

HANDS-ON GOVERNANCE
A CANADIAN PERSPECTIVE

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Introduction

Since 1973, Canada's aboriginal people achieved much (politically, legally and constitutionally) that has yet to be reflected in broad socio-economic change at the community level. The problems and needs of aboriginal people exist at the community level, and that is where the solutions will be found.

My grandmother was born in a Longhouse in 1880, and could not read or write. However, she had high expectations of her grandchildren. Soon after they learned to print, she relied on some of her grandchildren to write letters for her. She and other elders expected their grandchildren to get an education so as to resolve the "Land Question." While leader of the Gitksan-Wets'uwet'en peoples between 1981 and 1987, we sought constitutional and legal change which eventually resulted in the 1997 landmark Delgamuukw Supreme Court of Canada decision. There, we finally won aboriginal title, and validated aboriginal oral history as court evidence.

Why did our elders expect us to force the land claims issues through the courts? Perhaps it was because the Gitksan people were invisible to government for more than a century. Our early Gitksan leaders understood the need for political leverage to force the provincial and federal governments to recognize our plight. Our elders understood that a successful land title court action would legitimize aboriginal needs and concerns at the community level. They were right.

Having won legal and political authority to influence change at the community level, that is where our efforts must now be concentrated. Local, provincial and national leaders should direct their resources to the needs of families and communities.

In the mid-1990's I decided to dedicate my energies to the promotion of strong community governance. Recognizing how complicated community issues are, and the critical function of skilled, experienced community leadership, I chose the following as my goal: *To promote the importance of capable leaders and competent administrators in aboriginal communities.* My purpose is to help new leaders learn in a shortened period of time what took some of us many years.

This led to my developing a governance workshop on leaders' duties. It includes lessons learned from some thirty years of front-line experience in local, provincial and national aboriginal issues in Canada. The workshop is based on extensive traditional and contemporary governance practice and research.

Examples abound on the problems or chaos that results when the principles of good governance are forgotten or ignored. Bad governance --- no matter how one rationalizes it --- is bad governance, whether traditional, contemporary or blended.

In this presentation, I will provide a snapshot of the principles advanced in the workshops I conduct with aboriginal leaders in Canada.

Making Governance Relevant

The word “governance” recently crept into common usage. The word may be foreign to many of us, but we do understand sports. For that reason I use sports analogies to help people understand what governance is.

I have yet to see people from an aboriginal community who could not organize an effective hockey, soccer or lacrosse team. Yet, the same people are puzzled about how to deal with this mysterious thing called First Nations governance. Having the ability to organize a fair-minded winning team in any sport is good governance. At home, we have people who routinely organize extremely successful sports tournaments and \$100,000.00 bingo events, who curiously may also be leaders of failing organizations.

Sports contain the parameters of good governance. For example, what would sports be without rules, schedules and time limits; agreed values and discipline; or qualified managers and coaches? Who would dream of entering a sport without being offered the opportunity to learn and develop the skills and tools to play the game properly? Yet, we do so routinely in the game of community governance.

Good governance requires commonly accepted goals, rules, policies, values, codes of ethics, roles and responsibilities, and skills and tools. Breaking rules in sports without consequences may lead to chaos and is unacceptable. Yet, we are puzzled by, or tolerate, such behaviour when elected leaders do not show up for meetings, are consistently late, or mismanage funds.

Sports can be a skyhook. When uncertain about how to deal with a governance issue, think of how one might solve a similar problem in sports. This leads us to our second principle.

Leaders Development

Leaders’ development involves two issues: team-building and being better organized.

Team-Building

When appointed or elected to council or a board, it is important to understand that you have become part of a team. The members of sports teams who have a variety of skills and strengths are more effective. And they need to understand the game. Creating team spirit is one of the first tasks of a good coach. This is also the first task of a good council or board. Notwithstanding the importance of constructive debate, acting together as one is essential to the achievement of organizational goals.

Creating a team requires that the group choose a person to act as team leader. This person has certain specific responsibilities and may hold the title of president or chair. The chairperson is responsible for organizing the group to do its job, and for chairing their meetings.

The councillors or directors also have a specific role to play that is different than the chairperson's, but is equally important. Generally, their job is to set goals, hire and supervise the top manager, debate issues, and make policy decisions and recommendations.

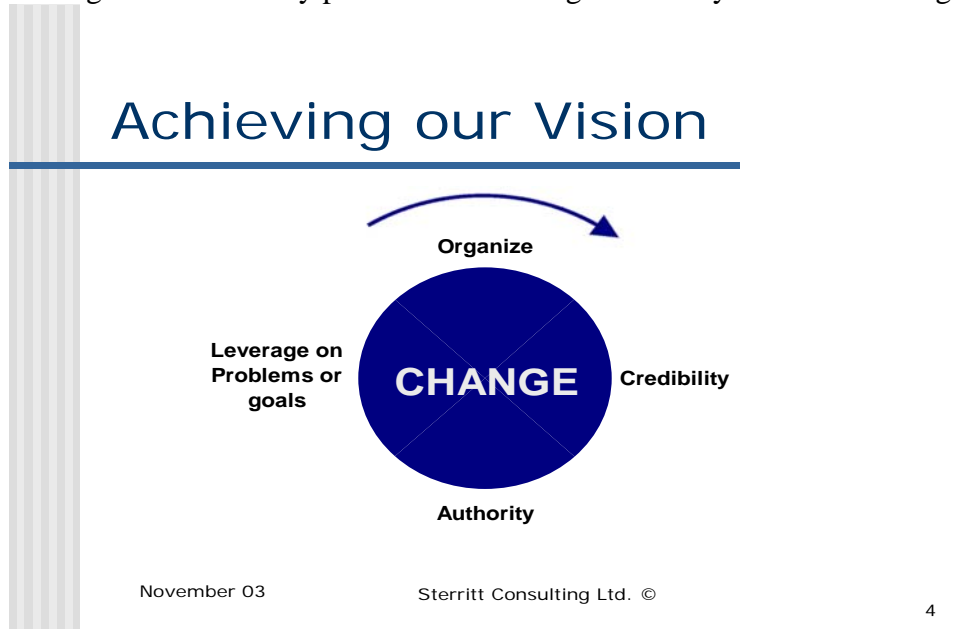
Getting Better Organized

Leaders are responsible for setting the organization's goals and making sure they are achieved. An effective board or council gets things done. In other words, they create change. Since leaders create change, they have to understand the process of change.

We have little difficulty relating to the need for skills, tools and rules in sport. We have a similar need for leadership skills, tools and rules with regard to:

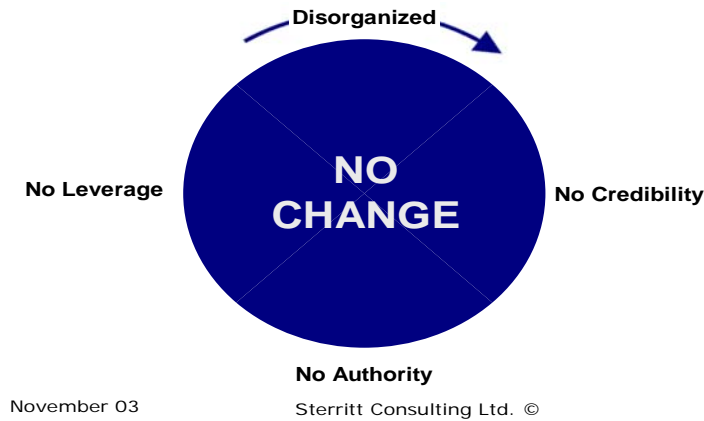
- ❖ Authority and credibility
- ❖ Relevant skills
- ❖ Leaders organizational tools

The graphic below, which I also call the "Circle of Change," illustrates the point that the better organized one is, the more credibility one has. Similarly, enhancing one's credibility also increases one's authority. Authority may be defined as power that is considered legitimate. The legitimacy of leaders and governance systems is critical to achieving change. Finally, the combination of good organization, enhanced credibility and legitimate authority provides the leverage necessary to achieve change.



Lest there be any doubt that leaders that lack credibility and legitimacy stand still or go backward, consider the next graphic:

Staying as we are



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What is Governance?

For those who may wonder what the work of leaders, or governors, is, consider this boating analogy in which it is the captain who decides the group's destination and keeps it on course, while paddlers do the grunt work. Similarly, governors set the course for an organization, and monitor its progress, while manager's implement the governor's instructions.

The word 'governance' means, "to oversee and direct a community or an organization." Governance is the process and structure by which leaders direct and manage their business. The objective of governance is to enhance the well being of community members, and to protect their assets (land, buildings, equipment and money). This includes making sure programs and services are accessible and viable.

Finally, governance is not micro-managing. Management is the work of the top-manager (e.g. executive director, CEO, etc.) and program manager's in an organization.

The Work of Leaders

Many newly elected leaders wonder what their job is. The short answer to the question is, leaders or governors make policy. The next question is, "policy on what?"

It is at this point that having a framework that defines leaders work is helpful. The framework I like to use for the job of leaders has four pillars: planning, leading, organizing and controlling. This is easily remembered using the acronym PLOC, based on the first letters of the four pillars. Thus, the work of

leaders is to ensure they have policies on planning (e.g. their vision, purpose and goals); on leading (e.g. how they intend to work as a team with each other, with their top manager, staff and members); on organizing (e.g. hire a top manager who has the required skills, experience and attitude, and is honest and ethical); on controlling (e.g. monitor the top manager and finances).

Leadership Structure



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The framework must also define how the leaders do their work. In other words, the framework must have a structure which clearly sets out who has what authority, and it must define the key relationships the leaders have with the organization's members, staff and the outside world.

By the way, a growing problem in "Indian country" in Canada is the confusion over who constitutes the 'membership' of an organization. This is usually not a problem for most *community* organizations, but it is for some *umbrella* organizations.

For example, in my aboriginal nation, our treaty organization has become an organization of hereditary chiefs¹, with little attention paid to the children, youth and adults who are not now or may never be hereditary chiefs. And yet, a treaty is meant to benefit all Gitksan people. This will be a serious problem in the future if something isn't done to correct the situation.

¹ The Australian equivalent of hereditary chiefs is that group of people known as "land holders."

Finally, it is important to remember that a policy driven organization is a proactive organization, while an issue-driven organization is reactive and defensive. I believe, from what David Ross² said today, that the Central Land Council is a good example of a policy driven organization.

The leaders of issue-driven organizations tend to spend their time responding to the next crisis and putting out brush fires.

Leadership Skills and Organizational Tools

Perfecting the application of certain skills and the use of certain organizational tools is as important to the leaders of organizations as they are in sports. The question is, “Which skills and organizational tools are important to good governance?”

Leadership Skills

The work of leaders is primarily conducted during meetings. Therefore, a fundamental leadership skill involves being able to organize and run good meetings. Participating in a meeting that is poorly organized, badly managed, and which accomplishes no business is discouraging. Meetings should accomplish a purpose, and they should be fun.

Most meetings involve planning, solving problems, conveying information, making recommendations, or making decisions. Therefore, having the ability to communicate effectively, plan, solve problems and make good decisions is important. Leaders who would like to be more effective at running meetings should consider taking training in the above fundamentals.

Organizational Tools

Several important ‘organizational’ tools of governance include the following: the organization’s constitution or charter; an organization chart; leaders’ annual tasks; leaders policies (as opposed to staff policies and procedures); the record of decision and actions (minutes); and the laws of the land (e.g. indigenous laws and government laws).

A constitution is important primarily because it defines the legal relationship between the organization’s members and its leaders, including how the leaders’ are accountable to their members.

An organization chart does more than depict the relationships between members, leaders and staff. It may also be used to diagnose organizational problems, including conflicts of interest, micromanaging and insubordination.

A list of leader’s annual tasks displays the business a council or board must accomplish during the calendar year. For example, all boards must evaluate the performance and conduct of their Executive Director or CEO at least once a year.

² CEO of the Central Land Council, Northern Territory.

Should the board fail to do so, it may not understand its fiduciary (trustee) obligations. Other important tasks include reviewing legal contracts; preparing for and approving the annual audit; reviewing and perhaps revising the organization's goals and objectives, and reviewing and revising board policies as necessary.

All directors must understand their legal obligations. Legal obligations include having a working knowledge of the board's statutory environment. Every board in Canada must be concerned with the following: the Charter of Rights and Freedoms; criminal and civil law; environmental legislation; pension matters, employee-related matters (wages, vacation pay, termination pay, source deductions) and occupational health and safety legislation. Similarly, aboriginal leaders should know about aboriginal laws and protect the aboriginal rights of their members.

The leaders of some aboriginal organizations do not bother to keep a record of their meetings. Failing to keep meeting records means such leaders may not understand the nature of their legal relationship with the members.

It is inefficient for a large number of people to oversee the business of an organization, so they choose a representative body to conduct their business for them between annual meetings and special general assemblies. The members' expect their representatives to keep a record of the business conducted by leaders on their behalf. In this regard, the meeting record (often called minutes) is considered to be the official expression of board or council business.

Workshop Expectations

Given the topics covered during my two-day governance workshop, and the complexity of board work, my expectation is that workshop participants will gain a general understanding and appreciation for:

- ❖ The process and structure of governance
- ❖ The skills and tools of governance
- ❖ The nature of change as it involves the work of leaders
- ❖ The fact that they are trustees for the member's assets
- ❖ How to solve organizational problems

Clearly, most persons elected as councilors or board members have little prior experience with governance. The workshops I deliver are designed to help new leaders know how they can become effective councilors or directors more quickly.

Because many aboriginal people are familiar with sports and how to organize teams and tournaments, I use sports analogies to demonstrate the principles of governance. I view sports analogies as a skyhook that leaders can use to solve

governance problems after I have left the community. I also offer a free follow-up service by phone or E-mail so that workshop participants have someone to talk to about problems and options when they run into trouble, or experience a crisis.