

THE DESIGN AND OPERATION OF POST-SETTLEMENT GOVERNANCE ENTITIES

A management contribution

*Miriama Jordan Cribb**
Jason Paul Mika†

Abstract

Post-settlement governance entities (PSGEs) are an outcome of the Treaty of Waitangi settlement process. Their role is to hold, manage and be responsible for the collective assets received on behalf of claimant groups, most often represented by iwi. However, many PSGEs serve wider purposes, including social, cultural, environmental and other iwi-defined purposes. This article seeks to answer the following research question: What factors influence the design and operation of PSGEs? Through analysing literature and data collected from the experiences of three PSGEs, we find that challenges PSGEs tend to encounter are not a result of their design. Instead, they are attributed to their operationalisation—that is, their management. We argue that there is more to their management than what is currently understood, and we seek here to contribute meaningfully to knowledge of the design and operation of PSGEs as contemporary forms of Māori organisation.

Keywords

Māori entities, Māori management, Māori organisational design,
post-settlement governance entities

Introduction

The main role of a post-settlement governance entity (PSGE) is to hold, manage and be responsible for the collective assets received as an outcome of the redress for Treaty of Waitangi settlements with Māori, the Indigenous people of Aotearoa New Zealand (McKay, 2012). PSGEs, however, tend to serve wider purposes, fulfilling social,

cultural and environmental aims (New Zealand Law Commission, 2002) while performing business, representational, statutory and Treaty partner functions (Gibbs, 2015; Sanderson et al., 2007). Consequently, PSGEs can be considered multipurpose organisations. This broad range of PSGE functions is consistent with the diverse ways in which Māori are engaged in economic activity

* Te Āti-Haunui-a-Pāpārangī, Ngāti Pikiao, Ngāti Porou, Ngāti Tama. PhD Candidate, School of Management, Massey University, Palmerston North, New Zealand. Email: miriamacribb@gmail.com

† Tūhoe, Ngāti Awa, Whakatōhea, Ngāti Kahungunu. Associate Dean Māori and Associate Professor, School of Management and Marketing Operations, The University of Waikato, Hamilton, New Zealand.

(Amoamo et al., 2018; Dell et al., 2018). Tensions arising in the pursuit of building tribal capabilities is not an uncommon experience amongst PSGEs because they must contend with multiple purposes and complex sociopolitical environments (Mika et al., 2019). Achieving expected levels of efficacy in such organisations may hinge on their design as much as the people who are installed to deliver on tribal expectations. Theoretical explanations of PSGEs tend to come from deep consideration of their governance, representation and structure as elements of the political realm of tribal organisation (Joseph & Benton, 2021). What is missing is a managerial perspective of PSGE formation and operation.

This article focuses attention on organisational design to support the effective operation of multipurpose PSGEs—that is, on designing and procuring an effective entity that incorporates the agreed legal structure and considers the cultural, social and economic needs of tribal members as Treaty claimants. We discuss theoretical insights and practical implications from an analysis of the relevant literature and the experiences of three PSGEs. The article seeks to answer the following research question: What factors influence the design and operation of PSGEs? This article contributes to Māori management discourse, particularly as we look to avoid simplistic conceptualisations of Māori enterprise (Bargh, 2018) and extend our “conventional ideas of the role of the manager and the management process to embrace a multiplicity of means and ends” (Mika et al., 2020, p. 262). The insights shared here might be of particular interest given the new approaches to settling historical grievances observed in the Deed of Reconciliation for Parihaka, a Māori settlement in the Taranaki region of New Zealand (Kawharu, 2018), Te Anga Pūtakerongo mō Ngā Maunga o Taranaki, Pouākai me Kaitake | Record of Understanding for Mount Taranaki, Pouākai and the Kaitake Ranges (Ngā Iwi o Taranaki and the Crown, 2017) and for Māori entities generally.

What the literature says

Managerial principles and the organisational design of PSGEs infrequently appear in the literature. Almost exclusively, literature on PSGEs falls within the ambit of Treaty settlements and not what happens post-settlement. Research on PSGEs, for example, addresses questions of law and politics (Andrew, 2008; New Zealand Law Commission, 2002; Wiri, 2013), colonisation and recolonisation (Summerfield, 2015), social justice and inequality (Glover, 2019; Lashley,

2000), economic and sustainable development (Coffin, 2013; Harmsworth et al., 2002; Meade, 2004; Mika et al., 2019; Wineti, 2015), tikanga Māori and te ao Māori (Chapman Tripp, 2017; New Zealand Law Commission, 2002; Roxburgh, 2016; Māori Affairs Select Committee, 2013), governance and governance entities (Chapman Tripp, 2012; Joseph, 2014; McKay, 2012; New Zealand Law Commission, 2006; Te Puni Kōkiri, 2004, 2009) and conservation, co-management and resource management (Dodson, 2014; Te Aho, 2010; Warren, 2016). The absence of managerial perspectives in this literature appears due to management being subsumed by governance. Although governance and management are both important, “there is a complete absence of literature concerning the nature of Indigenous organisations and their design” (Prendergast-Tarena, 2015, p. 33).

Many Māori entities, particularly those set up under legislation like PSGEs, are designed to be safe and to avoid risk because they involve acquiring an asset or a workforce and enveloping them in a legal boundary (Wineti, 2015). Consequently, much of the focus is on statutory and financial obligations (McKay, 2012) and on upholding tax and legal responsibilities (Chapman Tripp, 2012). While it is important to understand the tax requirements of PSGEs, understanding management functions also matters for the practical reason of goal achievement (Hayes & Johnston, 2012). A management understanding must go beyond the functionality of managing assets and operational-level activity because PSGEs are an extension of the tribe itself—with a human composition, sociocultural dimension and purposeful existence (Mika et al, 2019).

In management theory, organisations fulfil their potential through the intentionality of organisational design, which is underappreciated in Treaty settlement discourse (Te Puni Kōkiri, 2004). We, therefore, seek to understand and apply managerial concepts of organisational design to PSGEs. Although PSGEs make up 63% of the \$15 billion in Māori collective assets (Chapman Tripp, 2017), and the first PSGEs are now over 20 years old, understanding how they should be structured is still evolving (Gibbs, 2015). KPMG (2022), for instance, calls for a change in the way Māori entities are designed and function—a paradigm grounded in te ao Māori rather than one that involves the tweaking of Western models.

There is no one-size-fits-all model for good governance from a Māori perspective (Joseph, 2014). There have, however, been two attempts to address apparent deficiencies in the governance of Māori

organisations (Te Puni Kōkiri, 2009). In the first instance, Te Puni Kōkiri | the Ministry for Māori Development (2004) proposed that a new governance model for Māori entities should be developed to address the unique features of their cultural context while enabling good governance. The model was mooted for two main reasons: first, to provide claimant groups with receiving organisations that satisfied both Crown and Māori expectations and were more effectively aligned with the nature of Māori collectives; and second, to overcome decades of ad-hocracy as Māori entities, particularly Māori authorities, were manipulated to meet Māori needs within the constraints of legislative frameworks fashioned on variations on the British corporate form. In the second instance, the New Zealand Law Commission (2006), working closely with Te Puni Kōkiri, outlined the case for a new statutory Māori corporation called Waka Umanga. Stemming from this work, the Māori Affairs Select Committee (2008) considered the Waka Umanga (Māori Corporations) Bill and recommended it to the House of Representatives, but it did not proceed after a change in government in December 2009.

Background

This article is situated in the context of Aotearoa New Zealand and the Treaty of Waitangi, understood to have been signed in good faith between the British Crown and Māori rangatira in 1840 (Hayward & Wheen, 2004). The Treaty was written in English and in the Māori language, with the latter version known as te Tiriti o Waitangi, which most rangatira signed (Coxhead et al., 2014). In 1975, the Waitangi Tribunal, a commission of inquiry, was established to investigate Māori claims against the Crown for breaches of te Tiriti o Waitangi and recommend settlements (Mutu, 2018). Claimants are composed of one or more iwi who, under current settlement policy, are arranged into large natural groupings and can opt for direct negotiations with the Crown rather than having to wait for the Tribunal to hear and report on their claims. There are four main steps in the settlement of a Treaty claim: pre-negotiation, negotiation, ratification and implementation (Andrew, 2008). The design and development of a PSGE can start as early as the pre-negotiation stage, but usually this activity happens in the negotiation stage.

A PSGE must be representative of the claimant group, transparent in its decision-making and dispute resolution, accountable and beneficial to the claimant group, and be ratified by them (Chapman Tripp, 2012). While initially the options

for claimant groups seemed varied, the Crown has, to date, accepted two principal legal entities as suitable for PSGEs: common law trusts and statutory bodies (Sanderson et al., 2007). Common law trusts are the most familiar arrangement, with a parent body responsible to a representative structure and subsidiary trusts or companies linked to the parent entity through ownership and the power to appoint directors and trustees (Gibbs, 2015).

Defining what we mean by management and organisational design is necessary at this point. Although a traditional definition, in its simplest form management is the process of forecasting and planning, organising, commanding, coordinating and controlling within organisations (Fayol, 1917/2016). Management, therefore, involves examining the future to devise a plan, building a dual structure of material and human resources, maintaining and unifying activity and effort, and ensuring conformity to the rules and expressed command (Fayol, 1917/2016). Thus, management is the accomplishment of these actions in pursuit of an organisation's objectives while maintaining relationships with stakeholders, technologies and other internal and external artefacts (Clegg et al., 2016). In this article, organisational design is understood as an aspect of management. Organisational design focuses on an organisation's structure and its mode of operation (Clegg et al., 2016) and is concerned with establishing its legitimate and desired role (Burton & Obel, 1998). Organisational design involves calibrating an organisation's systems to its external business environment (Clark, 1972).

Methods

This article is qualitative in nature and uses Kaupapa Māori research and an interpretive approach as the philosophical framework. Smith (1997) defines Kaupapa Māori as the state of being Māori, which is connected to Māori philosophy. In this approach, the validity and legitimacy of Māori language and culture, and the struggle for autonomy over Māori cultural well-being are accepted. Just because participants in research are Māori, a Kaupapa Māori approach cannot be assumed to be the most suitable. An interpretive approach allows multiple realities to exist (Baxter & Jack, 2008) and is better placed to guide research in regard to organisational design. This approach allows data to be collated from the experiences of PSGEs (Bell et al., 2019). Thematic analysis, whereby data is analysed and key themes are developed, was the main method used for data analysis (Bell et al., 2019).

The experiences of three PSGEs were captured through interviews with nine people, and these form the primary data. Of the nine interviewees, three people were chairs, three trustees, two chief executives, and one was a trustee who was also an administrator. Participants had backgrounds that include education, research, management, business and community development. They joined their respective PSGEs at different stages of their development. PSGEs were selected on the availability of participants and the organisation's agreeability to contribute to the research. PSGEs that had existed for more than 10 years were selected to ensure a thorough collection of data. Semi-structured interviews were conducted. Nine sub-questions were developed as an extension of the main research question. These questions were grouped into both design intentions and operational outcomes, with a final question opening a discussion on future considerations. The inclusion of the word "management" and the use of management terms such as "operation", "functionality", "organisation" and "structure" ensured a management lens was present in the interviews.

Findings

All PSGEs selected for this study had settled their Treaty claims between 2000 and 2010, with each receiving financial redress of at least \$10 million. All three entities use the common law trust model, but each had different representation structures: one chose to elect trustees via a marae vote, one by a hapū vote and one by an individual vote. All PSGEs had subsidiaries, including investment arms and charitable trusts. The PSGEs varied in the structure of their offices, but each included a mix of business-as-usual functions and strategic projects. The findings are organised into two sections: the first presents PSGE design factors, and the second outlines factors influencing their operation.

Factors influencing design

We found that the key factors influencing the design of PSGEs were (a) whakapapa and hapū rangatiratanga, (b) the Treaty claims and settlement process, (c) good governance, (d) legal and tax influences and (e) levels of trust. Whakapapa focuses on how best to re-create the social structures of the people, reinforcing their own processes and ensuring hapū participation. Whakapapa was a direct factor that PSGEs wanted reflected in their design to maintain unity amongst the people. While not a direct factor, the arrangements and decisions made during the settlement process—the second factor—had both a negative and a positive

effect on the design of a PSGE. While many participants did not always know the desired model, it was important to them that the structure was flexible, cost-effective, streamlined, robust and clear, and that it reflected the commercial, social, cultural, political and environmental aspirations of the group. Good governance—the third factor—influenced design in that due diligence was carried out in the absence of trustees having the necessary expertise and knowledge in establishing PSGEs. It was necessary that the PSGE met the legal requirements of the Crown and that PSGEs were maximising their tax status to minimise costs. Legal and tax influences—the fourth factor—were only discussed as being a necessity rather than a desire. As one participant noted:

I reckon tax neutrality was the main reason we did it. So it's two factors, tax neutrality and keeping our assets out of charitable trust. Those are the two real reasons we ended up with this, of what I would call quite a clunky set up. (Participant 1)

The final factor influencing the design of PSGEs—high levels of trust—is represented by the expressions of faith iwi negotiators showed in those who were influential in the design of the PSGE. These influential others included external stakeholders such as lawyers, accountants and consultants. One PSGE brought their own expertise in because they were uri, which avoided the cost of consulting external stakeholders. Participants considered it important to ensure that external stakeholders supported trustees and negotiators and that a positive group mentality within pre-settlement entity trustees and tribal negotiators existed to move settlements forward.

The interviews included questions on a claimant group's chosen structure. In one instance, the PSGE structure was described as "clunky" yet at the same time simple and practical. The core function of the structure was to remain tax-neutral and to ensure assets and activities were occupying the most appropriate part of the structure. Some challenges arose, though, such as the onerous process involved if a PSGE wanted to make structural changes, which resulted in huge operational costs—hence, the term "clunky". The structure needs to serve its purpose of managing assets while also allowing PSGEs to participate in different activities. However, it was more important that structures had good strategy, good people and good policies, and that they were effective, with input from iwi. There was a perceived need amongst PSGE governing boards for a shift in

attitude and perception, particularly around the structure being a facilitator and merely a vehicle of distribution, and not one of building empires. All three PSGEs received advice from lawyers, accountants and consultants on their design, with the advice largely tax-related, particularly around their Māori authority tax status. As one participant put it: “We don’t know. They know. We pay them big money to know and to tell us how it should be” (Participant 2).

Although PSGEs wanted to ensure the legal requirements were being met, they also wanted to ensure the chosen structure still worked for them. This expectation resulted in claimants incurring high costs for advice, with one participant referring to it as “the cost of autonomy”. There was no advice given by agencies such as Te Puni Kōkiri, nor was there any Māori governance training at the time because it was a new space. There was an assumption by participants that a management perspective would have been considered in terms of how things would work during the formation stages. It was also important for PSGEs to consider internal advice, namely maintaining institutional knowledge from the claims and settlement processes.

How the PSGE was going to work following settlement was not really considered, as planning beyond the foreseeable future was not always the main priority. The unknown—the cost of the planning activity and who was going to be involved, the associated risks and opportunities—presented too much unfamiliar ground. How the PSGE was designed from a management perspective then was made on the premise that what was intended and decided pre-settlement was appropriate for that time and context. The evolution of management in PSGEs is a result of experiential learning. Learning as you go, understanding what worked and what did not, continuously defining and refining, and learning from dysfunction and tension presented opportunities to understand past practice. The need to remain relevant was also consistent with the thinking around what worked pre-settlement being appropriate for that particular time period and context. The management perspective was thus about ensuring a values-based system that pivoted on community feel and social, cultural and environmentally appropriate decision-making, which was also robust so that development could continue at any given time.

Factors influencing operation

All PSGEs operated at several levels, with each interviewee responsible for an aspect of the overall

strategic direction of their entities. The representation level focused on accountability to iwi. The parent body focused on the strategic positioning of the PSGE. The chief executive was responsible for management and oversight of the working parts. The charitable arm focused on social, cultural and sometimes environmental matters while the investment arm was responsible for matters such as property and financial assets. At an operational level, there was variety in how outcomes were achieved, and this was largely dependent on an organisation’s size. Participants agreed that there are multiple aims and activities operating concurrently at the early stages of establishment and, over time, getting a healthy balance between infrastructure and strategy was necessary, as was ensuring separation between governance and management.

There was an overwhelming consensus amongst participants that despite the structure enabling PSGEs to get things done, flexibility remained paramount. Flexibility was required for PSGEs to be organic enough to respond to crises, to collaborate with other stakeholders, to allow staff to operate without being bound to bureaucracy, and to apply for external funding to meet both funder criteria and PSGE objectives. This flexibility emphasised another key theme that emerged regarding factors influencing operation: expectations and actual activity. Understanding what the PSGE wanted to achieve, and what resources were available to achieve its aims, was critical. Being clear about the outcomes and measures of success, while also knowing how what you do every day gives effect to achieving those outcomes, was important. The measures, outcomes and processes also needed to reflect the wants and needs of iwi members, and were not to be made on assumption.

How well a PSGE operated from a management perspective relied heavily on having an effective chief executive or general manager. Capability regarding human resources was critical in how well the PSGE performed. As one chief executive noted:

I think that’s been a hard road trying to get to a point where I feel this place is high performance, and we’re not there yet. What I’m really pleased about is we’re high-energy, there’s heaps of energy. (Participant 3)

There were specific measures and tests that PSGEs conducted to evaluate how well their PSGE operated from a management perspective. These included stress tests; member feedback; having lean operations; the ease to make decisions; the

presence of bureaucracy; the ability to respond to various government issues; trust, clarity and balance with governance; level of involvement of the audit and risk committee; and a “heat pack” for the board, which was a traffic light system to identify urgent to non-urgent issues and risks. The biggest challenge for managers was how to stay relevant in a post-settled world, to iwi member needs and aspirations, and to the external world in which PSGEs exist and operate.

A key improvement concerning PSGEs was better education and understanding of how the structure and functions of a PSGE work, particularly its legalities. However, as one participant noted: “They were big on their legal structure, and I said, actually, that’s the house. It’s what you put on the walls of your house and how you behave in your house that’s important” (Participant 9).

Other suggested improvements to PSGE operation included how to better work with the advances of technology; developing platforms for innovation; improvement and application of *te reo me ōna tikanga*; succession planning; how to make the PSGE space attractive for young people; and growing other forms of capital related to culture, society, knowledge and history. Of particular interest were changes relevant to people capability and succession planning. Participants agreed that skill, common sense and a belief in the *kaupapa* were equally critical, and wondered how it is that subsidiaries were appointed by skill but the parent group were appointed by the people. Better engagement with the people outside of the PSGE model was also a key consideration. Finally, PSGEs needed to learn how to work within the Crown confinements but define their own measures of success, best practice and maximising opportunities.

Discussion

This article set out to answer what factors influence the design and operation of PSGEs. So far, the findings confirm that the factors influencing the *design* of PSGEs are direct, such as the need to maintain *whakapapa* and *hapū rangatiratanga* to reflect and maintain the social structures of iwi. Other factors are indirect because they result from the establishment process and the Treaty settlement environment in which PSGEs operate. Such factors include the need for good governance, sound legal and tax advice, and high levels of trust in accountants and lawyers, and in themselves to adopt and apply the advice. A final factor influencing the design of PSGEs is the chosen structure, which is framed around maximising tax status,

cost minimisation and asset placement. For this reason, the structure serves its purpose of managing assets while allowing PSGEs to participate in other activities.

Despite these factors influencing the design of PSGEs, the PSGE framework is, in large part, pre-determined by the Crown with design principles set by Te Kāhui Whakataua | Treaty Settlements within Te Arawhiti | the Office for Māori Crown Relations) (Prendergast-Tarena, 2015). The key factor influencing the design of PSGEs, therefore, is the Crown. Because of this, lawyers and accountants have played a critical role in the design of PSGEs to ensure Crown-defined principles have been met. Where iwi have had an opportunity to inform the design of their PSGE, they want to ensure the objectives of their Treaty settlement are met, and that they address the aspirations of the past, present and future generations by being good governors. The factors influencing the design of PSGEs have been desired, consequential and necessary. They have been informed by the environment in which they operate, and have been drawn from values that are important to Māori, while meeting Crown requirements.

These findings stress the importance of the contribution of organisational design and management principles as complementary features of PSGE governance. PSGEs should be concerned with strategies for design, rather than strategies for research, when establishing an organisation (Clark, 1972). This approach requires a move away from the breakdown of components for analysis, such as Crown requirements, toward a wholeness of thinking. Instead of compartmentalising the design of PSGEs into observation, hypothesis testing and conclusion drawing, PSGEs should take a wholeness approach (Burton & Obel, 1998). A wholeness approach considers specialised functions and services; the wants and needs of the tribe; the environment in which the PSGE operates, including its Treaty settlement claims process; and, where possible, its future. Iwi have largely inherited a Western model for their PSGE and, as a result, have designed it to survive the process rather than to meet actual needs (Prendergast-Tarena, 2015). The strategies for design require “complexity in order to study complexity” (Colombo & Delmastro, 2008, p. 2). Complex organisations such as PSGEs cannot be designed from simple business models (Kates & Galbraith, 2007).

The main factor influencing the *operation* of PSGEs is how they respond to the principles and requirements set out by the Crown and by iwi.

These dispositions include how PSGEs are going to manage their assets, as well as the need for a paradigm shift from pre-settlement to post-settlement, which requires a future-thinking and future-planning focus. Having the right attitude ensures that PSGEs are reminded that they are merely a facilitator to enable aspirations and objectives to be achieved as set out by iwi. As such, PSGEs also need to ensure their expectations are realistic and that operational-level activity gives effect to those aspirations and objectives. PSGEs are heavily reliant on good people with skill, common sense and commitment to the kaupapa of settling and giving effect to the Treaty settlement. Skilled people are needed at a governance level, in subsidiaries and in the office. A key factor influencing the effective performance and operation of PSGEs is the manager.

Structure is not a factor of PSGE operation but a decision made in the design process. How the chosen structure works very much influences the way PSGEs operate. The structures of the PSGEs in this study work, and can also be flexible when needed. The enactment of other functions, such as delivering services to members and working closely with central and local government, is unclear, however. It is also unclear as to how these functions are cohesively coordinated while meeting the cultural, social, environmental and economic needs of the iwi. Uncertainty about the way in which PSGEs operationalise their other functions confirms what this article argues: that insufficient attention is given to the effective design and operation of PSGEs. PSGEs essentially employ structures that correspond with the characteristics of a matrix management structure, where an organisation has different components representing different objectives within the same organisation (Kates & Galbraith, 2007). A matrix configuration is high in both functional specialisation (type of work) and orientation (stakeholders and outcomes). As a result, matrix formations are costly, and coordination problems are handled by matrix managers (Burton & Obel, 1998) and do not surface until implementation. Better education amongst trustees and negotiators is needed beforehand to understand how PSGE structures and functions work.

To understand new organisational forms operating in dynamic environments, there is a need to blend existing theories, such as those on organisational design, with empirical evidence on how PSGEs operate (Rindova & Kotha, 2001). PSGEs are a complex establishment set up for a very specific purpose (Gibbs, 2015) and cannot be explained by present theory. One of the

complexities is that PSGEs are not a typical business start-up, and iwi struggle to develop their PSGE from a political vehicle during pre-settlement to a commercial entity post-settlement (Sanderson et al., 2007). PSGEs are then left to persist with the devil they know, namely Crown-prescribed structures, and to make smaller improvements within those structures (Meade, 2004). The difficulty of the transition from pre- to post-settlement means iwi are reliant on good advice and external expertise. This expertise should neither be in isolation nor at the expense of the freedom and space to advocate and consider the wants and needs of the claimant group, namely the iwi.

The findings of this study show limited understanding of how a PSGE is designed and operated from a management perspective. The design of PSGEs from a management perspective was made on the premise that what was intended and decided pre-settlement was appropriate for that time and context. Future planning was not considered, as planning beyond the foreseeable future (a ratified settlement) was not always the main priority. Operating a PSGE from a management perspective relied heavily on the appointment of an effective chief executive or general manager. The findings show that management in PSGEs is about instilling a values-based system that pivots on community sentiment and appropriate decision-making within these boundaries at a particular point in time. Therefore, PSGEs working within the confines of Western models (Prendergast-Tarena, 2015), adjusting to their organisational realities (Spiller et al., 2011) and learning from experience illustrate that management within the PSGE context is an evolutionary process.

What is needed is a revolution of management which focuses on iwi developing and designing their models of organisation according to the cultural, social and environmental paradigm in which they operate. A revolution of management should enable iwi to come better prepared with options for negotiation, with strong data and research, privileging Māori ways of knowing and being (Smith, 1997) before, not after, the development of PSGEs. Prendergast-Tarena (2015) argues that new knowledge generated in Indigenous organisational models would assist Indigenous groups in designing their organisations to best achieve success as defined by their own realities. This new knowledge needs to be built on a holistic framework that considers the political, cultural, social and environmental factors in which PSGEs operate (Harmsworth et al., 2002). This shift is described by Mika and O'Sullivan (2014), who

argue that Māori management is contextual with varying approaches and is influenced by many factors such as tribal differences, purposes of the organisation, nature of the assets under management and the layers of social organisation. The current understanding of management in PSGEs must go beyond the management of assets, or an operational activity reliant on good managers.

However, operationalising organisational form is difficult because it is highly subjective (Colombo & Delmastro, 2008). Māori do not compartmentalise their ways of living, preferring instead to incorporate their values and culture into their activities and institutions (Best & Love, 2010). How this is translated into design principles, methods and processes that are also compatible with the requirements of the Crown is still being understood. Developing effective Indigenous institutions is not about solving conflicting values; rather, it is about working toward a system that can encompass diversity, the needs of Indigenous people and the technical components needed to operate the institutions (Martin, 2003).

These considerations, together with a limited understanding of management within the PSGE context, illustrate that there is a place for management and organisational design in the development of new PSGEs. That place needs to be informed by ensuring alternative structures are made available for PSGEs, in addition to the two accepted by the Crown. It is understandable, then, that the reports from Te Puni Kōkiri (2004) and the New Zealand Law Commission (2006) were positioned to offer an alternative to rather than a replacement for existing models. The PSGEs included in this study observed that there are going to be new waves of settlements and that responses to Treaty breaches might not always result in a PSGE. It is important that management remains relevant. What worked pre-settlement was appropriate for that time. However, the need for governors and managers involved in Māori organisations to keep abreast of the development and design needs of iwi today is urgent.

Conclusion

Critical insights have been drawn from the literature and from the experiences of three PSGEs on the matter of the design and operationalisation of these PSGEs. The literature on PSGEs is located within Treaty settlements and, as a result, focuses on the political, economic, environmental and legal aspects PSGEs encounter on their journey to settlement. Despite sizeable Māori economic assets sitting within PSGEs, there is no distinctive

research on the status and management of PSGEs. Where there is, it is located within the governance material. For the three entities in this study, the PSGEs serve their core purpose, which is to hold, manage and be responsible for collective assets received through Treaty settlements and subsequent acquisitions. That purpose is definitional, but PSGEs often incorporate other purposes as defined by themselves and their members. Once these purposes are planned and implemented, the PSGE becomes operationally challenging. That is, in addition to managing assets, PSGEs must be commercially viable to deliver services, work with central and local government, and meet the social, cultural and environmental needs of the people. Given the reactive nature of settlements and that organisational design is concerned with what ought to be, this article concludes that organisational design has more to offer PSGEs. From an organisational design perspective, which relates to the rational design of a structure and its mode of operation, the opportunity to enact this was limited by the Crown. The PSGE model is largely predetermined and, as such, little scope remains for iwi to participate in and contribute meaningfully to the design of their PSGE.

We acknowledge that there are going to be new waves of Treaty settlements and the future of PSGEs is uncertain, but existing PSGEs will remain. Their business, social, cultural and environmental activities will continue within the unique entity that is the PSGE. Consequently, the knowledge gained from these entities is relevant. Consideration of management within Treaty settlements is critical, especially in planning, coordinating and controlling PSGEs. Management and organisational design can help iwi transition from the pre-settlement phase of their Treaty settlement process. Iwi have been disadvantaged because the Crown has often determined the settlement process despite its commitment to resolving grievances and avoiding creating new ones. Because of this, iwi have adapted to the Crown. An opportunity exists, through academic and Kaupapa Māori research, for iwi to contribute meaningfully to the design and operation of their entities reflective of Māori culture and aspirations. This will enable them to configure organisations that are technically robust and more effectively meet the social, cultural, economic and environmental needs of their people.

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Glossary

Aotearoa	New Zealand
hapū	sub-tribe(s)
iwi	tribe(s)
kaupapa	philosophy
Kaupapa Māori	Māori research methods
Māori	the Indigenous people of New Zealand
marae	place of gathering
Parihaka	community settlement in the Taranaki region of New Zealand
rangatira	chief(s)
rangatiratanga	self-determination
te ao Māori	the Māori worldview
te reo me ōna tikanga	Māori language and customs
te Tiriti o Waitangi	the Treaty of Waitangi, New Zealand's founding document (1840)
tikanga Māori	Māori culture
uri	descendants
Waka Umanga	a proposed law for Māori governance entities
whakapapa	genealogies and descent from an eponymous ancestor

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