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Policy Brief

In Search of Common Ground: Reconciling the IOG Governance Principles and First Nations Governance Traditions

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The Institute On Governance (IOG) is a Canadian, non-profit think tank that provides an independent source of knowledge, research and advice on governance issues, both in Canada and internationally.

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Introduction

The term ‘reconciliation’ has gained much currency in speaking of the need to heal the relationship between Aboriginal peoples and non-Aboriginal people in Canada. The Truth and Reconciliation Commission will soon begin its work to uncover the full effects of the residential school system on Aboriginal peoples. As a symbolic gesture of reconciliation, on June 11, 2008, the Prime Minister of Canada issued an historic apology to former students of residential schools and their families, stating: “Today, we recognize that this policy of assimilation was wrong, has caused great harm, and has no place in our country.”¹

This policy brief appears in a spirit of reconciliation, seeking to carry the theme into the realm of governance traditions and principles. Understanding ‘reconciliation’ in the literal terms of its Latin root of *conciliare*, ‘to bring together,’ the brief is based on a longer paper of the same name.²

It is organized as follows. After presenting what the Institute On Governance has called universal principles of good governance, it proposes a set of traditional First Nations governance principles as extracted from the work of certain Aboriginal authors.³ It compares and contrasts the two sets of principles, then returns to the contemporary context to offer some thoughts on how reconciliation might be advanced in the sphere of governance via a process of ongoing dialogue, mutual recognition and mutual influence.

¹ “Apology to Former Students of Residential Schools,” *Hansard* June 11, 2008.

² Jodi Bruhn, “In Search of Common Ground: Reconciling the IOG Governance Principles and First Nations Traditions,” Institute On Governance (April 2009).

³ As a note on the scope, this policy brief examines primarily the governance principles of First Nations prior to contact and refers only briefly to governance traditions of the Métis. It does not draw on the governance traditions of the Inuit, although its observations on First Nations may hold in large measure for the Inuit as well.

Before moving to governance principles, however, a few words on governance and the need for good governance as such.

Governance, Good Governance

Governance occurs in a variety of contexts, whether in a family, in the boardroom of a corporation or not-for-profit, or at the community, regional, national or even global levels. Whatever the context, governance involves the more strategic aspects of steering and comprehends the *processes, rules, institutions and traditions* that guide decision-making.⁴ Critically, no collective human endeavour can occur without governance.

How might governance be perceived from an Aboriginal standpoint? As only one of many examples, Thomas Tso, first Chief Justice of the Supreme Court of the Navajo Nation states:

When people live in groups or communities, they develop rules or guidelines by which the affairs of the group may proceed in an orderly fashion and the piece and harmony of the group may be maintained. This is true of the Navajos. As far back as our history can be verified and further back into the oral traditions of our origins, there is a record of some degree of formal organization and leadership among the Navajos.⁵

All societies have governance. The question, therefore, is not whether a society wants governance or not but what form it should take. Various forms can function well—with the right one depending on factors including geographic and economic circumstances,

⁴ John Graham, Bruce Amos and Tim Plumtre, “Governance Principles for Protected Areas in the 21st Century,” Institute On Governance (June 2003), 2–7.

⁵ Cited in Manley A. Begay, Jr., Stephen Cornell, Miriam Jorgensen, and Joseph P. Kalt, “Development, Governance, Culture: What Are They and What Do They Have to Do with Rebuilding Native Nations?” Miriam Jorgensen (ed.), *Rebuilding Native Nations: Strategies for Governance and Development* (Tucson: University of Arizona Press, 2007), 41.

technological level and socio-cultural needs and ends. Hunter-gatherer societies will remain small and mobile, relying on rules, institutions and traditions instilled from childhood and enforced through such practices as chiding and shunning. Larger, complex and sedentary agricultural societies will rely on more formal codes, procedures and institutions. Some governance forms grant power to a single chief or monarch; others check power by dispersing authority among several leaders or institutions.

Whatever the governance form, the crucial thing is that it should work well. This point has been made by researchers at the Harvard Project on American Indian Economic Development, who see ‘cultural match’ as a key to strong tribal governance. Yet they also see *de facto* sovereignty, capable governing institutions, strong leadership and a strategic orientation as equally crucial to ensuring good governance for tribes and First Nations.⁶

For its part, the IOG has long based its research and advisory work on five principles of good governance. These were derived from a longer set of principles developed by the United Nations Development Programme (UNDP) working internationally. As Appendix A indicates, at least two of the IOG principles are firmly rooted in the Universal Declaration of Human Rights. Briefly, the principles are:

1. **Legitimacy and Voice:** both internal and external actors perceive the central governing body to have the power, means and recognition that it governs by right. All men and women have some voice in decision-making.
2. **Direction:** there is strategic perspective on collective development, along with a

clear sense of what is required to achieve it.

3. **Performance:** collective institutions should serve stakeholders effectively and services rendered should be of good quality, responding to the needs of recipients.
4. **Accountability:** there are mechanisms by which leaders answer to citizens on how they exercise their powers and duties and accept responsibility for failure, incompetence or deceit.
5. **Fairness:** there is impartial and equitable application of the rule of law, manifested in sound legal and regulatory frameworks, adequate dispute resolution and due process.

With the UNDP, the IOG has stated that its governance principles are universal—that is, they apply to all contexts, whether in the board room of an NGO, a global institution like the United Nations, or a First Nations community. That said, such factors as history, culture and technology will figure large in how societies put these principles into practice. Accountability will assume a very different form in the public institutions of the European Union, for example, as compared to an indigenous village in Africa. Yet the principle of accountability will remain the same in both cases.

The Inevitable Question

Here is where the unease begins. For some, principles like legitimacy, direction, accountability, fairness and performance appear fairly neutral and prompt little disagreement. Yet the descriptions reveal certain assumptions. The direction principle, for example, assumes that a society is headed somewhere and should steadily improve—an assumption that may conflict with the more cyclical self-understanding of indigenous societies. The fairness principle assumes legal, regulatory and judicial frameworks worked out to a high degree of

⁶ 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 (August 2003).

sophistication. Yet many indigenous societies based on less formal institutions and oral traditions may not have such frameworks.

Beyond such assumptions, there are also what some Aboriginal people may perceive as omissions. The IOG's UNDP-based principles make no mention of bonds among community members, for example, or to the land or the Creator. In this vein, Larry Chartrand, former director of the Aboriginal Self-Governance Program at the University of Winnipeg, once raised the following concern:

Speaking of *universal principles of governance* can inadvertently use ideas and practices that are “Western” in tradition. This has been the case involving governance research both in Canada and internationally. Of course, there are common tenets between Aboriginal and non-Aboriginal conceptions of good governance, but other values, such as efficiency, are more problematic when applied to Aboriginal communities.⁷

Chartrand resisted the notion of universal principles of good governance, suggesting instead a continuum whereby contemporary Aboriginal societies might share some but not all Western governance principles.

The longer paper on which this policy brief is based probes the sources of the IOG's UNDP-based principles from the Universal Declaration of Human Rights, to the historical experiences that gave rise to it, to the key concepts of popular sovereignty and limited government in Anglo-European political thought. It concludes that the origins—although not necessarily the applicability—of the international principles are in fact mainly Western. The paper then

⁷ Larry Chartrand, cited in “Towards a New Aboriginal Governance Agenda (TANAGA), 2004–2005 series.” Notes on the First Roundtable Meeting, September 21, 2004. Available at <http://www.iog.ca>.

turns to governance principles that might have emerged from the Aboriginal side.

Traditional First Nations Principles

What we call traditional principles of First Nations governance prior to contact draw from the interpretations of myths and practices by such authors as James Youngblood Henderson, John Borrows, Taiaiake Alfred, Thomas King and Olive Patricia Dickason.⁸ In presenting them, a crucial caveat is in order. Non-Aboriginal authors with no Aboriginal language skills can by no means provide the last word on possible principles of traditional Aboriginal governance. On the other hand, we can still attempt as far as possible to understand the ideas on their own terms—and this in order to begin to “cobble together an acceptable intercultural language,” much as James Tully described in his classic work on constitutional dialogue, *Strange multiplicity*.⁹

With that caveat in mind, the following are proposed key principles of First Nations governance prior to contact:

1. **Attunement:** a principle requiring the community to maintain a keen sense of its fit within the Whole. The universe is alive with interrelated forces that are manifested not only in humans but in the surrounding natural world. A key task of human governance is to fit within and help maintain this order.

⁸ James Youngblood Henderson, *First Nations Jurisprudence and Aboriginal Rights: Defining the Just Society* (Saskatoon: Native Law Centre, 2006); John Borrows, “Indigenous Legal Traditions in Canada,” *Report for the Law Commission of Canada* (January 2006); Taiaiake Alfred, *Peace, Power Righteousness: An Indigenous Manifesto* (Oxford: Oxford University Press, 1999); Thomas King, *The Truth About Stories: A Native Narrative* (Anansi Press: Toronto, 2003); Olive Patricia Dickason, *A Concise History of Canada's First Nations* (Toronto: Oxford University Press Canada, 2006).

⁹ James Tully, *Strange multiplicity: Constitutionalism in an age of diversity* (Cambridge: Cambridge University Press, 1995), 133 ff.

2. **Responsive, responsible leadership:** a principle including both obligations to the community and to the living spaces it inhabits. Whether leadership is earned, learned or inherited, a vigorous leader with a high moral standard is crucial to survival.
3. **Harmony:** a principle implying both decision-making that seeks consensus and a web of reciprocal obligations. Good relationships among member families and with neighbouring groups are imperative to survival.
4. **“We Help Ourselves.”** Drawing from the Mohawk word *tewatatowie*,¹⁰ a principle stating that the people must take care of themselves and the land they live on. It entails both cohesion within the group and an irrevocable bond with the land.
5. **Respect:** a quality required in all relationships: for leaders, in and among communities, for the Creator and for plants, rocks and animals. Shunning carelessness, this principle entails sanctions against acts of disrespect or inattention.

The five principles just proposed embody major themes arising from a sample creation myth discussed in the longer paper as well as the works of the Aboriginal authors just mentioned.

Some might offer that the traditional governance principles, with their talk of harmony and respect, imply the existence of a romantic Aboriginal idyll prior to contact. But this critique would miss the mark. As with the international principles outlined earlier, any principles discerned in First Nations traditions articulate a guide or touchstone for good governance rather than a description of historical practice. Warfare among tribes did occur, as did disputes

within them. Divergence from principles in practice does not discount their overall validity, however—no more than it would on the non-Aboriginal side.

Others may query whether shared principles can even be derived from governance forms as diverse as those of Coast Salish, Huron, Iroquois, Mik’maq, or Plains Cree. The response to this draws on Olive Dickason and others, who state that Amerindian civilization throughout the Americas was animated by a unified world view that saw humans “as part of a cosmological order depending on a balance of reciprocating force to keep the universe functioning in harmony.”¹¹ It is this background world view that enables us to speak of indigenous political philosophy, or certain common governance principles underlying what were in fact highly diverse governance forms.

What is unmistakable is that the pre-contact principles just outlined are distinct from the IOG’s UNDP-based ones. But is there any common ground between them? The goal of reconciliation returns us to that question.

Distinct, Equivalent Traditions

Are principles like attunement, respect, responsive leadership, harmony and balance at all compatible with such principles as performance, direction, fairness, legitimacy and accountability? The table in Appendix B indicates a broad equivalence between the two sets of principles—albeit also some crucial distinctions.

Addressing first the distinctions, the most obvious one is the governance context. The IOG principles arose in the context of large societies evincing an extensive division of labour. The principles assume written records and formal political and judicial institutions. Arising from much smaller, oral

¹⁰ See Taiaiake Alfred, cited in *Report of the Royal Commission On Aboriginal Peoples*, Vol. 2, 111–12.

¹¹ Dickason, *A Concise History of Canada’s First Nations*, ix. See also Alfred, who posits a “common bond that makes it possible to speak of a ‘Native American’ political tradition.” *Peace, Power, Righteousness*, xvi.

societies regulated primarily by the checks of family and community, the traditional First Nations principles manifest no such assumptions.

Beyond the context, there is a critical distinction stemming from disparate world views. Perceiving reality as a cosmic whole, the traditional Aboriginal principles depict permeable boundaries between human and spirits, plants, rocks and animals. This is evident in an understanding of governance that entails strong bonds to the land and its creatures on the one hand, and the Creator on the other. The IOG principles assume that the sphere of governance is limited to the socio-political human sphere.¹² Other, related, distinctions appear in Appendix B.

Yet some parallels also emerge. Both sets of principles strongly emphasize fair play and reciprocity. Both require respect for others—the one through social checks and conventions, the other through more formal institutions. Both emphasize a service role for people in public life. Both, finally, emphasize prudent, responsible leadership. On the whole, therefore, the two sets of principles appear to be complimentary in some key respects. And in the areas where they conflict, we will see that there is a great potential for dialogue and mutual correction.

Westernization

The discussion to this point has treated the two traditions as though they had not met in practice. Of course we know they did, with disastrous effects for First Peoples in what is now Canada, as elsewhere in the Americas. Contact was followed by disease, then by colonization and settlement. What Calvin Helin calls the ‘colonial storm’ left First Nations with governance systems that in most cases had little legitimacy to their

¹² In exploring Aboriginal views of ‘government,’ for example, the Royal Commission on Aboriginal Peoples discovered: “Aboriginal people generally view government in a more holistic way, as inseparable from the totality of communal practices that make up a way of life.” *Report of the Royal Commission on Aboriginal Peoples, Vol. 2*, 113.

communities.¹³ First-past-the-post election systems undermined traditional forms of leadership selection. The limited jurisdiction First Nations enjoyed under the *Indian Act* was concentrated at the local community level, no longer balanced by a web of relationships that had existed at the tribal or confederal levels.

Faced by the challenges of governing in a post-colonial context at the outset of the twenty-first century, many First Nations people seek fair, transparent, accountable, participatory governance to improve the well being of their communities.¹⁴ Notably, their call applies not only to their own band governments, but also to federal, provincial and territorial ones—ones Aboriginal people justifiably argue have fallen well short of governance standards of any origin in dealing with them.

Many First Nations governments and organizations draw both on their own traditions and those of a more Western provenance, whether it is basing a health authority on a central traditional Cree value, or drafting a strategic plan on the medicine wheel and planning for twenty years rather than five. Whatever the means, the general approach is to infuse a Western governance form with key Aboriginal principles and thereby to adapt it.

In our view, such an approach is in keeping with the goal of reconciliation. Yet it could hardly be called reconciliation if it involved only Aboriginal governments incorporating Western governance forms.

¹³ See Helin: “Over the period of the colonial storm, what Europeans effectively did was create a gulf between indigenous people and their past—a past which, over this period, became a distant world.” *Dances with Dependency: Indigenous Success through Self-Reliance* (Vancouver: Orca Spirit Publishing, 2006).

¹⁴ *Report of the Royal Commission on Aboriginal Peoples, Vol. 2*, 116.

Indigenization

If genuine reconciliation, the openness to an influence by the other must necessarily be mutual. Fortunately, recent years have witnessed some positive motions in this direction: namely, a glacial yet perceptible indigenization of non-Aboriginal institutions and attitudes.

In Canada, as in all mature Western democracies, the confidence of citizens in their governments has steadily waned in the past fifty years. As a general indicator, turnout for federal elections hovers at 60 percent. Provincial and municipal voter turnout rates are worse still. Beyond this, what many perceive as an unsustainable consumption level and a degraded environment have become key concerns. As disenchantment about our Anglo-European based governments and social practices grows, non-Aboriginal people cast about for alternatives. For their emphasis on consensus, holism and respect for our living environment, governance principles of indigenous peoples present an attractive alternative.

Saskatchewan author Sharon Butala shares the following view:

Many Western Euro-Canadians (myself included) are beginning to think that the indigenous people of this continent have always known things about its spiritual life that we Europeans did not know and are only now beginning to realize that we need to know. In this last I am referring to our relationship with nature....The gifts of Aboriginal people to non-Aboriginal people of the Canadian West have been great ones, which we Euro-Canadians are just now beginning to appreciate.¹⁵

The core ideals of the North American environmental movement provide a striking example of a non-Aboriginal appreciation of

traditional Aboriginal governance principles. Parallel developments are now occurring in the health and justice sectors: governments have begun instituting holistic healing and restorative forms of justice influenced by Aboriginal traditions into their own institutions and practices. Likewise in education: in Western provinces especially, universities have begun adapting even their landscapes and infrastructure to manifest their campuses' growing 'Aboriginality.' Provincial governments have begun to adapt their curricula and teaching methods. In 2008, for example, Saskatchewan introduced mandatory treaty education for K through Grade 12, under the motto: "We are All Treaty People."¹⁶

In the eyes of some commentators, such adjustments reflect what Canada always has been. "We are a métis civilization," John Ralston Saul declared in a recent book, arguing that such quintessentially Canadian policies as multiculturalism and universal health care arose largely through the influence of Aboriginal peoples on the collective unconscious of the nation.¹⁷ In the United States, some American scholars have argued that there was a profound influence of the Iroquois Great Law of Peace on the founders of the American republic. Others point generally to the Indian ideals and images of liberty that so impressed the first settlers that they absorbed them and represented them as uniquely American.¹⁸

The possibility of an influence is present in each case, with the crucial caveat that it is important not to overstate the trend of

¹⁶ Government of Saskatchewan, "Moving Forward with Mandatory Treaty Education," news release of September 15, 2008. <http://www.gov.sk.ca/news>.

¹⁷ John Ralston Saul, *A Fair Country: Telling Truths about Canada* (Toronto: Viking Canada, 2008), 3.

¹⁸ Donald A. Grinde, Jr. and Bruce E. Johansen, *Exemplar of Liberty: Native America and the Evolution of Democracy* (Los Angeles: American Indian Studies Center, 1991); Bruce E. Johansen, *Forgotten Founders: How the American Indian Helped Shape Democracy* (Boston: Harvard Common Press, 1982); Mann, 1491, 375–78.

¹⁵ Sharon Butala, *Lilac Moon: Dreaming of the Real West* (Toronto: HarperCollins, 2005), 77–78.

indigenization. The very call for self-government as a means, at least in part, to reconnect with Aboriginal governance traditions indicates that Canadian public institutions have not yet indigenized in any meaningful way. Moving forward, it is crucial that non-Aboriginal Canadians allow this to occur—and this not merely as a gesture of reconciliation but as a means to enhance, enlarge, and correct our non-Aboriginal practices and institutions as well.

Toward Reconciliation

This policy brief began with the goal of bringing together UNDP-based and First Nations traditional governance principles. It found common ground in a shared emphasis on fair play and reciprocity, prudent, responsible leadership and the central role of service. Yet it also found some irreducible distinctions: the holism of the First Nations governance principles; the greater emphasis on social cohesion and consensus; and the focus of maintaining balance among and within kin groups rather than individuals.

First Nations and other Aboriginal groups will have to determine to what extent their governance structures should embody traditional principles or those of a more Western derivation. Notably, it need not be an either/or decision—as application of any traditional principles will require them to adapt to the contemporary context in any case. As one example of such adaption, it is reflected in a 2008 discussion document by the National Centre for First Nations Governance (NCFNG). Presenting seventeen principles of effective governance from a consciously Aboriginal perspective, the document evinces an increasing incorporation of governance principles of a more Western derivation.¹⁹ With their emphasis on transparency and fairness, for example, or on results-based organizations, accountability and reporting, a number of

the NCFNG principles resonate with those put forward by the IOG.

On the other side, non-Aboriginal policy makers and advisors could strive to include the insights of First Nations governance traditions into Western-based governance principles. ‘Legitimacy’ could entail a stronger emphasis on seeking consensus. ‘Performance’ might ask whether a governance system evinces respect for its living environment. The direction principle may provide a larger role for community cohesion and attunement to external factors. Undoubtedly, points of tension can be expected. If addressed under conditions of mutual respect, however, such tension is ultimately healthy, allowing enrichment of evolving governance traditions on both sides.

The recent prime ministerial apology was unqualified, providing the opportunity to turn a historical page. As governments at all levels work to achieve a new relationship with First Nations, non-Aboriginal publics might allow our Euro-Canadian traditions to be enriched. Above all, we might hope for the advent of genuine reconciliation—this time in the sense not only of “showing to be compatible” but of restoring friendly relations through respectful yet critical dialogue. Understood in this light, the Truth and Reconciliation Commission has the opportunity to make crucial first step.

It is our hope that it will take it.

¹⁹ National Centre for First Nations Governance, “Principles to Support Effective Governance: Discussion Document” (Summer, 2008), 8 ff.

Appendix A: The Basis of the IOG Good Governance Principles in the Universal Declaration of Human Rights

| Human Rights Principles and Good Governance | | |
|--|------------------------------|--|
| IOG Principles | UNDP Principles | United Nations Universal Declaration of Human Rights |
| Legitimacy & Voice | Participation | <ul style="list-style-type: none"> ▪ “Everyone has the right to freedom of opinion and expression...” (Article 19) ▪ “Everyone has the right to freedom of peaceful assembly and association” (Article 20) ▪ “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives” (Article 21) ▪ “Everyone has duties to the community...” (Article 29) |
| | Consensus Orientation | <ul style="list-style-type: none"> ▪ “The will of the people shall be the basis of the authority of government: this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage...” (Article 21) ▪ “In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society” (Article 29) |
| Fairness | Equity | <ul style="list-style-type: none"> ▪ “All human beings are born free and equal in dignity and rights...” (Article 1) ▪ “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Article 2) ▪ “Whereas the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” (Preamble) |
| | Rule of Law | <ul style="list-style-type: none"> ▪ “Whereas it is essential ...that human rights should be protected by the rule of law” (Preamble) ▪ “All are equal before the law” (Article 7) ▪ “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal...” (Article 10) ▪ “No one shall be subjected to arbitrary arrest, detention or exile” (Article 5) ▪ “No one shall be arbitrarily deprived of his property” (Article 17) |

Comparing Traditional Aboriginal and IOG

Proposed Traditional Aboriginal Principles

Attunement: Gaining and maintaining a clear sense of the community's place and orientation within the Whole—including spirits, land and animals.

Responsive, Responsible Leadership: Acting on the needs of the community; foreseeing both threats and opportunities outside it. Crucial to the survival of the group.

Harmony: Maintaining balanced relations within and among kinship groups. Emphasizes consensus building and reciprocal obligations, including to the Creator and to earth, plants and animals.

Respect: Treat others, including natural objects and animals, with care, respect and attention. Sanctions follow for those who fail to respect the land and its resources. Critical to survival of the tribe.

We Help Ourselves: Maintaining self-reliance of the community based on group cohesion and individual performance of roles. Care for one's own and the land one lives on.

Shared Emphases

- Prudent, responsible leadership
- Premium on service to community
- Respectful, reciprocal relationships
- Strategic thinking about place and role
- Community involvement in decisions

Distinctions

- Context: oral, usually very small societies vs. large, formalized
- Sphere: involves humans, land, animals, Creator vs. human only
- Scope: "our life" vs. government limited to socio-political sphere
- Direction: attunement vs. progress
- Unit: clan, kin, group vs. individual locus of rights

IOG Governance Principles

Direction: Establishing a strategic perspective for collective action; knowing where the community has been, where it is now, and where it wants to go.

Performance: Effectively and efficiently serving the needs of stakeholders. Quality of service and responsiveness to needs also a factor.

Fairness: Upholding equal opportunity, rule of law, sound legal and regulatory frameworks. Requires an independent judiciary and adequate dispute resolution mechanisms.

Accountability: Ensure that officials answer to citizens on how they discharge duties; requires transparency, proper documentation, regular review of leadership, other checks and balances.

Legitimacy and Voice: Both internal and external actors acknowledge the authority of the government when it acts. Emphasizes popular support of the government. Cultural fit is a key factor here.