this system so understands it and so the transactions can begin with little change having to be made by either party.

This however must impact on the economic conditions of the indigenous people because the relative value of things, starts to radically change. Items considered by one culture to have little or no value are considered by the other to be of high value,

and slowly but surely the economic model of the indigenous people starts to shift towards that of the “new” culture. Barter starts to disappear and businesses start to appear. You have employers and employees, banks, promissory notes etc. starting to become part of the economic model of the indigenous people.

### ***Interdependency***

Our definition states that indigenous people are ***tribal peoples whose social, cultural and economic conditions distinguish*** them from others. This suggests that cultural, economic, and social conditions are somehow interlinked and that a change in one will force a change in another.

If this is the case then as the new economic model is being adopted by the indigenous people other changes are also taking place. I would contend that the first place that these changes start to manifest themselves at in the “social” area. This I would suggest was most evident in the spiritual norms of the indigenous people. One of the unknown conditions of the economic model being implemented by the indigenous people was the strong influence of religion. While religion had a moderating affect on some of the possible extremes of a completely open free market economic model (the repugnance of slavery etc) there was an associated social cost. There were new “gods” to worship and the old ones were no longer acceptable to these new gods.

Importantly these new gods, through their earthly spokespeople, demanded that there be social changes. These manifested themselves in everything from the style of worship to the style of dress of the “new” culture.

No longer does the “word” of then paramount chief of the culture commit the whole group to an action or promise. Mana changes to money.

### ***The “New” cultural conditions.***

Culture has been described as ***“the way we do things around here”***. This is driven by a set of shared values of the people. If this is the case then “the way indigenous people now do things around here” has significantly changed since the contact with the “new” culture.

If the culture is driven by a set of shared values, it follows that as the culture changes there will inevitably be changes to the shared values which underpin it. The changes I would contend, happen thus:

- The economic conditions change as the indigenous culture adapts to be able to acquire some of the perceived advantages of the “new” culture.



- The economic model of the new culture comes with “strings attached” which drives social changes.



- The economic and social changes slowly but inexorably bring about cultural changes

Eventually the two cultures begin to look the same, with one tending to dominate the change, by making less accommodations than the other (Colonisation).

### ***The assumption of “cultural change”***

When one set of cultural norms tend to dominate the social landscape, there is often an assumption that the “other culture” has changed. This is generally an inaccurate portrayal of what has actually happened which is that the “other culture” has simply become less visible. In an attempt to preserve some of its more important **social, cultural and economic conditions** the culture has adopted a “dual face”. One face represents the culture that the dominant group expects to see. This is often represented in most of the social norms and covers everything from religion to social groupings. In the context of this paper however the most important adaptation is that of “business”. The indigenous culture adapts to the business models of the dominant culture as a simple expeditious means of managing the management of a completely foreign, capitalist based economic system.

This is not a change to the indigenous culture, but simply an add on to achieve a particular outcome. In much the same way as putting on another set of clothes does not change the person, only how they look to others.

### ***Key Indigenous issues***

The indigenous culture has a system of bestowing merit (status, social position etc) on its members, who in turn become their leaders. This is generally because of the actions of the individual, or the actions of their ancestors. The concept of royalty, or chieftainship is a good example of this system. It is important for the purposes of this paper to note that the **actions** of the individual are important in establishing and maintaining that status.

It is also important to recognise that there is an obligation on the people who bestow the “status” on the individual not to create a situation where that individual behaves in a manner which will reduce that status in the eyes of others. One reason for this is that the credibility of the group in the eyes of others is measured on the credibility of the groups leaders (Chiefs, Kings etc). Another is that the overall social cohesion of the group is dependant on good leadership, and effectiveness of the individual leaders is entirely dependant on their credibility.

Essentially the group (culture, society) appoints its leaders on account of their (and their ancestors) actions. This appointment takes time, as it takes time to build the necessary credibility to be suitable to have the status given to the individual. It is usually also important for the actions of the individual to be tested over time to

ensure that the behaviour is consistent, and not just one off. For this reason those who are given the leadership role and the attendant status are generally older more “mature” “experienced” members of the society.

This model has served the indigenous societies well for unknown generations.

### ***So what happens when you add a foreign system?***

As I have pointed out above, the economic model has been introduced by the dominant culture and is an add on to the indigenous one. There are no established “tests” in the indigenous culture, developed over time, to assess the worthiness of individuals to take on a leadership role so how do they measure the merit of their business leaders?

The one encouraged by the dominant culture is theirs. After all they believe, from experience, that it works well for them. Yes there have been a few “hiccups” in the model, Enron, Anderson, most of the wealth of the world owned by less than 500 families etc. but they believe that it works and therefore “encourage” indigenous groups to emulate it. “Encouragement” takes many forms from a simple suggestion to a “unless you do it this way you will not get “X””. “I am sorry but our bank cannot loan on multiply owned land” because we can’t take it if you don’t pay the money back as I suspect you mightn’t.

The Crown also plays the same games as it obviously represents the dominant culture in a Democracy, and requires that indigenous organisations be formed in a particular way before they are afforded legal recognition and all of the trappings that attracts.

In these circumstances the “want to be organisation” takes a pragmatic (and safe) approach which is a difficult marriage of the “foreign systems” requirements and their own closely held cultural norms.

### ***What does this look like?***

In a word **Cumbersome**. The organisation tries to appear that it represents a wide variety of constituents. This means that it generally has a large number of “elected representatives” who have a place on the governing body, sometimes in my experience up to 25 people.

These representatives have been elected by constituents usually to represent very local views or interests, rather than the collective interest of the organisation itself. The impact of this is that meetings tend to focus on relatively minor “operational” issues of interest to one or two of the members, rather than strategic issues which should be of interest to all of the members and the people they represent.

Because the focus is local and “operational” the constituents tend to elect people whom they believe have an in-depth knowledge of these specific issues. These people more often than not are the sort of persons I have identified above. The people who have over time established credibility in their own immediate group

through their own actions and sometimes through the actions of their ancestors. The local “Chiefs”.

The governing body then is elected by local constituents because they have demonstrated their ability to address local issues. Because the local constituents have demonstrated their faith in these individuals by electing them to this office, the individuals have to demonstrate that they were worthy of that faith, by doing what they have been elected to do, address local problems. This however is often at the expense of strategic issues facing the collective. As most if not all of the members of the group are all doing the same things strategic direction is lost in pursuit of local issues of interest.

### ***The bigger problem***

If this lack of strategic focus is not serious enough, there is a more serious problem caused by this model in my opinion. It relates to the status of the individuals elected to these positions. Over time some people will come to realise that the organisation is functioning like a sailboat without a tiller. It is moving but the direction it is moving in is random and undirected and will be influenced by the winds and tides. The organisation is doing the same. It is doing “things” and is usually very busy at it, however these things will be influenced by political changes, the whims of people with the power, and in the worst cases by unscrupulous people with only self interest at heart, simply because they have failed to set a sound strategic direction, and decisions making process. This issue then leads to a move to replace the members of the committee with other people, sometimes younger people, who are seen to be more business oriented or have a strategic focus, or simply because their interest is the flavour of the month for the constituents.

Another issue which will have the same or similar result is time. The people on the committee were usually older members of the society (that was how they got to be chiefs) and as such their knowledge becomes dated and their ability to take on some of the more rigorous activities associated with business is compromised by this.

If we take it as true that people elected to represent others will always endeavour to give the best and not shirk their responsibility, then as long as they believe that they are doing this they will not resign their position. If we also take it that they are the “chiefs” amongst their people it is unlikely that their people will diminish their status by asking them to stand down. Finally it is unlikely that younger people will put themselves forward to “replace” them in a democratic process because that act, is successful would diminish the status of their “chief” (Leader) which would be inappropriate in the cultural context. The diminishing of the status of the “chief” is the diminishing of all of the followers.

I would therefore suggest that not only does the current model of indigenous governance fail to provide ***“a system of desirable or positive qualities by which the production of goods and services for profit are directed and controlled by tribal peoples whose social, cultural and economic conditions distinguish them from other sections of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or***

**regulations, and peoples who are descendants from the populations which inhabit the country at the time of conquest or colonisation”** it in fact sets up a situation where indigenous organisations are very likely to end up with too many of the wrong people elected for the wrong reasons to carry out the wrong tasks, and not being able to replace them.

### **So what could work?**

If we are looking for a **“a system of desirable or positive qualities by which the production of goods and services for profit are directed and controlled by tribal peoples whose social, cultural and economic conditions distinguish them from other sections of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations, and peoples who are descendants from the populations which inhabit the country at the time of conquest or colonisation”** why does it have to be based on the model of the dominant culture? Why can't it be based on the indigenous model, after all it seems to have worked fairly well in the past, pre “colonisation”.

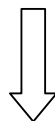
What would happen if we took all of the best bits of an indigenous model and grafted on some from the “business model” for transparency and acceptability by those with the power? What would that look like?

I suggest that it could look very simple. The representation of the constituents could be from the indigenous model. They have already picked their leaders through a very robust process where the ability of the leaders to deliver has been tested time and again.

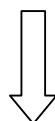
The gap between their knowledge, in a knowledge economy however is a significant area of risk. This can be mitigated by them simply appointing people with the requisite knowledge skills and experience to the governance body of the entity. This way they have control over the individual's performance on the body, and can make sure that the views of the constituents are advocated but they don't have to take responsibility for the final decisions.

In practice it could look like this.

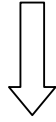
The senior members of the collective (tribe etc) gather annually. The tribal council.



They appoint chosen people to provide the direction to the “business entity” the collective is running, based on very specific requirements (the Board). Not unlike an appointment process to a job. These people are answerable to the Council for their actions.



This Board (5 or 7) should be enough, then develop the strategic objectives of the organisation with the council to ensure that it reflects the wishes of the constituents that the Council represents.



This is transmitted to the “business” of the organisations and from there the managers of the business’ develop business plans to be approved by the Board and get on with running the operation in accordance with the approved plans.

***So what does this do that the current model does not?***

Firstly it ensures that the status of the people on the Council is never compromised by the actions of the “business” or by a foreign concept, democracy.

Secondly it ensures that the people appointed to Govern (the Board) are selected because of the knowledge and ability in governing a business, not leading a tribe, which are vastly different things.

Thirdly there is much clearer role definition possible between the governance of the organisation, and management.

Finally it is likely to get more engagement from the constituents as it will be seen as their model, operating their way, rather than just another business.