



In Search of Common Ground: Reconciling Western-based Governance Principles and First Nations Traditions

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Abstract

Prompted by the spirit of the new Truth and Reconciliation Commission, soon beginning its work in examining the legacy of the residential school system, this paper seeks to begin to reconcile the governance principles espoused by the Institute On Governance (following the UNDP) with Aboriginal governance traditions. After discussing fundamental elements of governance and good governance (I) it presents the Institute's five governance principles (II), then probes their origins of the principles in international human rights law, Western political theory and Western historical experience (III). The paper explores some possible First Nations governance principles (IV), suggesting that the two, though distinct, are converging and in fact might complement and correct each other (V). The paper concludes with some thoughts on the requirements of genuine reconciliation.

Table of Contents

INTRODUCTION	1
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I. SOME FUNDAMENTALS	3
GOVERNANCE DEFINED	3
GOVERNANCE FORMS	4
THE CASE FOR GOOD GOVERNANCE	5
II. WHAT IS GOOD GOVERNANCE?	7
GOOD GOVERNANCE PRINCIPLES	7
THE INEVITABLE QUESTION	8
III. PROBING THE SOURCES OF THE PRINCIPLES	10
UNIVERSAL DECLARATION OF HUMAN RIGHTS	10
RECENT HISTORICAL EXPERIENCE	10
MODERN WESTERN POLITICAL THOUGHT	11
THE TROUBLE WITH WESTERN DOCTRINES	13
IV. ABORIGINAL GOVERNANCE TRADITIONS PRIOR TO CONTACT	16
THE HISTORICAL CONTEXT	16
RETURNING TO THE MYTHS	18
SOME HYPOTHETICAL PRINCIPLES	20
V. EQUIVALENT, OVERLAPPING AND CONVERGING TRADITIONS	23
DISTINCT MYTHS	23
DISTINCT YET EQUIVALENT PRINCIPLES	24
CONVERGENCE	27
CONCLUSION: TOWARDS RECONCILIATION	33

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Introduction

The new Truth and Reconciliation Commission is now beginning its work to uncover the full effects of the residential school system on Aboriginal peoples in Canada. That work places fresh emphasis on finally determining the truth, but also on beginning to reconcile Aboriginal peoples and non-Aboriginal governments, churches, and publics. Although such reconciliation has not yet occurred, crucial first steps have—most notably, the official apology to Aboriginal peoples offered by the Prime Minister of Canada. As a symbolic gesture of reconciliation, on June 11, 2008, Prime Minister Stephen Harper 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

The present essay appears in a spirit of reconciliation, a term defined most simply as both “to restore friendly relations between” and “to make or show to be compatible.”² Taking literally the word’s root in the Latin *conciliare*, “to bring together,” the paper attempts to begin reconciling two distinct governance traditions at the level of their fundamental principles—without thereby underplaying their deep distinctions.

Despite its theoretical cast, the paper has a highly practical motivation and cuts to the core of the work the Institute On Governance (IOG) does in its Aboriginal program area. An organization that advises both Aboriginal and federal government decision-makers must ask whether the guiding principles of its work—principles it has identified as universal and fundamental—can apply to Aboriginal governance systems. If they can, how should they apply? What modifications might they require in working with First Nations and other Aboriginal governments and organizations?

In addressing these questions, the essay is organized as follows. It first discusses some fundamental elements of governance and good governance (I) then presents five governance principles based on principles of the United Nations Development Program working internationally (II). The paper then probes the origins of the principles in international human rights law, Western political theory and Western historical experience (III). The section that follows turns to some possible First Nations governance principles, drawing on interpretations of First Nations myths and epic stories by such authors as John Borrows, James Youngblood Henderson, Tom King, Olive Dickason and Alfred (IV). Based on these descriptions, it compares these two distinct governance traditions, suggesting that the Western and traditional indigenous ones are equivalent and converging in certain respects (V). We conclude with some thoughts on how the IOG

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

² *Compact Oxford English Dictionary of Current English*, 3rd revised edition (2005), viewed on July 28, 2008 at http://www.askoxford.com/concise_oed.

principles could apply both to First Nations governments and to other Aboriginal governments and organizations, as well as with some thoughts on the requirements of reconciliation, if it is to be genuine.

As a note on the scope of the paper, it examines primarily the governance principles of First Nations prior to contact and refers only briefly to governance traditions of the Métis. The paper also 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.

I. Some Fundamentals

Turning to the fundamentals of the inquiry, we first ask: “What is governance?”

Governance Defined

There are hundreds of definitions of governance. For its purposes of advice and research, the IOG has distilled the main elements of them. Broadly understood, governance is an ordering of human relationships toward the achievement of collective goals. It can occur in a variety of contexts, whether a family, the boardroom of a corporation or not-for-profit organization, or at community, regional, national and global levels. No matter what the level, governance involves the more strategic aspects of steering, the larger decisions about direction and roles.³

Leaving aside the governance of not-for-profits and corporations for the moment, the *governance* of a society is not identical to its *government*. Governance certainly involves governments, but it also includes actors extending beyond them. Governance, it could be said, involves the *processes, rules, institutions* and *traditions* that guide decision-making authority in a given space.⁴

Speaking of governance at the nation-state level, the World Bank expressly includes not only formal institutions but also traditions as a major component:

Governance consists of *the traditions and institutions by which authority in a country is exercised*. This includes the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them.⁵

From an Amerindian standpoint and speaking of tribal governance, Thomas Tso, first Chief Justice of the Supreme Court of the Navajo Nation, also grounds his conception in tradition:

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 peace and harmony of the group may be maintained. This is true for 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.⁶

³ See here John Graham, Bruce Amos and Tim Plumptre, “Governance Principles for Protected Areas in the 21st Century,” Institute On Governance (June 2003), 2–7.

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

⁵ See <http://info.worldbank.org/governance/wgi2007/home.htm>. Viewed on January 18, 2008. Emphasis added.

⁶ 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.),

As the above definitions indicate, tradition is a powerful influence shaping more formal institutions, rules and processes. Perhaps the most critical thing to note, though, is that no collective human endeavor can be or has been done without governance. The question is not whether we want governance or not but rather, “What kind?”

This question raises the possibility of different governance forms.

Governance Forms

What is the best possible governance form? In the Western political tradition, debates over the ideal governing form or regime have persisted since at least the fourth century BC. Seeking the kind of regime that would conduce not merely to living but to living well and promoting virtue in citizens, the ancient Greek philosopher Aristotle provided a typology of regimes in his treatise, the *Politics*. Aristotle concluded that the “polity,” a blend of oligarchy and democracy aimed at creating a large middle class, is the best realizable form. Yet he also cautioned that no regime form can function well if it does not suit those that live within it.⁷

Unfortunately, this key lesson was soon lost, neglected not only by Aristotle's own pupil Alexander the Great but by the series of imperial invaders that followed—including the European invaders of the Americas. History is rife with instances where one society has imposed its governance form on a population it does not suit. The result is disorientation and even dissolution for the society labouring under it.

Combining the original insight of Aristotle with the testimony of colonized peoples ranging from the Irish and Slavs in Europe to the colonized peoples in Asia, Africa and the Americas, we know that governance systems can and should assume diverse forms. The forms they assume will depend on both the needs and ends of the societies inhabiting them. Hunter-gatherer societies will remain small, relying solely on unwritten rules, institutions and traditions instilled from childhood and enforced through such practices as chiding and shunning. Larger, more complex and sedentary agricultural societies will take elaborate measures to maintain order, relying in cases where writing has developed on codified rules, procedures and institutions. Some governance systems grant power to a single chief or monarch; others attempt to check concentration of power by dispersing authority among several leaders or institutions. Some governance systems require a high degree of homogeneity among members to function; others can do with less—and even assert the promotion of individual liberty as a central good.⁸

Rebuilding Native Nations: Strategies for Governance and Development (Tucson: University of Arizona Press, 2007), 41.

⁷ See Aristotle, *Politics*, Books III and IV. H. Rackam, ed. and trans. Cambridge: Harvard University Press, 1990.

⁸ See, for example, John Stuart Mill in *On Liberty*: “with regard to the merely contingent or, as it may be called, constructive injury which a person causes to society by conduct which neither violates any specific duty to the public, nor occasions perceptible hurt to any assignable individual except himself, the inconvenience is one which society can afford to bear, for the sake of the greater good of human freedom.” *On Liberty*, edited and introduced by Gertrude Himmelfarb (London: Penguin Classics, 1985), 149.

Where various forms can function well, a people's form of governance depends on a host of intermingling factors, whether geographic and economic circumstances, technological level, or the socio-cultural needs and ends of a population—including their traditions.

The Case for Good Governance

The last section suggested that a number of governance forms are possible, with the caveat that the form that evolves or is chosen should fit the society it governs. In the case of Aboriginal peoples, this is a central pillar of the argument for self-determination. Both the Canadian Royal Commission on Aboriginal Peoples (RCAP) and researchers for the Harvard Project on American Indian Economic Development have argued that the ravages of colonialism will abate only when First Peoples can, as far as possible, create, implement and enforce the rules and institutions that govern them. The RCAP is especially insistent on this point. Without the legitimacy, power and resources that are the necessary attributes of good government, the RCAP commissioners see little hope for Aboriginal governments to be effective.⁹

The Harvard researchers presented cultural match as one of the key factors promoting both economic development and well being among tribes in the United States. Building laws, constitutions, dispute-resolution mechanisms, administration and internal policies that tap into Aboriginal political cultures will enhance the legitimacy of indigenous governments. Another key factor is *de facto* self-rule or real decision-making power. The jurisdiction required to govern itself must rest with the band or tribe rather than with outside parties. Further factors the Harvard researchers identified are leadership, strategic orientation, and capable governing institutions.¹⁰ In the words of Cornell and Kalt, "It is not as if a Native nation is guaranteed governing success if all it does is find systems and institutions of self-government that resonate with the culture of the people."¹¹ Regardless of its form, any government can function well or badly:

It is obvious even to the most casual observer that some governments are more effective than others. Some societies have governments that use the rules in creative and effective ways, solving numerous problems, growing their economies, carrying out the functions of government smoothly, and giving their people rich opportunities to live productive and fulfilling lives. Other societies have governments that are confused about their responsibilities and functions, abuse the rules, or even rewrite them so that a few people can enrich themselves at the expense of others. Sometimes governments make such a mess of things that the society itself is threatened with collapse.¹²

⁹ See Royal Commission on Aboriginal Peoples, *Report of the Royal Commission on Aboriginal Peoples, Vol. 2: Restructuring the Relationship* (Supply and Services Canada, 1996), 163–65.

¹⁰ Stephen Cornell and Joseph P. Kalt, "Two Approaches to the Development of Native Nations: One Works, the Other Doesn't," Miriam Jorgensen, *Rebuilding Native Nations: Strategies for Governance and Development* (Tucson: University of Arizona Press, 2007), 20–27.

¹¹ *Ibid.*, 25.

¹² 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). It should be noted that some commentators dispute both the methods and solutions offered by the Harvard researchers. For a review of the critiques, see Tonina Simeone,

On the point of the need for sound governing institutions, the Harvard research converges with international evidence arising from such sources as the World Bank and the United Nations Development Program operating in developing countries.¹³ In the Canadian context, First Nations people share the view that governance matters: as a 2001 Ekos poll of over 1,400 First Nations people indicated, 71 percent agreed that providing tools for good governance would improve the conditions for economic and social development on reserve.¹⁴

To sum up: it is clear that First Nations communities do not merely need self-governance according to their traditions to flourish. As with all human societies, they also require good governance—with what is “good” being defined in part by their traditions, but also by the society’s needs and interests. But what is good governance?

“The Harvard Project on American Indian Economic Development: Findings and Considerations” Parliamentary Information and Research Service, Canadian Library of Parliament (15 November 2007). Summed up: the Harvard researchers are too sanguine about the ability of traditional governance institutions to help promote development in the modern context; they have a “neo-liberal” faith in free market forces; they have advanced their findings on the basis of an unrepresentative sample and without adequate testing for variables such as population size or proximity or access to markets; finally, their findings may be used to legitimate the idea of governments transferring responsibility for solving problems to unprepared Indigenous communities.

¹³ Each organization reports that sound governance is a necessary condition for improving the wellbeing of citizens. See Daniel Kaufmann et al, “Governance Matters,” *World Bank* (August 1999); also United Nations Development Programme, “Human Development Report 2002: Deepening democracy in a fragmented world.” Available at <http://hdr.undp.org>.

¹⁴ “Highlights of First Nations Survey On-Reserve,” <http://www.inac.gc.ca/nr/prs/s-d2001>.



II. What is Good Governance?

The question just raised is in fact the topic of the next three sections. This section examines good governance as the Institute On Governance understands it, deferring discussion of traditional First Nations conceptions to Section IV. It presents what the IOG has identified as five principles of good governance and how they were distilled from nine “core characteristics” identified by the UNDP. It then raises the central point of unease: how can one claim these principles to be universal when they actually prove to have arisen from Western political theory and Western historical experience?

Good Governance Principles

Since at least 1997, the IOG has used five principles of good governance as its touchstone for thinking about and advising on governance issues. Collectively providing an ideal rather than something any one society has ever attained, the principles represent a goal or destination on the unending approach to good governance. They are:

- Legitimacy and Voice
- Direction
- Performance
- Accountability
- Fairness

Described in greater detail, they are:

1. Legitimacy and Voice

The principle requires that the central governing body is perceived by both internal and external actors as possessing the power, means and recognition that it governs by right. Citizens believe in the appropriateness of the governance system and adhere to its rules. Beyond this, all men and women have some voice in decision-making.

2. Direction

The principle prizes a strategic perspective on collective development, along with a clear sense of what is needed to achieve it. Such direction should be based in an understanding of the historical, cultural and social complexities involved; it should strive to determine what is possible based on what is given.

3. Performance

This principle states that collective institutions should serve their citizens effectively and efficiently and that services rendered be of relatively good quality and respond to their needs.

4. Accountability

The principle demands a mechanism whereby officials answer to citizens or other stakeholders on how they exercise powers and duties, act on criticisms or requirements made of them and accept at least a share of the responsibility for failure, incompetence or deceit. It entails proper documentation, transparency, access to information, and checks and balances.

5. Fairness

The IOG interprets the fairness principle as an impartial and equitable application of the rule of law, manifested in sound legal and regulatory frameworks, independence of judiciary functions from political leadership, due process, and adequate dispute resolution mechanisms. It also promotes the notion of equal opportunity for all men and women.

The immediate source of the principles just described is a 1997 document produced by the United Nations Development Program entitled, “Governance and Sustainable Human Development.” That document presented what it called the nine “core characteristics” of good governance. These include: participation, rule of law, transparency, responsiveness, consensus orientation, equity, effectiveness and efficiency, accountability, and strategic vision.¹⁵ To minimize overlap and maximize the analytical value when applying them to practical circumstances, the IOG has condensed the nine principles into five. Appendix A presents a description of the UNDP core characteristics and their relationship to the five IOG principles.

In prior publications, the IOG has stated that its governance principles are universal—that they apply to all forms of governance in all contexts, whether the board room of an NGO, a local community, or a global institution like the United Nations. Following the UNDP, it has stressed that the universal application of the principles. Debates may arise where principles conflict in practical application. Accountability, voice or fairness, for example, may routinely clash in application with performance—where the quickest route to getting things done is usually not the most transparent. In the long run, however, the principles are “mutually reinforcing and cannot stand alone.” Finally, both organizations maintain that the principles or core elements of good governance apply in all contexts where governance occurs.¹⁶

The Inevitable Question

Here is where the unease begins. For some, principles like legitimacy, direction, accountability, fairness and performance appear fairly neutral and seem to prompt little disagreement. Yet the very description of them reveals certain key assumptions informing them. The direction principle, for example, assumes that a given society is “headed”

¹⁵ United Nations Development Programme, “Governance for sustainable development: a UNDP policy document” (1997). Viewed November 20, 2008 at <http://mirror.undp.org>.

¹⁶ See Graham, Amos and Plumptre, “Governance Principles for Protected Areas in the 21st Century,” 7– 11; UNDP, “Governance for sustainable development.”

somewhere and can steadily improve—an assumption that may conflict with the more cyclical self-understanding of many societies and particularly indigenous ones. The accountability principle assumes the need not merely for formal mechanisms through which officials answer to citizens but in many cases also written documentation. The principle of fairness presumes formal legal, regulatory and judicial frameworks that are worked out with a substantial degree of sophistication.

Governance practices based largely on informal and oral traditions face an immediate disadvantage when held up to such standards. Beyond this, the principles make no mention of the strength of the bonds among community members or to either the land or Creator—an omission noted by many First Nations the IOG has worked with.

The issue of the claim to universality arose starkly at the Institute on Governance in 2004, when the Institute held a roundtable series called Towards a New Aboriginal Governance Agenda (TANAGA). After a presentation by a representative of the World Bank on the universal characteristics of good governance, Larry Chartrand, at that time the director of the Aboriginal Self-Governance Program at University of Winnipeg, 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.¹⁷

Chartrand resisted the notion of universal principles of good governance. He suggested instead a continuum whereby Aboriginal societies might share *some* but not all Western governance principles. Although there may be overlap, some governance principles may be unique to Aboriginal societies whereas others apply solely to Western democracies.

These points are worth investigating further. The first one, taken up in the next section, was that governance principles claiming to be universal might inadvertently rely on ideas and practices that are in fact Western. And the second, addressed in Section IV, raises the possibility of governance principles that may be unique to Aboriginal peoples. We take them up in turn.

¹⁷ Synopsis of Larry Chartrand’s presentation found 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>.

III. Probing the Sources of the Principles

The following section queries the sources of the governance principles just presented. Those sources span from the UNDP to the Universal Declaration of Human Rights to their background Western political theory and historical experience. It suggests that the good governance principles the IOG espouses are in fact deeply rooted in the Western liberal democratic tradition. This finding need not preclude application of the principles in non-Western contexts, but it would recommend taking some care in doing so.

Universal Declaration of Human Rights

On the question of the universality of its principles, the IOG has followed the UNDP and the World Bank in pointing to international acceptance of the document its principles are based on. The principles of legitimacy/voice and fairness, perhaps the most controversial in their claim to universal status, ultimately derive from key clauses in the United Nations Universal Declaration of Human Rights.¹⁸ Together with the eight treaties and five UN protocols that elaborate it further, the Declaration supports the body of international human rights law that has developed since 1948. On paper at least (although certainly not in practice in all cases), the Universal Declaration enjoys the broad support of the large majority of United Nations members.¹⁹

To this point, then, the claim to the universality of the principles rests on the fact that the majority of United Nations member nations have subscribed to the basic premises of international human rights law. Further, within Canada, the Assembly of First Nations has endorsed application of the Universal Declaration to First Nations governments.²⁰

The claim to universality via acceptance by international convention has substantial merit. Yet what were the motivations behind the 1948 Universal Declaration in the first place? Probing them might help ground the principles more solidly in experience.

Recent Historical Experience

The Universal Declaration of Human Rights was passed in 1948, in the aftermath of the Second World War. A document of historic magnitude, it marked an unprecedented act of the General Assembly of the United Nations. The impetus to its passage was the horror of the Holocaust, discovered in its full magnitude only when Allied soldiers stumbled on the concentration camps in Germany, Austria and Poland. Public philosopher A.C.

¹⁸ Appendix B indicates the precise relationship of the governance principles of legitimacy/voice and fairness to certain key text of the United Nations Universal Declaration of Human Rights.

¹⁹ Graham, Amos and Plumtre, "Governance Principles for Protected Areas in the 21st Century," 9. With 189 signatories, the 2000 United Nations Millennium Declaration is the latest document reaffirming a respect for human rights and fundamental freedoms without distinction to race, sex, language or religion.

²⁰ Section 8 of *First Nations-Federal Crown Political Accord on the Recognition and Implementation of First Nations Governments*: "First Nations and Canada are committed to respecting human rights and applicable international human rights instruments." Available at <http://www.afn.ca>.

Grayling is far from alone in calling the Holocaust of European Jewry “an endeavour of industrial murder on a scale scarcely ever before imagined, let alone attempted.”²¹

Thus, the Universal Declaration of Human Rights sought to present an international response to this atrocity that occurred in Europe. In marshalling that response, the committee that drafted it represented the world’s major religious and political traditions. According to Grayling, the nations that welcomed the Declaration most warmly were developing countries that still chafed against the persisting abuses of colonialism. Least enthusiastic were the United States, Britain, France and the Soviet Union—countries that saw potential of the Declaration to threaten their freedom of action within their spheres of influence.²²

In Grayling’s view, those who question the universal applicability of human rights are either arm-chair philosophers sitting in safe ivory towers or countries that would prefer for their own reasons to ignore human rights, like the People’s Republic of China.²³ Yet his entire thesis is based on the argument that the concepts of individual rights, popular sovereignty and limited government first originated in the history and theory of early modern Western Europe and then expanded to encompass all humanity. Certainly, then, the concepts can be universalized. But Grayling himself attests that the experience and world view from which they arose was originally Anglo-Saxon and Western European. When the preamble to the Universal Declaration states, “Whereas 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 and the world,” it uses wording that was unmistakably inspired by the constitutions of the United States and France.²⁴

This observation merits a further probing of the sources of the IOG good governance principles in the backdrop of modern Western political thought.

Modern Western Political Thought

The Anglo-European basis of key documents promoting good governance internationally is evident in a later UNDP document entitled “Deepening Democracy in a Fragmented World.” Citing the events of 9/11 as a catalyst, the document identified good governance strictly with democratic governance and called for “strong and deep forms of democratic

²¹ A.C. Grayling, *Toward the Light of Liberty: The Struggles for Freedom and Rights that Made the Modern Western World* (New York: Walker and Co., 2007), 243. Passage of the Universal Declaration was followed up by the Assembly’s call on member countries to “cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories” (ibid., 293).

²² Ibid., 243. Notably, First Nations also recognized the utility of human rights discourse in seeking to hold Canadian governments to account for how they had treated Canada’s First Peoples. At a 1958 human rights conference held on the Tobique Reserve in New Brunswick, Gerry Gambill delivered a speech on the “art of denying Indians their human rights.” The speech ironically enumerated all the ways Canadian governments had refined that art to a science in their policies and practices for Indians since colonization. See “On the Art of Stealing Human Rights.” See <http://www.dickshovel.com/rights.html>.

²³ Grayling, *Toward the Light of Liberty*, 244.

²⁴ Ibid., 248.

governance at all levels of society.”²⁵ As a nod to cultural diversity, democracies in non-Western contexts may be “differently democratic” but democracies are the “only political regime compatible with human development in its deepest sense.”²⁶ Among the core institutions that document indicated as components of “wider and deeper” democracies were the following:

- A representative system with well-functioning political parties and interest associations
- An electoral system guaranteeing free and fair elections and universal suffrage
- A system of checks and balances based on separation of powers
- Independent judicial and legislative branches
- A vibrant civil society able to monitor government and private business
- A free and independent media

The scope for being differently democratic is reduced even further in a characterization of democratic governance by political scientist George Perlin of the Centre for the Study of Democracy at Queens University. At a 2007 conference, Perlin made the following recommendations to Canadian, American and European donors supporting democratic development internationally:

Democracy as we know it in the established democracies is a system of governance that is organized to give effect to the values embedded in the tradition of liberal political thought that gave rise to the democratic transformations which began at the end of the Eighteenth century....Thus, democratic development may be defined as the establishment of institutions and processes that promote and protect liberal-democratic values.”²⁷

Although it states there is “no universally applicable best way to organize the practice of democracy,” Perlin's definition of democratic governance is heavily Western, drawing on Anglo-European thought spanning from political scientists like Guillermo O’Donnell and Samuel Huntington in the twentieth century, to thinkers as Lord Acton and John Stuart Mill in the nineteenth century, to the American founders in the eighteenth one.

How to maintain order while limiting the government power over individuals? How to protect the inalienable rights of the individual? The question preoccupied Enlightenment political theorists; it pressed itself on the pantheon of founders of the American republic; it motivated the opponents of the doctrine of the divine right of kings. The notions of limited government by popular consent are a venerable tradition in European political thought. Venerable though the tradition may be, however, its origins are not universal. Rather, it developed as a series of Western European doctrines responding to issues of Western European historical experience.

²⁵ UNDP, “Human Development Report 2002” 1.

²⁶ *Ibid.*, 61, 51.

²⁷ George Perlin, “What is democratic development?” Note presented at Dialogue on Canada’s Approach to Democratic Development, held in Ottawa on 15 February 2007.

The Trouble with Western Doctrines

Now that the ultimately Western basis of the UNDP/IOG principles of good governance has been probed, one might ask, what of it? What is wrong with a tradition that endowed the world with limited government and popular sovereignty based on a foundation of individual rights? Such doctrines might only be seen as positive developments for those who enjoyed them. The centuries since their articulation *might* be seen as Grayling does, as the progressive expansion, in face of the stiff adversity thrown up by residual superstition and prejudices, of the rights and freedoms that had initially been enjoyed only by the European aristocracy—from the European merchant class, to the worker and farmer, to freed slave, to the woman, and most recently, to indigenous peoples.²⁸ On closer examination, however, this view provides only one, incomplete side of the story. The flipside is much uglier, but is equally, if not more, relevant to indigenous peoples—and perhaps especially to those of the Americas.²⁹

One theory of one seminal Western thinker can provide an illustration.

“In the beginning all the World was *America*.”³⁰ Thus wrote John Locke in 1690, almost two hundred years after Columbus made his fateful landing in the West Indies. As a prelude to establishing Locke’s theory of rights and representative government, the *Second Treatise of Civil Government* outlined the main features of the state of nature that would have prevailed before the establishment of a sovereign civil government. Here America appears as a natural, unformed space that has yet to yield the comforts of civilization. The fifth chapter presents Locke’s influential theory of property. Although the original intent of that theory is disputed, it has been invoked throughout the post-contact history of our continent to deny the claims of indigenous peoples to their traditional lands.

How did private property arise in the state of nature, where God had initially “given the world to men in common?” According to the *Second Treatise*, it occurred when the first human being removed food and aids of living from nature through the “labour of his body, and the work of his hands.” By mixing his labour with objects in nature, a person has “joined to it something that is his own, and thereby makes it his property.”³¹ According to this principle—one Locke calls a law of reason—the deer the Indian has killed is his, as are the acorns or fruits he has collected from the trees. But the ground itself also becomes property: “As much land as a man tills, plants, improves, cultivates and can use the product of, so much is his property. He by his labour does, as it were,

²⁸ We refer for this last group to the long-awaited Declaration of the Rights of Indigenous Peoples, endorsed on September 13, 2007 by 144 member states of the United Nations. With eleven abstentions, Canada—with USA, Australia and New Zealand—was one of four member nations that voted against it.

²⁹ According to historian Jack Greene, America roused a proprietary interest among Europeans more than any other continent. By contrast to Asia or Africa, the Europeans “discovered” America and therefore saw it as theirs: “If Europeans could never be much more than sojourners in the old worlds they encountered in Africa and Asia, America, having been uncovered and, in a sense, ‘given to them’ by their own initiative, seemed to be theirs to expropriate and to define.” Jack P. Greene, *The Intellectual Construction of America: Exceptionalism and Identity from 1492 to 1800* (Chapel Hill: University of North Carolina Press, 1993), 11.

³⁰ John Locke, *Second Treatise of Civil Government*, Chapt. 5, Sec. 41. <http://www.constitution.org>.

³¹ Locke, *Second Treatise of Civil Government*, Chapt. 5, Secs. 26–27.



enclose it from the common.”³² Landed property expands with the introduction of money, which allows people to sell excess produce for profit. Through the introduction of money land becomes scarce. Communities begin regulating properties through laws, compacts and agreements and for this a sovereign power agreed is needed.³³

But what of the lands where the Indians lived and subsisted? Although many parts of the world had long since become private property, “there are still great tracts of ground to be found, which (the inhabitants thereof not having joined with the rest of mankind, in the consent of the use of their common money) lie waste, and are more than the people who dwell on it do or can make use of and so still lie in common.”³⁴

Scholars debate whether John Locke developed his theory of property with the intent of justifying removal of America’s indigenous peoples from their land.³⁵ Whatever Locke’s intentions, his theory of property articulated the basic elements of the Canadian and American understanding of Aboriginal use of land in the centuries that followed. In 1823, for example, Chief Justice Marshall of the United States Supreme Court stated: “We will not enter into the controversy, whether agriculturalists, merchants, and manufacturers have a right, on abstract principles, to expel hunters from the territory they possess.” Yet,

The tribes inhabiting this country were fierce savages, whose occupation was war, and whose subsistence was drawn chiefly from the forest. To leave them in possession of their country was to leave the country a wilderness; to govern them as a distinct people, was impossible, because they were as brave and as high spirited as they were fierce.³⁶

Marshall wrote this decision over a century after Locke’s theory appeared. By this time, it had combined with such potent doctrines as the myth of the savage and the theory of humanity’s inexorable progress to ever-higher stages of development—also products of Western Enlightenment thought—to effectively deny both land and self-government to America’s First Peoples.

Of course, there *were* some exceptions. There were Europeans who found Amerindians to be inherently moral, rational human beings capable of self-governance. But even such early examples as Jesuit missionary José de Acosta or Dominican former colonist Bartolomé de Las Casas thought that Amerindians needed to be instructed in European culture before they could exercise self-rule. Of even the most benign theories issuing from Europe in the post-contact period, historian Jack Greene stresses: “It is extremely

³² *Ibid.*, Secs. 30–32.

³³ This in itself was a good, as it provided the conveniences of life that God had intended men to have: “God gave the world to men in common, but since he gave it to them for their benefit, and the greatest conveniences of life they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated.” *Ibid.*, Sec. 34.

³⁴ *Ibid.*, Sec. 45.

³⁵ The scholarly debate over whether Locke regarded his new theory of property as a means to justify the dispossession of indigenous peoples still rages. For reviews of the literature and further contributions on either side of the debate, see V. Hsueh, “Cultivating and Challenging the Common: Lockean Property, Indigenous Traditionalisms, and the Problem of Exclusion,” *Contemporary Political Theory* 5, 193–214; also Paul Corcoran, “John Locke on the Possession of Land: Native Title vs. the ‘Principle’ of Vacuum domicilium.” Paper presented at 2007 American Political Science Association convention held in Chicago, IL. As secretary to the propriety association of Carolina, he very likely knew that the tribes in that area in fact practiced agriculture and had even instructed the settlers in their techniques. On Locke’s connection to Carolina, see Hsueh, “Cultivating and Challenging the Common,” 193–214.

³⁶ *Johnson v. M’Intosh*, 1823 cited in Hsueh, “Cultivating and Challenging the Common,” 199.

important to note that those theories displayed little concern to develop an appreciation of the unique othernesses of Amerindians and no concern at all for the preservation of that uniqueness.”³⁷

Readers might question the need to dredge up all this old history, asking whether it is either relevant or useful to the end of reconciliation. We argue that it is both. First, it provides non-Aboriginal people with a more nuanced understanding of Western political traditions. Second, exposition of these less savory elements aids us mightily in understanding why Aboriginal people might be wary of any call to realize ideals of a Western origin. For the same tradition—in many cases even the same thinkers—that gave rise to doctrines of limited government, individual rights and popular sovereignty also developed the theories of property and progress that effectively justified dispossession of indigenous peoples throughout the world. And as the controversy surrounding Vancouver Olympic Organizing Committee President Richard Pound indicates, those doctrines are far from dead. On the contrary, they still have much currency with the Canadian non-Aboriginal public today.³⁸

Yet there is an additional reason why First Nations might be reluctant to see their governance systems conform to Western-derived principles. Quite apart from any prior negative experience, the IOG good governance principles simply are not First Nations ones. Understanding the scope of this statement requires investigation of another, lesser-known governance tradition—the one emerging from the First Nations side.

³⁷ Greene, *The Intellectual Construction of America*, 24.

³⁸ The now-notorious comment Pound issued in an interview with *La Presse* in summer 2008: was this “We must not forget that 400 years ago, Canada was a land of savages, with scarcely 10,000 inhabitants of European descent...” The comment elicited both protests from First Nations political representatives and a spate of debate as to whether Canada really was once a land of savages. See Margaret Wentz, “What Dick Pound said was really dumb—and also true,” *The Globe and Mail*, October 25, 2008, A19; also the letters that followed (October 27, 2008, A12; October 28, 2008, A18), including one by historian J.R. Miller. Miller felt compelled to restate the results of decades of scholarly research: “Almost six decades ago, anthropologists stopped measuring races on a crude evolutionary scale, recognizing that culture rather than race was the basis of society.” The most recent restatement of this long-since-refuted argument can be found in Frances Widdowson and Albert Howard, *Disrobing the Aboriginal Industry: the Deception behind Indigenous Cultural Preservation* (Montreal & Kingston: McGill-Queens University Press, 2008).



IV. Aboriginal Governance Traditions Prior to Contact

The discussion has raised anew an issue mentioned earlier: the possibility of distinct yet overlapping governance principles, the former of Western European and the latter of Aboriginal origin. This section explores that possibility. More precisely, it attempts to discern what might have been Aboriginal principles of good governance prior to contact from the interpretations of myths and practices provided by such authors as James Youngblood Henderson, John Borrows, Taiaiake Alfred, Thomas King, and Olive Patricia Dickason. After briefly outlining the historical context, the investigation moves to a representative First Nation creation myth and to certain governance principles that might issue from it.

One caveat is in order here. For non-Aboriginal authors with no Aboriginal language skills, this section must remain both exploratory and inconclusive. It does not attempt to provide the last word on Aboriginal governance traditions. On the other hand, non-Aboriginal authors can (and indeed must) still attempt to understand Aboriginal ideas on their own terms—as a means to begin to “cobble together an acceptable intercultural language” much as James Tully described in his classic work on constitutional dialogue, *Strange Multiplicity*.³⁹

The Historical Context

Indigenous governance traditions have a pedigree spanning back into the last Ice Age. According to archaeologists, humans were present in the Americas at least 11,000 ago and perhaps even as many as 20,000 to 30,000 years ago.⁴⁰ In what is now Canada, traces of permanent settlements date back well over 9,000 years.⁴¹ To speak of First Nations governance traditions, therefore, is to speak of ones spanning back a very, very long time.

It is also to speak of traditions with a high degree of variation in their ways of life. Many of the indigenous societies in present-day Canada maintained the traditional hunting and gathering pattern that had prevailed since the last mammoth and mastodon kills of the eleventh century B.C. Others, like the Huron and Iroquois, picked up the agricultural practices that prevailed at lower latitudes and grew maize and squash. First Nations on both coasts focused on sea hunting and fishing, especially salmon. Both the languages and the subsistence base of Canada’s First Peoples were highly diverse⁴²

³⁹ James Tully, *Strange multiplicity: Constitutionalism in an age of diversity* (Cambridge: Cambridge University Press, 1995), 133 ff.

⁴⁰ Charles C. Mann, *1491: New Revelations of the Americas before Columbus* (New York: Vintage Books, 2006), 192; Jared Diamond, *Guns, Germs, and Steel: the Fates of Human Societies* (New York: W.W. Norton & Co., 1999), 46–49; Olive Patricia Dickason, *A Concise History of Canada’s First Nations* (Toronto: Oxford University Press Canada, 2006), 1.

⁴¹ Dickason, *A Concise History of Canada’s First Nations*, 12.

⁴² *Ibid.*, 8–9, 12. See also Mann: “Across the Americas, Indians spoke some 1,200 separate languages that have been classified into as many as 180 linguistic families” (1491, 182).

Yet these elements were not so diverse as to preclude some shared basic governance forms, overarched by a common world view. As hunter-gatherer societies practicing agriculture in only a few areas, the vast majority of First Nations in present-day Canada organized themselves as bands or tribes. Bands, comprised of extended families or clans, typically moved across the land in cyclical patterns rather than settling in one place. Tribes were larger, consisting of a few hundred rather than a few dozen people; in some cases, they established fixed settlements. Both forms were egalitarian in that leadership was acquired through such qualities as personality, strength and intelligence rather than heredity.⁴³ Ultimate authority rested with the group, which granted its leaders conditional authority for a set period. A third governance form, the chiefdom, developed on the northwest coast. With permanent villages established along the ocean coast, chiefs held a permanent monopoly on authority and there was a clearly marked hierarchy among nobles and commoners based on distinctions of wealth and heredity.⁴⁴

It should be stressed that pre-contact existence was far from a romantic idyll. Warfare between bands and tribes competing for territory did occur—as did disputes within them. Evidence of warfare arises from the very existence of the Haudenosaunee Confederacy, an alliance between the Seneca, Cayuga, Onondagas, Oneida and Mohawk tribes formed as a peaceful alternative to the endless warfare that had previously plagued the five nations.⁴⁵ Yet even larger, more complex agricultural and fishing tribes were largely “face-to-face” societies where most knew each other, if not personally, then through extended kin groups. As a result, First Nations prior to contact did not rely on highly formalized dispute resolution mechanisms to maintain harmony among members but instead focused on restoration of good relations mediated by respected leaders or family members and on treaty relations between the various nations.⁴⁶

And what of their world view? Despite significant variation among the traditions of First Peoples, Olive Dickason argues on behalf of a unified world view extending from the northernmost reaches of North America to the empires of the South. First Peoples spoke some 1,200 separate languages and their economic and governance practices varied widely, yet they were united by a common foundation and orientation: “a world view that saw humans as part of a cosmological order depending on a balance of reciprocating forces to keep the universe functioning in harmony.” Canada’s First Nations shared a general civilization with Amerindians throughout America, “somewhat as newcomers did themselves in their own homelands, in spite of a dazzling array of cultural particularities.”⁴⁷

⁴³ Diamond, *Guns, Germs, and Steel*, 267–70; Dickason, *A Concise History of Canada’s First Nations*, 12.

⁴⁴ Diamond, *Guns, Germs, and Steel*, 273–75; Dickason, *A Concise History of Canada’s First Nations*, 13–14.

⁴⁵ Dickason, *A Concise History of Canada’s First Nations*, 35–37; Mann, 1491, 372–74.

⁴⁶ Diamond, *Guns, Germs, and Steel*, 272.

⁴⁷ Dickason, *A Concise History of Canada’s First Nations*, ix. We rely for this point on Dickason and on support of her characterization by certain specialists in comparative religion and ancient political philosophy. Mircea Eliade, for example, argued that Amerindians shared with other indigenous peoples as well as ancient Oriental high civilizations (Egypt, Mesopotamia, China and India) the perception that reality is a cosmos that requires participation by human beings to maintain it. See, for example, *The Myth of Eternal Return, or Cosmos and History*, translated from the French by Willard Trask, 9 ed. (Princeton: Princeton University Press, 1991); also characterization of the worldview conveyed by the “cosmological myth” in Eric Voegelin, *Israel and Revelation: Order and History*, Vol. 1 (Baton Rouge: Louisiana State University Press, 1956).

If Dickason and others are correct, the investigation of Aboriginal governance principles prior to contact has its first clue. Indigenous peoples in Canada understood the universe as a unified, cosmic order—one in which humans played their part to keep it in balance. Any governance principles arising from this worldview would have emphasized limited human government in the sense of the subjection of all human endeavors to larger, enduring cosmic rhythms. In attempting to discern those principles in more detail, however, we must follow the Aboriginal interpreters mentioned earlier straight to their sources: namely, founding indigenous myths and stories.

Returning to the Myths

“The truth about stories,” submits Thomas King, “is that’s all we are.”⁴⁸ A celebrated novelist and English scholar of Cherokee descent, King had intended this theme of his 2003 Massey lecture series as a general observation about human beings and the power of our narratives to form us. Stories, and especially creation stories, form human beings at personal, societal and civilization levels. For their sheer power to shape who we are, King finds them both “wondrous” and “dangerous.” His respect holds especially for creation stories, which contain “relationships that help to define the nature of the universe and how cultures understand the world in which they exist.”⁴⁹

With King and others, we suggest that the world views formed by foundational stories inform governance traditions. In some cases, that influence is submerged, lying in the depths of forgotten narratives and practices that originally created a given rule, institution or convention. In others, the stories lie close to the surface.⁵⁰ First Nations governance conventions are of the latter type. To examine them is to immerse ourselves directly into a world, in the words of legal scholar John Borrows, of “Virgin-born Peacemakers, stone canoes, living rocks, talking plants, gossiping animals, transforming humans and supernatural beings from other worlds.”⁵¹ Whereas the stories underlying Western conventions are often buried under centuries of doctrines and institutions, the formative stories of traditional indigenous governance lie right at the surface.

For example: the Haudenosaunee *Kaianerikowa* or Great Law of Peace. At once an epic story and a people’s constitution, its narrative embeds the protocols, laws and political institutions of the Iroquois within the tale of the Peacemaker’s journey as he established the Iroquois Confederacy. Traditionally performed in oral form and only at designated ceremonies, the narrative provides precise instructions to chiefs on matters ranging from how to run councils to adoption to international relations. It also outlines the elements of a condolence ceremony to be held when a chief dies.⁵² In short, this epic not only serves as a ritual text but also outlines a working governance form for the Iroquois people.

⁴⁸ Thomas King, *The Truth About Stories: A Native Narrative* (Anansi Press: Toronto, 2003), 2.

⁴⁹ *Ibid.*, 9–10.

⁵⁰ The term “myth” is used here in its full original sense of the Greek *mythos*, meaning sacred stories about the gods and not in the more modern sense of a lie or deceptive fiction. That said, we refer to the “myth of the savage” in the paper in the sense of the modern meaning, conforming to common parlance.

⁵¹ John Borrows, “Indigenous Legal Traditions in Canada,” *Report for the Law Commission of Canada* (January 2006), 29.

⁵² *Ibid.*, 30–33. See also Mann, 1491, “The Great Law of Peace,” 369–78.

More even than such epics as the Great Law of Peace, creation myths assumed a central place in the way First Nations lived and governed.⁵³ According to King, Borrows and legal scholar James Youngblood Henderson, First Nations' creation stories—parallel to but so unlike Judeo-Christian ones in central respects—provided the foundations of their legal and governance traditions.

With this insight in mind, we examine one such story in some detail, taking occasional of aspects of it that are broadly relevant to governance. The story examined here arises from the Anishinabe, an Algonquin-speaking people living around the upper Great Lakes and on the Prairies north-east of the lakes. In conveying how the world was created, the Anishinabek creation story conveys crucial information on how human beings should live and govern.

The Anishinabek Creation Story

In the beginning, the earth was not alone. “When the Earth was new,” the story begins, “it had a family.” “The moon, or Grandmother, and the sun, called Grandfather.” Water was her lifeblood—the oceans, lakes, rivers and streams. When Mother Earth was new, “the Creator filled her with beauty: birds carrying the seeds of life, fish in the water, plants, trees and insects. And everyone lived in harmony with everyone else.”

Then came man, whom the Creator blew into Mother Earth using the sacred Megis Shell. “Thus man was the last form of life to be put on Earth.” From this man the Anishinabe, the People, were born.⁵⁴

Noting some elements that are potentially relevant to governance:

- Family was there from the beginning
- The Earth is a person
- Earth lives through the water and animals
- Man came last, after the plants and animals
- The Anishinabe were his direct descendents

The story then tells of a time when the harmonious way of life gave way to arguments and disrespect among spouses and villages. Saddened, the Creator opted eventually to flood the earth—an act that killed off most of creation. But Nanabush, “the spirit of the original people,” survived. Floating along on a log in the water, he was joined by some animals that had also survived.

⁵³ In James Youngblood Henderson's words, “All First Nations cultures and societies possess creation stories that speak to their sense of origins and belonging to the land.” See *First Nations Jurisprudence and Aboriginal Rights: Defining the Just Society* (Saskatoon: Native Law Centre, 2006), 120.

⁵⁴ A version found at “Creation Story” online, cited in Borrows, “Indigenous Legal Traditions in Canada,” note 124 at 41. We draw primarily on the Anishinabek creation story in this paper, but rely on Henderson's interpretation of Cree and Mik'maq stories as well.

After floating for some time on the log, Nanabush came up with a plan to swim to the bottom and grab some earth. This earth would help him create land. When he could not reach the bottom, a loon attempted and failed. The next to try was a grebe, followed by a mink and many other animals until Muskrat finally died obtaining a clump of earth. All sang a song of mourning and praise for Muskrat. Then Nanabush and Turtle—with the help of the Creator—were able to make a new Earth on Turtle’s back.

Taking stock once again:

- Quarrels and disrespect are intolerable—in the long run, ruinous
- The Creator, an archetypal leader, is firm but not quick to punish
- Survival requires resourcefulness and cooperation
- Human and animals form a community, can communicate, and are interdependent

Another version of the same story recounts the Creator’s making of the Great Laws of Nature directly after he made man:

Kitche Manitou [the Ojibwe Creator] then made the Great Laws of Nature for the wellbeing and harmony of all things and all creatures. The Great Laws governed the place and movement of sun, moon, earth and stars; governed the powers of wind, water, fire and rock; governed the rhythm and continuity of life, birth, growth and decay. All things lived and worked by these laws.⁵⁵

Again, some observations:

- The Creator is the origin of the Law of Nature
- That Law governs all things—including man
- The purpose of law is well-being and harmony

Some Hypothetical Principles

The story just presented is only one of dozens, even hundreds, of traditional indigenous creation myths. A complete study of Aboriginal governance traditions prior to contact would have to examine many more. At this preliminary stage, we rely heavily on the insights of our translators of traditional stories. As the heading suggests, we suggest these principles in only a hypothetical or exploratory way.

1. Attunement

This principle requires a human community to focus on fit within the whole, discerning the broader dynamic and holding its place within it. It states that reality is a complex of dynamic, interrelated forces governed by laws endowed by the Creator. The laws are well conceived, but there is also flux among the forces.⁵⁶ Attunement includes helping perpetuate the cosmic rhythms through such rituals as ceremonies, feasts and dances.

⁵⁵ Basil Johnston, cited in *ibid.*, note 124 at 42.

⁵⁶ Henderson, *First Nations Jurisprudence and Aboriginal Rights*, 153.

2. Responsive, Responsible Leadership

Responsive leadership means responsiveness both to the community and to the space it inhabits. Whether leadership is earned, learned or inherited, the leader is crucial to the survival of the group. In the words of one Aboriginal author, “leadership meant assuming enormous responsibility. A high code of moral conduct is essential to real leadership; otherwise the tribe may “‘go out of tune with the cosmos’ and this might bring spiritual and potential material ruin to the tribe.”⁵⁷

3. Harmony

This principle implies both consensus-based decision-making and the maintenance of a web of reciprocal obligations and gestures through acts that include both hospitality and humour. Good relationships are imperative to living well and to surviving, beginning with the kin group and extending to include neighbors and other tribes. Human laws and institutions should strive to maintain good relations among diverse members as well as with neighboring groups.⁵⁸

4. “We Help Ourselves”

Drawing from the Mohawk word *tewatatowie*, this term refers to a broader principle of the people taking care of themselves and the land on which they live.⁵⁹ The principle entails cohesion within the group and competent performance of individual roles, where “they all practiced severe self-discipline to stand alone against an uncertain world.”⁶⁰ It also involves an irrevocable bond with the land, both a partner and a teacher.

5. Respect

This principle shuns “carelessness about things” and entails sanctions against acts of disrespect or inattention.⁶¹ Respect is especially necessary for leaders, who need it to exercise their authority.⁶² Yet it also obtains universally—a need for respect within and among human communities, for the Creator and for plants, rocks and animals. It is impossible to dissociate the human community from its partners on, in and of the land.⁶³

⁵⁷ Calvin Helin, *Dances with Dependency: Indigenous Success through Self-Reliance* (Vancouver: Orca Spirit Publishing, 2006). Credit for the principle of “responsive leadership” belongs to Larry Chartrand, who suggested it as an Aboriginal governance principle at the Tanaga Roundtable cited above.

⁵⁸ See Henderson: “When a First Nation person is living good relations, the person is living as instructed by the creator and his or her embodied spirits. Those who live the good relationship follow a lifestyle handed down generation to generation...Strength within a First Nation is related directly to the practice and observance of teaching... When teachings are forgotten, the [kinship] relationship becomes weak, broken, and troubled” *First Nations Jurisprudence and Aboriginal Rights*, 144. A similar point is made in the RCAP, *Report of the Royal Commission On Aboriginal Peoples, Vol. 2*, 129–30.

⁵⁹ Taiaiake Alfred, cited in *Report of the Royal Commission On Aboriginal Peoples, Vol. 2*, 111–12.

⁶⁰ Dickason, *A Concise History of Canada’s First Nations*, 28.

⁶¹ Henderson, *First Nations Jurisprudence and Aboriginal Rights*, 141. As a parallel, Borrows notes a Carrier belief whereby fish, birds and animals will leave Carrier territories if they are not well treated. See “Indigenous Legal Traditions in Canada,” 60.

⁶² Dickason, *A Concise History of Canada’s First Nations*, 13.

⁶³ Borrows, “Indigenous Legal Traditions in Canada,” 20.

These five hypothetical principles attempt to encapsulate the major themes arising both from the sample creation myth just presented and from the work of the selected Aboriginal authors interpreting First Nations myths and traditions. As with the IOG principles identified earlier, there is no suggestion that the standards or principles were ever attained in practice. Yet they—or something very like them—would have informed action as an aspiration or guide.

Provisional though they are, the general pattern is clear. Derived directly from First Nations myths and traditions prior to contact, the principles just enunciated diverge considerably from the principles described in earlier sections of this essay.

But if they are distinct, are they nonetheless comparable—even complementary in some way? The next section attempts to answer that question.

V. Distinct, Overlapping and Converging Traditions

How do traditional Aboriginal and Western governance principles compare? A more comprehensive research program would investigate the founding myths and narratives at earlier periods in history of Europe as well—Rome, Greece, medieval Christendom or the modern nation states. Given the overarching aim of discerning the applicability of the UNDP-based principles the IOG uses to Aboriginal governments, however, the larger research program must be forgone for now. We allude only briefly to the creation myth of Genesis to suggest both comparable elements and a profound distinction.

Distinct Myths

Most people know the story of the first and second books of Genesis. Summed up, they present an all-powerful Creator forming the universe from (next to) nothing, a man and woman created in His image, a paradise marked by only one rule, a fateful and final breach of that rule and ejection from paradise into the harsh world of lust, sickness, pain in childbirth and death.

If stories are in fact foundational, the differences between the two founding myths have consequences. The world view conveyed by the Hebrew myth would generate laws and culture, bluntly put, with the intention of ordering a chaotic world beyond the walls of Paradise. Absent such a story, First Nations institutions would have been informed by a different intent. There had been a rupture with the flooding of the earth, but that the rupture was not permanent. Humans and animals cooperated to create the earth we now have. “[I]n our Native story,” King submits of another version of the Anishinabek story, “the universe is governed by a series of co-operations.”⁶⁴ No one in the Anishinabek myth is omnipotent; no one can further the creation without the assistance of others; no one was created in the image or likeness of God; and no one was spurned or ejected. First Nations have no foundational story recounting the perfection of Paradise, much less a story of origins about being cast out and cursed with death, hunger, disease and strife.

Non-aboriginal Canadians may well question the suggestion that a single, half-forgotten myth could continue to resonate in Western governance practices. Taking a long view, however, it should be recalled that John Locke wrote of a primordial state of nature just over three hundred years ago, still drawing heavily on Biblical imagery even as he transformed it. Prior to the Enlightenment, almost two millennia of Western European governance institutions were expressly part of the civilization broadly known as Christendom. Is it not conceivable that the institutions and foundational stories of those millennia would continue to influence modern liberal democracies even as the theorists of these regimes repudiated them.⁶⁵ For example, is it purely a coincidence that doctrines of

⁶⁴ King, *The Truth about Stories*, 24.

⁶⁵ Making this claim requires one to part ways with a questionable central tenet of the lore of modern constitutionalism, as James Tully calls it, which holds that modern Anglo-European governance forms (the French and American in

personal freedom and responsibility—both of them central conceptions of modern Western governance traditions—also are central to the Genesis myth of Eden?

The two foundation myths indeed appear to present distinct and even conflicting world views.⁶⁶ Both are stories of origins and both seek to root the present order of things in the manner of their creation. Both offer a guide to action based on how things occurred “in the beginning.” Yet the particular guides they convey are clearly distinct—and this distinction may well continue through to the level of governance principles.

Distinct yet Equivalent Principles

Moving from the vivid brush strokes of myth to the more abstract and general principles, a distinction is still perceptible—yet so are some points of overlap. First Nations principles emphasize care, balance and a clear sense of place, whereas the Western-based principles emphasize clarity, consistency and limit.

Are traditional governance principles like attunement, respect, responsive leadership, harmony and balance roughly comparable to such characteristics as performance, direction, fairness, legitimacy and accountability? Placing the two sets of principles appear side-by-side, points of both overlap and distinction emerge.

particular) came into being through a complete rupture with the accumulated traditions and customs of the past. For his critique of this tenet, see *Strange multiplicity*, Chapter 3: 58–98.

⁶⁶ The literature on Genesis fills libraries on its own. Yet the major biblical commentaries of Hermann Gunkel, Gerhardt von Rad, and Umberto Cassuto agree that the Hebrew myth arose in large part to rebut the ancient Babylonian cosmological myth from which it was adapted. For an accessible summary and contribution to the vast literature on Genesis, see Jon Levenson, *Creation and the Persistence of Evil: The Jewish Drama of Divine Omnipotence* (San Francisco: Harper & Row, 1988); also Levenson, *Sinai and Zion: An Entry into the Jewish Bible* (San Francisco: Winston Press, 1985).

Comparing Traditional Aboriginal Governance Principles to the IOG Principles

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.

Any comparison must first address the obvious differences—some of which have been mentioned already. Stemming from large, literate societies characterized by a complex system of division of labour the IOG principles assume written records, formal political and judicial institutions, comprehensive legal and regulatory systems and mechanisms imposing checks and balances. Derived from smaller, oral societies regulated primarily by social and family checks on conduct, the pre-contact indigenous principles present no such assumptions.

Other differences stem less from the plane of technological complexity than from overarching world view. Distilled from a world view perceiving the cosmos as the overwhelming reality, First Nations governance principles depict no boundaries between human, natural, and divine spheres. The frequent reference to land, plants and animals reflects both the reliance of first peoples on the surrounding ecology for survival and a mythic tradition that sets merely permeable barriers between humans and spirits, rocks and animals.⁶⁷ Reflecting the barrier set between human culture and nature—and more recently between state and religious institutions—the IOG governance principles omit any reference to the divine or natural worlds. This distinction corresponds to the exploration of Aboriginal understandings of the word ‘government’ presented in the report of the RCAP. Where non-Aboriginal Canadians regarded government as a set of political institutions, “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.”⁶⁸

Yet some parallels also emerge. Both require a sense of strategic orientation. In keeping with its more linear understanding of historical time, the IOG principles emphasize purpose and moving forward, whereas the traditional indigenous principles emphasize attunement to the larger whole. Both sets strongly emphasize fair play and reciprocity. Both require a basic respect for others—the one through the informal checks and custom and the other through elaborate written and institutional system of checks and balances. Both, finally, emphasize the central role of service and of prudent, responsible leadership.

The principles, therefore, are distinct—reflecting not only highly distinct modes of organization and technological levels but also a distinct world view. Yet they are also perhaps even complimentary, with the one filling out, challenging and correcting the other.

Our position of a fundamental equivalence between the two traditions derives from two sources. The first is anecdotal, arising from workshops the IOG has delivered to Aboriginal governments throughout Canada. Speaking of constitutions, First Nations in regions spanning from British Columbia to Ontario have been able to translate the idea into their language before proceeding to draft written constitutions. For example, the

⁶⁷ The strong presence of natural life in Aboriginal governance principles renders its absence in our own all the more stark. Why do our ecological surroundings fall out of the governance equation? Sir Alfred North Whitehead suggests that the European isolation of nature as separate inanimate category has for millennia been a matter at least as much of cosmology as of fact. See *Science and the Modern World* (New York: Simon & Schuster Inc., 1925).

⁶⁸ *Report of the Royal Commission On Aboriginal Peoples, Vol. 2*, 113.

Sagamok First Nation indicated “*Giigdamewin Bmadziwin*,” or “respected spokesperson who presents the basic principles of the good life” as an equivalent term to the Western term of constitution. One finds countless such examples suggesting that a translation of the two governance traditions into the language of the other, with some creativity and openness to the meaning of the other, is possible.

The second source of our argument on behalf of an equivalence is a deeper, theoretical one. For all the vast variation in how we live and create, for all the technological gaps that may have existed and the cultural chasms that may bedevil easy co-existence, we still share certain fundamental experiences: a desire for collective survival and, beyond that, to attain order, meaning, and even immortality through our collective pursuits.⁶⁹ This desire may not stir in every individual but it is sure to pervade every thriving society. The governance principles of any functioning tradition will offer the means not only to endure but to thrive, thereby ensuring a basic equivalence between them.

Convergence

To this point, the discussion has treated the two governance traditions as though they had not met in practice. Of course we know they did. Contact was followed by colonization. The clear casualties here were First Peoples (including the Métis), who were forced both by drastically changing conditions of life and by the legislation and policies of successive Canadian governments to fit into a Western Anglo-Saxon mold. More recently, though, there has been convergence coming from the opposite direction: namely, a mounting appreciation of the traditional indigenous world view among non-Aboriginal people. Finally, there has been convergence in the form of Métissage, both a physical and a cultural mixing represented in the Aboriginal people known as the Métis. As evidence of convergence, we take up Westernization, indigenization, and Métissage in turn.

Westernization

The experience of colonization permanently changed First Nations’ governance. The government system legislated by the *Indian Act* not only brought a traumatic caesura to indigenous governance forms but also, for a time at least, obscured their underlying principles. As Calvin Helin put it: “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.”⁷⁰ One can scarcely overemphasize the toll that colonization and the *Indian Act* took on traditional indigenous governance. The municipal style government system had little meaning in First Nations communities.⁷¹ First-past-the-post electoral systems undermined traditional forms of leadership selection and their emphasis on consensus.⁷² Fractures occurred along family and clan lines, exacerbated

⁶⁹ This viewpoint is informed by a much broader theory on equivalence presented in the work political philosopher Eric Voegelin. For a brief introduction, see “Equivalences of Experience and Symbolization in History,” *The Collected Works of Eric Voegelin*, Vol. 12 (Baton Rouge: Louisiana State University Press, 1990), 115–33.

⁷⁰ Helin, *Dances with Dependency*, 98.

⁷¹ Joe Matthias, former Chief of the Squamish Nation. Cited in Helin, *Dances with Dependency*, 96.

⁷² *Report of the Royal Commission on Aboriginal Peoples*, Vol. 2, 133–36.

when single families gained control of the council and attempted to shut others out.⁷³ What limited jurisdiction Indian governments enjoyed under the *Indian Act* was concentrated at the local community, unbalanced by the prior web of relationships at the tribal or confederate levels.

In the post-colonial context and faced by the challenges of their *Indian Act* governance systems, many First Nations people now invoke principles of good government that are largely Western in terminology, if not origin; they seek fair, transparent, accountable and participatory governance as the key means to improve governance of their communities and organizations.⁷⁴ Notably, the call applies not only to band governments but to federal, provincial and territorial ones as well, which Aboriginal peoples justifiably argue have fallen well short of good governance standards of any kind in dealing with their peoples.

In a 2008 discussion document, for example, the National Centre for First Nations Governance (NCFNG) presented seventeen principles of effective governance stemming from what it viewed as the five key components of governance: the Land, the People, Laws and Jurisdiction, Institutions, and Resources. The principles, the authors stressed, are “intended to refer to governance in the context of First Nations. They are infused with and drawn from our language, culture, values and sense of spirituality. This allows us to speak about the principles as an authentic guide.”⁷⁵ A number of the seventeen principles arising from a contemporary First Nations perspective also resonate with the Western-based principles put forward by the IOG—an emphasis on transparency and fairness, for example, or on results-based organizations, accountability and reporting. The NCFNG document suggests an increasing convergence with governance principles of a more Western derivation, but also a considered and informed convergence rather than a simple assimilation to them.

The report of the RCAP stated that some Aboriginal people wish simply to return to their pre-contact governance traditions.⁷⁶ Most, however, prefer a blending of traditional approaches with contemporary ones. Indigenous life now includes modern technology, the written word, and a money economy. Face-to-face societies characterized by a broad shared knowledge pool have given way to the more mobile, diverse and specialized contemporary First Nations communities. Beyond this, many First Nations people spend at least part of their lives away from their home communities and in predominantly non-Aboriginal ones. As a result of such factors, Aboriginal people would understandably draw both on their own traditions and on those of a Western provenance. In the experience of the IOG, this has in fact been the norm. Often, First Nations and Aboriginal organizations attempt to marry the two traditions by informing a Western governance

⁷³ Ibid., 283, 346; Helin, *Dances with Dependency*, 142. For a parallel development in the American context, see Joseph P. Kalt, “Policy Foundations for the Future of Nation Building in Indian Country,” Harvard Project on American Indian Economic Development (February 2001), 7.

⁷⁴ *Report of the Royal Commission on Aboriginal Peoples, Vol. 2*, 116; Helin, *Dances with Dependency*, 152. Helin even states that “Many Aboriginal youth do feel they are ‘conquered subjects’ of a systemic and antiquated form of governance suited to the benefit of elites and paid for on the backs of the suffering of grassroots indigenous people.”

⁷⁵ National Centre for First Nations Governance, “Principles to Support Effective Governance: Discussion Document” (Summer, 2008), 8 ff.

⁷⁶ *Report of the Royal Commission on Aboriginal Peoples, Vol. 2*, 115.

form with a traditional value, whether it is a new health authority founded on the core Cree value of *Sahkitowin*; a Friendship Centre establishing respect as its core value and structuring its management accordingly; an employer offering a generous bereavement leave to accommodate for traditional practices; or an organization's strategic plan based on the medicine wheel and projecting for twenty years rather than five.

First Nations and other Aboriginal organizations, despite some severe restraints imposed by funders, have managed to be creative in establishing institutions that convey their core principles and beliefs through adapted Western governance forms.

Indigenization

We turn now to the second posited point of convergence: a mounting “indigenization” of Canadian publics and governments. This tendency emerges on the one hand from a deep and mounting dissatisfaction among Canadians—reflecting a broader one among citizens of all mature Western democracies—in the practices of their governments. On the other, it results from a renewed openness to indigenous world views and traditions through a forced revision of such ideologies as progressivism and the myth of the savage.

Within mature Western democracies, the confidence of citizens in their governments has steadily waned in the past fifty years. As a major example, “citizenship” has become a vexed element of our political vocabulary. Canadians now exercise their citizenship almost solely through the act of voting, yet this act appears to hold less and less appeal. Turnout for federal elections hovers at 60 percent, reflecting a general malaise with our political leaders and central governing institutions.⁷⁷ Provincial and municipal election turnouts are far worse. Governments, for their part, have come to rely on such artifices as polling, spinning, advertising and other marketing techniques to stay ‘connected’ to citizens. In 2002, political affairs columnist Jeffrey Simpson offered that “[t]here is a widespread, if unfocused, sense among Canadians that something is awry with their democratic system.” Since then, this sense has deepened: three successive national-level minority governments capped off by an unprecedented power struggle in Parliament in the midst of an acute economic crisis in December 2008. Further, Canadian governments appear to be a major part of the problem rather than the solution in addressing such pressing issues as the environment. As non-Aboriginal people cast about for alternatives to the known routines, Indigenous principles and practices present a powerful one.

As one instance of a mounting indigenization of non-Aboriginal publics, witness the North American environmental movement and its central concept of stewardship. In *Lilac Moon: Dreaming of the Real West*, Sharon Butala captures what is by now a widespread sentiment:

⁷⁷ Turnout dropped to a record low of 59.1 percent in the October 2008 federal election, only 4 points more than the estimated turnout of just over 55 percent for the 2008 American presidential election. “Voter turnout drops to record low,” cbcnews.ca (October 15 2008) www.cbc.ca/canada/story/2008/10/15/ viewed on December 3, 2008. For accounts of how confidence levels in politicians and central political institutions have dropped sharply in Western mature democracies since the 1960s, see Neil Nevitte, ed. *Value Change and Governance* (Toronto: University of Toronto Press, 2002).

Many Western EuroCanadians (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.⁷⁸

According to Butala, non-Aboriginal Westerners are again “beginning to see [the land] as alive and filled with spirit, and as something not apart from us, but of which we are part.”⁷⁹ The growing influence of environmentalism presents evidence of convergence at the level of world view and principle. As the Canadian public puts increasing pressure on governments to protect our lands, waters and wildlife, the governance principles of First Nations gain fresh relevance and may be poised to play an increasing role in shaping policy and legislation in that area.

There is also a new appreciation of the face-to-face governance form, evinced in the renewed emphasis on citizen participation by some democratic advocacy groups. In face of voter malaise and a superficial engagement of citizens, such groups seek to “access the collective wisdom of the American people,” by implementing dialogues of a more informal, face-to-face type.⁸⁰ Involving anywhere from 500 to 5,000 citizens and lasting up to a day, modern town hall meetings judiciously use technology to draw out discussion, encourage face-to-face dialogue with decision-makers and synthesize themes that emerge. Although they do not generally end in consensus, they do produce clear recommendations and leave participants with a sense that their voices have been heard.⁸¹ In response to the UNDP call for a “widening and deepening” of democracy abroad, the IOG has recommended a more widespread use of such meetings as a means to widen and deepen democracy in mature Western democracies.⁸² Here is a case not only where an emphasis on consensus but a smaller, face-to-face context is introduced deliberately, encouraging deliberation and responsive leadership as a means to enhance legitimacy.

One could point to similar movements in the health and justice sectors, where Aboriginal groups and governments have begun instituting healing and restorative forms of justice that now influence non-Aboriginal approaches.⁸³ Longstanding Canadian diversion, fine

⁷⁸ Sharon Butala, *Lilac Moon: Dreaming of the Real West* (Toronto: HarperCollins, 2005), 77–78. See also Paul Hawken, *Blessed Unrest: How the Largest Social Movement in History is Restoring Grace, Justice, and Beauty to the World* (New York: Penguin, 2007), especially the chapter “Indigene.”

⁷⁹ *Ibid.*, 78.

⁸⁰ See here the website of AmericaSpeaks, a nonpartisan organization based in Washington, D.C. that seeks to provide American citizens with “an authentic voice in local, regional and national decision-making on the most challenging public issues of the day.” <http://www.americaspeaks.org>.

⁸¹ A well-known experiment with this style of meeting was a New York City event held to determine what should be done with the former World Trade Centre site in the wake of September 11. The event involved some 600 citizens, 73 percent of whom indicated satisfaction levels of high or very high at the end of it.

⁸² John Graham, “Reinvigorating Democracy: Dealing with September 11th through Modern Town Hall Meetings,” Institute On Governance, Policy Brief 13 (September 2002). <http://www.iog.ca>

⁸³ As an example of such an influence in federal prisons, consider the Pathways Initiative, which began as a pilot project within Correctional Services Canada for three institutions. With the goal of addressing the unique needs of Aboriginal offenders, the initiative has existed for six years now. An interview with a manager at Aboriginal Initiatives

option and victim compensation schemes owe their origins to indigenous approaches.⁸⁴ Likewise in education, where provincial governments in the Western provinces especially have begun adapting curricula and teaching methods to accommodate the growing numbers of Aboriginal people in their education systems.⁸⁵ Universities have also begun adapting their programming—in some cases adjusting even their infrastructure and campus landscape to reflect the growing Aboriginal presence.

In the eyes of some commentators, such adjustments simply 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.⁸⁶ In the United States, some American scholars have argued for an influence of the Haudenosaunee 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.⁸⁷

For our part, we note the possibility of an influence in each case—with the crucial caveat that it is important not to overstate the trend of indigenization. The very call for self-government as a means to reconnect with Aboriginal governance traditions indicates that the indigenization of Canadian public institutions has yet to “take” in any meaningful way. But here too, there is a potential for enrichment in that successful initiatives in self-government hold out great promise for non-Aboriginal institutions as well. Whether in health, education, justice and prisons, or other governance techniques—any successful practices or institutions arising through self-government initiatives can potentially stand as models for institutions of the non-Aboriginal society to emulate or incorporate.

Métissage

The final point of convergence worth noting is perhaps the most complete and concrete. It is a group of people—a rights-bearing people named in Section 35 of the *Constitution*. The Métis offspring of French or Scottish traders and Aboriginal women comprised an ever-growing portion of the fur trade through the eighteenth and nineteenth centuries. In the nineteenth century, the Métis population living around the Red River Settlement in modern Manitoba articulated the existence of a unique, self-conscious Aboriginal nation stretching eastward into Ontario and westward into Alberta and eventually also British

in CSC indicates that the program had such success at some institutions that non-Aboriginal inmates also now seek to participate in it.

⁸⁴ The author thanks Brad Morse of the University of Ottawa for having pointed out an influence in this case.

⁸⁵ As a major breakthrough on this front, the Government of Saskatchewan, partnering with the Federation of Saskatchewan Indian Nations, just introduced mandatory treaty education for kindergarten through Grade 12. Government of Saskatchewan, “Moving Forward with Mandatory Treaty Education,” news release of September 15, 2008. Viewed at <http://www.gov.sk.ca/news> on December 3, 2008.

⁸⁶ John Ralston Saul, *A Fair Country: Telling Truths about Canada* (Toronto: Viking Canada, 2008), 3.

⁸⁷ 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.

Columbia.⁸⁸ Adapting Aboriginal and European governance models to fit their own unique traditions, the Métis also spoke a language made of French and Cree elements. They enjoyed an economic life that included farming, commerce and trading and the buffalo hunt. The existence of Canada's Métis—a constitutional category that may well include not only the Western Métis but Aboriginal Acadian communities in Nova Scotia, Inuit-Métis in Labrador and some Aboriginal communities in Quebec—indicates the elasticity of both Aboriginal and non-Aboriginal governance traditions if allowed to combine as the circumstances demand and in an unforced way.

This last point brings us to our larger conclusion. Given the right conditions, distinct governance traditions will spontaneously combine and interpenetrate. Or, if maintained as distinct under conditions of mutual respect, they have the potential to temper and correct each other. As the potentially deadly consequences of our long-forgotten link to the living environment indicate, non-aboriginal peoples *need* the influence of thriving indigenous traditions and principles as correctives to certain absences in our own. And our highly formalized bureaucracies and representative states institutions *need* periodic recalls to a more face-to-face context to reconnect people with their governments. Representative institutions based on first-past-the-post electoral systems must still strive to encourage participation and consensus; judicial and policing systems need not only enforce but also restore friendly relations; legitimacy and voice requires a degree of personal interaction and face-to-face contact.

To posit the need for a stark and irreversible choice between two governance paths is to reinforce the gulf between human beings that ill-conceived western ideologies created in the first place—such notions as the myth of the savage, or of progress, or of a Darwinian contest among races. The path to reconciliation encourages mutual interpenetration, correction and enlargement of the two traditions rather than the overdrawing distinctions in an attempt to dismiss one or the other of them.

⁸⁸ John Weinstein, *Quiet Revolution West: The Rebirth of Métis Nationalism* (Calgary: Fifth House, 2007).

Conclusion: Towards Reconciliation

This essay began with a practical question. It asked whether the IOG can usefully apply its UNDP-based governance principles to Aboriginal governance systems. After probing the sources of the IOG principles and positing some provisional pre-contact Aboriginal ones, the inquiry discovered two traditions that are distinct yet also to some extent overlapping and converging. Our inquiry found common ground in the 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 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.

Discovery of governance principles of other origins suggests that the IOG principles can claim to be universal only in the following senses:

- Their basis in international human rights enjoys widespread acceptance
- They are abstract enough to apply in a widely varying array of contexts
- They can be reasonably argued to conduce to human flourishing in all cultures
- They, as with the good governance principles of Aboriginal societies, arose in a response to a universal human craving for harmonious, predictable and fair social relationships

First Nations and other Aboriginal groups will have to determine to what extent they wish their governance structures to conform to more traditional principles on the lines of the ones outlined here, on more Western-based principles, or on some combination of the two. As both this paper and the recent work by the National Centre for First Nations Governance indicate, it need not be an either/or decision; any traditional principles pursued will require adjustment to the contemporary context in any case.

For its part, the IOG can begin incorporating indigenous insights into its own principles. Its understanding of legitimacy might entail a stronger emphasis on the need for consensus. The performance principle might ask whether the governance system evinces a respect for its living environment. The direction principle may provide a larger role for community cohesion and attunement to external factors. Points of ongoing dialogue can be expected on issues such as the role of spirituality in public government or of kinship ties in representation and allocation decisions. If undertaken under conditions of mutual respect, though, such dialogue is ultimately healthy—providing a chance for mutual benefit and enrichment on both sides.

For First Nations communities, challenges to the revival of traditions in the name of liberal democracy or human rights will serve either to strengthen those traditions or to prompt their revision. For non-Aboriginal institutions, the fact that newly self-governing First Nations are now creating tradition-based laws, policies and programs to serve their communities will provide a continual reminder that there are other, and potentially better ways of governing—ones that could provide correctives or models to our own.

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. We might hope for an enlargement of our public discourse and institutions by resuming the important dialogue between distinct, equivalent traditions that was abruptly cut off after contact. 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.

Appendix A: A Comparison of IOG and UNDP Principles

Five Principles of Good Governance	
The Five Good Governance Principles	The UNDP Principles and related UNDP text on which they are based
1. Legitimacy and Voice	<p>Participation – all men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their intention. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively.</p> <p>Consensus orientation – good governance mediates differing interests to reach a broad consensus on what is in the best interest of the group and, where possible, on policies and procedures.</p>
2. Direction	<p>Strategic vision – leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded.</p>
3. Performance	<p>Responsiveness - institutions and processes try to serve all stakeholders.</p> <p>Effectiveness and efficiency – processes and institutions produce results that meet needs while making the best use of resources.</p>
4. Accountability	<p>Accountability – decision-makers in government, the private sector and civil society organizations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organizations and whether the decision is internal or external.</p> <p>Transparency – transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them.</p>
5. Fairness	<p>Equity – all men and women have opportunities to improve or maintain their well being.</p> <p>Rule of Law – legal frameworks should be fair and enforced impartially, particularly the laws on human rights.</p>

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

Human Rights Principles and Good Governance		
Good Governance 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)

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