

**A Study of the Protocol Agreement between the Osoyoos Indian Band
and the Regional District of the Okanagan-Similkameen**

by

Levan King Cranston

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University of Manitoba

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Abstract

Protocol Agreements have been used successfully as an intergovernmental relationship-building tool between Indigenous and non-Indigenous governments in Canada during the last twenty years. In British Columbia, the Regional District of the Okanagan-Similkameen (RDOS) and neighbouring First Nations governments created a Protocol Agreement that was signed in 2013. The Protocol Agreement has brought governments together where previously a relationship did not exist.

The methods used in this research included a document analysis, and interviews with participants from the Osoyoos Indian Band (OIB) and RDOS. This case study research found that a number of successes have been achieved between the OIB and RDOS, although there are still numerous challenges in the intergovernmental relationship. The research concludes that for regional coexistence of cultures to occur successfully, both parties must have the political will to communicate, collaborate, and engage with their regional partners. All people in the region must sit together for their common good.

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for months, I appreciate those who showed me support during times of success and times of struggle. Thank you for being patient with me.

List of Acronyms

C2C	Community to Community
CIPP	Community Infrastructure Partnership Program
LSIB	Lower-Similkameen Indian Band
OCP	Official Community Plan
OIB	Osoyoos Indian Band
ONA	Okanagan Nation Alliance
PIB	Penticton Indian Band
RDOS	Regional District of the Okanagan-Similkameen
RGS	Regional Growth Strategy
USIB	Upper-Similkameen Indian Band

Interview Participants

Throughout this thesis I refer to research participants by their chosen title as they relate to this research study. As some of these titles are long I have chosen to create acronyms to identify the participants. I have provided a list of the interview participants and their acronyms below.

RP	RDOS: Regional Planner
MRDB	RDOS: Member of the Regional District Board
DSM	RDOS: Development Services Manager
RO	OIB: Referrals Officer
ENTK	OIB: Environmental and Natural Resource Technician and Traditional Knowledge Keeper

Note:

During times where the researcher refers to word “City” or “Town” or “Protocol Agreement” that is capitalized, it refers to an official organization such as the City of Penticton, Town of Osoyoos, and a specific Protocol Agreement signed between the RDOS and OIB.

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1.0 Introduction: Research Problem

There are ongoing issues in planning that have resulted from a weak relationship between Indigenous and non-Indigenous peoples (Low & Shaw, 2011/12). Since the time of colonization, Indigenous peoples in Canada have been pushed aside, their needs have been forgotten and challenges have emerged. There is a need for Indigenous planning practices that involve Indigenous governments more collaboratively in cities, towns, and communities (Alcantara & Nelles, 2016; Porter & Barry, 2016; Union of British Columbia Municipalities and the Lower Mainland Treaty Advisory Committee [UBCM & LMTAC], 2005) .

To plan with Indigenous peoples and create intergovernmental agreements requires an understanding of what the term Indigenous means. Howitt and Lunkapis (2010) note, "...the term Indigenous has no simple, unambiguous definition. It is often used interchangeably with a range of other terms such as 'aboriginal', 'native', 'original', 'First Nations', and 'tribal' or other similar concepts" (p. 109). Although there are a variety of different terms the meaning of each term is very much the same. Indigenous people throughout the world are vastly different from one another but all share the similarity of being the original people of that land, specifically before the time of colonization (United Nations Division, n.d.).

Western and Indigenous cultures hold different values and priorities. Indigenous cultures value culture and heritage, whereas the western worldview embraces capitalism, rapid economic growth, and business (Getches, 1993). These differences have led to challenges of trust during times of relationship building and consultation. Even now, when Indigenous and non-Indigenous peoples are attempting to work more closely together and intergovernmental relationships are being established (Alcantara & Nelles, 2016), collaboration has been difficult (Davis, 2010).

Increased political will of Indigenous and non-Indigenous governments opens up the possibility for less legally hostile negotiations to be explored (UBCM & LMTAC, 2005). Political will also increases the opportunities for communication in these intergovernmental relationships, not only when controversial situations arise, but also when things are going well. Increasing the frequency of negotiations between Indigenous and non-Indigenous governments may promote positive negotiations that can lead to mutual awareness and understanding, communication, respect, and trust (UBCM & LMTAC, 2005).

In addition to political will, non-Indigenous governments must understand their Indigenous partners. Jojola (2008) states “what distinguishes Indigenous Planning from mainstream practice is its reformulation of planning approaches in a manner that incorporates ‘traditional’ knowledge and cultural identity” (p. 42). Planners who embrace this may be able to bridge some of the gaps that cause challenges in intergovernmental relationship.

In the southern interior of British Columbia, Canada, in an area known as the South Okanagan, a Protocol Agreement was signed in July 2013 by the Regional District of the Okanagan-Similkameen (RDOS) and three members of the Okanagan Nation: the Penticton Indian Band (PIB), Osoyoos Indian Band (OIB), and the Lower-Similkameen Indian Band (LSIB). The Protocol Agreement was a step toward a positive relationship to embrace Indigenous and non-Indigenous cultures between three of the Indigenous governing bodies of the Okanagan Nation Alliance and the non-Indigenous governing body of the RDOS.

The Protocol Agreement describes how the three Indigenous governing bodies and the RDOS will work together. The main purposes of the Protocol Agreement are:

- a) Formalizing a government to government relationship
- b) Recognizing and celebrating diversity, cooperating with each other to achieve mutual prosperity

- c) Consultation, communication, information sharing, education, and cooperation between the parties, and
- d) Collaborative decision-making or negotiations in appropriate areas of common interest. (RDOS, 2013b, p. 2)

There are eleven different areas within the Protocol Agreement. These areas are land use planning and development, including the incorporation of traditional ecological knowledge; environmental protection; cultural and heritage protection; health care; housing; employment; drug use; economic opportunities and collaboration on projects of mutual interest and benefit; revenue sharing; delivery of services to reserves and harmonization of bylaws. These are all common areas of interest that affect communities on a regional level.

1.1 Purpose

There have been tensions between Indigenous and non-Indigenous governments since colonization. This thesis is written as a case study to further analyze these tensions and understand more about intergovernmental relationships between Indigenous and non-Indigenous nations. It specifically focuses on the growing relationship between the Osoyoos Indian Band (OIB) and the Regional District of the Okanagan-Similkameen (RDOS) through the implementation of the Protocol Agreement signed in 2013.

Case studies in the field of Indigenous planning are of the utmost importance because of the infrequent study of intergovernmental relationships that focus on protocol agreements (Alcantara & Nelles, 2011). Without case studies, there is a lack of practical and experiential understanding of the implementation of protocol agreements. The intergovernmental planning literature incorporates the study of protocol agreements in further understanding how governments can work more collaboratively together. This case study adds to the field of intergovernmental planning literature by providing an case study of how Indigenous and non-Indigenous people can work together in coexistence.

This case study examines data that identifies the successes, limitations, opportunities, and overarching challenges of the Protocol Agreement since its signing in 2013. This research study focuses on the OIB because the OIB's reserve lands are included within the RDOS boundaries. The Protocol Agreement involves several focus areas; this research specifically focuses on the area of land use and planning. Land use and planning decisions made by the RDOS and OIB affect one another in a greater way because of their proximity to one another. The objectives of this research are to:

- Assess the successes, limitations, opportunities, and overarching challenges of the Protocol Agreement
- Assess the effect the Protocol Agreement has had on land use development and planning
- Identify ways the Protocol Agreement has encouraged healthier relationships between parties
- Contribute to the body of research in Canadian intergovernmental planning literature

This case study is important as it contributes to the field of research on intergovernmental protocol agreements. It provides an example of an Indigenous and non-Indigenous government that have implemented a Protocol Agreement. This thesis goes into greater detail on how this agreement has affected the land use and planning relationship between these two parties.

This study has a number of limitations. These limitations include the OIB being the only First Nation government studied in this research. The perspective of other First Nations would provide additional information about the successes, limitations, opportunities, and overarching challenges regarding the Protocol Agreement. A second limitation of this study is that only two interview participants were willing to support this study representing the OIB. An additional

participant may have provided alternative perspectives regarding the status of the Protocol Agreement between the RDOS and OIB.

This study was conducted during 2018 over a six-month time period, with interviews taking place over a one-month period. The research included five interviews with participants from the RDOS and OIB as well as a document analysis. The data was analyzed based on five indicators of success found in the intergovernmental planning literature. The findings were categorized into the successes, limitations, opportunities, and overarching challenges that have come from the implementation of the Protocol Agreement.

1.2 Research Questions

The research questions are:

1. How has the Protocol Agreement encouraged a healthier government to government relationship between the OIB and RDOS?
2. How does the Protocol Agreement fit into the indicators of success found in intergovernmental planning literature?
3. What are the successes, limitations, opportunities, and overarching challenges in this intergovernmental relationship in context to the Protocol Agreement?

1.3 Chapter Structure

Chapter 2 describes the background of the case study to provide context to the themes found in this thesis. This section goes into detail about governments involved in the Protocol Agreement. Chapter 3 reviews the literature on intergovernmental agreements. This section provides details about the indicators of success found in the literature that were used during data analysis. Chapter 4 explains the research methods used in this case study. Chapter 5 presents the research findings and categorizes the data based on the Indicators of Success. Chapter 6

summarizes the findings into: lessons learned, policy recommendation, key ideas for professional planners, and final thoughts pertaining to this research. The appendices provide additional information about the case study including a sample consent form, and the OIB's letter of support.

2.0 Context and Background

This chapter provides contextual information about the signing of the Protocol Agreement in 2013 by the RDOS and the OIB. In addition, it includes information pertaining to each of the two governments, their structures and governing bodies, and a brief overview of Indigenous and non-Indigenous governments duty to consult.

2.1 The Regional District of the Okanagan-Similkameen

The RDOS is the regional local government for the Okanagan-Similkameen. The RDOS boundary encompasses several towns, municipalities, unincorporated areas, and First Nation Bands. These include the City of Penticton, the District of Summerland, the towns of Osoyoos, Oliver, Princeton, Village of Keremeos, and the PIB, OIB, LSIB, and Upper Similkameen Indian Band (USIB) making up a total area of 10,400 km² and a population of 83,022 people (RDOS, 2017a).

The RDOS provides services on a regional basis (B.C. Ministry of Municipal Affairs, n.d.). The vision statement of the RDOS is, “We envision the Regional District of Okanagan-Similkameen as a steward of our environment, sustaining a diverse and livable region that offers a high quality of life through good governance” (RDOS, 2017a, para. 3). The RDOS, as a governing body, implements policies with a focus on preserving and enhancing the quality of life from a regional perspective with an effective and equitable financial approach. The RDOS has three main mandates given to it by the B.C. provincial government under the Municipal Finance Authority, the Environmental Management Act, and the Emergency Act. (Bish & Clemens, 2008, p.45). Other mandates as described by the B.C. Government (n.d.) are that “planning jurisdictions for electoral areas can adopt zoning bylaws and official community plans. In addition, regional districts can have a region-wide planning role by developing a regional growth strategy” (B.C.

Government n.d. para. 2). The RDOS carries out the mandates of the provincial government and represents the residents and businesses in their area. There are several boards and committees that focus on areas involving the environment, community services, and planning and development. The Board of Directors for the RDOS is made up of nineteen members representing the nine electoral areas and the cities and municipalities within the RDOS boundary. The First Nation bands in the region do not have representation on the RDOS Board of Directors. First Nations who have finalized a treaty are able to voluntarily join a Regional District Board (Local Government Act, 2018, Part 7, Section 250); however, First Nations in the RDOS are not treaty nations.

2.2 The Osoyoos Indian Band

The OIB is a First Nation located within the RDOS as seen in Figure 1. The OIB is located in the southeast portion of the Okanagan Valley and is near Highway 97 and the Town of Osoyoos. In 2014, the OIB had a total of 519 members (OIB, n.d.). Every four years the OIB's governing body is elected under a custom election system. There is a Chief and six council members. Each council member, including the Chief, is appointed a responsibility. This allows for each member of Council to specialize in one area (OIB, n.d.). As with all First Nations in Canada, the OIB is accountable to the Federal Government's Indian Act that is administered by Indian and Northern Affairs Canada (Indigenous Foundations, n.d.).

The OIB is a part of the Okanagan Nation Alliance, a regional First Nation government formed in 1981. Within the Okanagan Nation Alliance are eight bands: the Okanagan Indian Band, Upper Nicola Band, Westbank First Nation, Penticton Indian Band, Osoyoos Indian Band, Lower and Upper-Similkameen Indian Bands and the Colville Confederated Tribes (Okanagan Nation Alliance, 2017). Of these eight bands, three have signed the Protocol Agreement with the

RDOS. This research is focused on the OIB because of its frequent interaction with non-Indigenous governments.

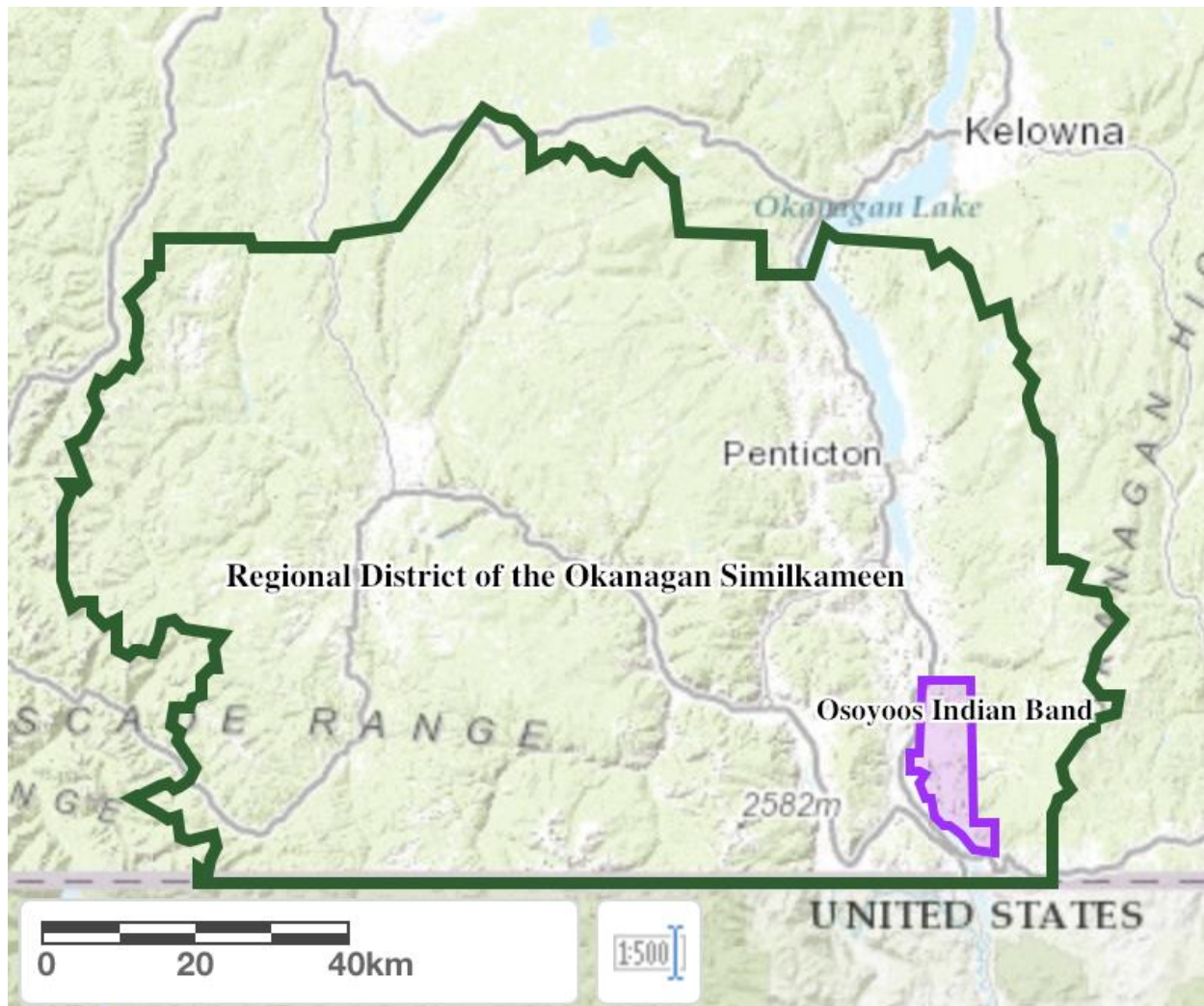


Figure 1: Map of Study Area. Used with permission. Regional District of the Okanagan-Similkameen Parcel Viewer (n.d.)

2.3 Background leading up to the Protocol Agreement

Prior to the signing of the Protocol Agreement a number of court cases triggered a high level of attention to the importance of consulting with First Nations. Although these examples are of situations regarding the Crown and a First Nation Government, they still apply to this

research as they provide a strong foundation about the need for Canadian governments to consult and communicate with First Nations on a number of issues including land use and planning.

In many instances, Aboriginal rights were compromised in processes involving land use. A number of cases, including the *Haida Nation v. British Columbia*, *Taku River Tlingit First Nation v. British Columbia*, and *Mikisew Cree First Nation v. Canada*, are examples of the Crown's failed ability to consult (Morellato, 2008). The resolution of these cases led to an understanding that the Crown, as well as local governments, should be treating consultation with First Nations as a high priority.

One key court case was the *Haida Nation v. British Columbia* 2004 (Centre for Indigenous Environmental Resources, 2007). In this court case the Supreme Court found that the Province of British Columbia had the duty to consult during the issuing of a tree farming licence. It was understood that issuing this license would significantly impact the Haida peoples' Aboriginal rights and title, as the Haida have rights to harvest cedar and have done so since time immemorial. Aboriginal rights to traditional lands are protected by section 35 of the Constitution Act of 1982 (Centre for Indigenous Environmental Resources, 2007). This requires the Crown to act honourably during all processes of negotiation with First Nations and to understand and respect Aboriginal rights. The Crown must consult "whenever it is making a decision, issuing approval for a project or development, or conducting any other action that may impact Aboriginal, treaty, and land title rights" (Centre for Indigenous Environmental Resources, 2007, p.17).

Although the Crown's responsibility is clear (Imai & Stacey, 2014), the responsibility of the municipalities and individual proponents is less clear. In B.C., in the court case of *Neskonlith Indian Band v. Salmon Arm* in 2014, the Court of Appeal ruled that the municipality did not

have the legal obligation to consult on a development project that the First Nation thought would affect them.

In a recent decision, *Neskonlith Indian Band v Salmon Arm (City of)* ("Neskonlith"), the British Columbia Court of Appeal was asked to decide whether the constitutional duty to consult could be imposed on a municipality. The Court (per Newbury J.A.; Hall and Smith J.J.A. concurring) noted that there were powerful arguments, "both legal and practical", against inferring such a duty on the municipality. As the municipality was not the Crown, and the municipality did not have an obligation to consult, the planned project could go ahead. Presumably, the Crown would still have the duty to consult. However, based on the Court's reasoning, the Neskonlith Indian Band was left to pursue the Crown's failure to consult in some other forum, while the municipality was free to proceed whether or not the Crown had fulfilled its duty to consult and accommodate. (Imai & Stacey, 2014, p. 293)

There is still discussion on the implications of this decision on intergovernmental relationships (Imai & Stacey, 2014). If the municipality has no legal obligation to consult then "this type of situation would increase the possibilities of conflict rather than encourage reconciliation" (Imai & Stacey, 2014, p. 299) because municipalities could go ahead on projects without the involvement of First Nations despite possible infringement of Aboriginal rights. Whether it is a legal obligation or not, some governments understand, at least in principle that:

The injustice of ignoring or minimizing the existence of self-determining Indigenous peoples within Canada can be in part abated by consultation and accommodation policies and practices which recognize their existence as distinct polities. (Morellato, 2008, p. 58)

Although court cases have continued to occur and have helped articulate some of the issues between Indigenous and non-Indigenous governments, other government bodies have been trying to create a stronger relationship between governments.

An attempt to create a stronger relationship between governments was initiated by the Union of British Columbia Municipalities and First Nations Summit in January 1997. They collaborated to create the first province-wide Community to Community (C2C) Forum event.

The C2C was an opportunity for non-Indigenous governments to consult with Indigenous groups on key issues of concern, and for them to discuss common goals and opportunities that could be addressed using a collaborative approach. The C2C was designed to assist local and First Nations governments to build stronger relationships. C2C Forums were so successful that there has been continued support from the province of British Columbia. Successes resulting from the C2C Forums include establishing relationships and partnerships that previously did not exist.

Since 1997 there have been over 340 regional C2C Forums (RDOS, 2018, para. 2). These Forums are an excellent step in fostering healthy communication between Indigenous and non-Indigenous governments as consultation is a key aspect in the planning processes regarding official community plans and other planning documents (B.C. Laws, 2010, part 26, div.2, sec 879). In addition, C2C Forums contribute to the requirements of the British Columbia's Local Government Act (section 879) that specifies how local governments must consider whether consultation is required with First Nations.

In 2006/2007 the creation of a protocol agreement was discussed between the RDOS and nearby First Nations including the LSIB, OIB, and PIB. The vision of this Protocol Agreement was to contribute to formalizing a government to government relationship, celebrate diversity within the region, pursue consultation and communication and collaborative decision-making (RDOS, 2008). Signing of this agreement did not take place, as the RDOS was unable to commit to all the terms discussed.

On March 13, 2013 the RDOS hosted a C2C Forum inviting various representatives from different levels of government including nearby local municipalities, First Nation governments including the USIB, LSIB, OIB, PIB, and the BC provincial government. This C2C Forum

sparked the reconsideration of a protocol agreement within the region. In addition to the discussion regarding protocol agreement negotiations, other objectives were discussed:

- Create a unified environment in which to establish common ground on future goals and priorities at the regional scale;
- Develop communication that fosters cooperation and agreement on managing the diverse interests in the South Okanagan-Similkameen;
- Provide clarity on opportunities in the communities;
- Gain insight into the interests of each participating group;
- Be educated on the importance of ceremony and protocol;
- Exchange knowledge about First Nation diversity and governance structure; and municipal and regional district governance structure;
- Set the framework for further discussion and meetings. (RDOS, 2013a, para 2)

During this C2C Forum there was a request by the attending bands for a resolution to the unsigned Protocol Agreement from 2006/2007. The RDOS said they would provide an answer within 60 days on their decision regarding the Protocol Agreement. On April 4, 2013 the RDOS Board endorsed a motion that it would enter into a Protocol Agreement with the PIB, OIB, LSIB, and gave an invitation to the USIB. On June 21, 2013 the Protocol Agreement was signed by the RDOS, PIB, OIB, and LSIB (the USIB did not sign). The signing of a protocol agreement symbolized a strengthened relationship between Indigenous and non-Indigenous governments (Alcantara & Nelles, 2016); and was a significant gesture toward pursuing a positive and collaborative relationship.

2.4 Outcomes of the Protocol Agreement: Committees

Upon the signing of the Protocol Agreement, a number of structural bodies were created. These structures can be seen in the flowchart found in Figure 2. The first outcome after the signing of the Protocol Agreement was the creation of a Joint Council. This group comprises band chiefs from the OIB, PIB, and LSIB, and three representatives from the RDOS including the chair, vice chair, and a director. The Council meets biannually in the spring and fall to

address common concerns. The Joint Council holds the most authority regarding Protocol Agreement related issues (RDOS, 2013c; UBCM, 2015).

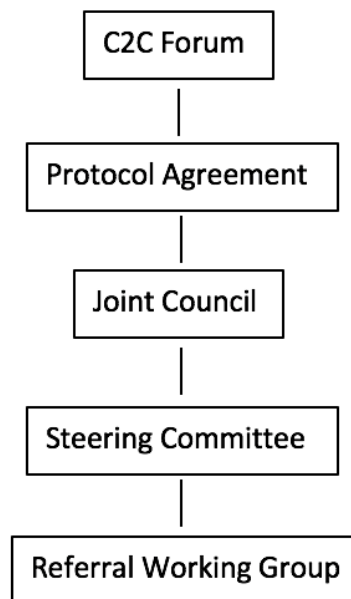


Figure 2: Outcomes of C2C. Based on timeline leading to the Protocol Agreement and its Outcomes. Data from RDOS, 2013c; RDOS personal communication; Union of British Columbia Municipalities (UBCM), 2015.

A second direct outcome of the Protocol Agreement was the creation of the Steering Committee. This committee is a working group, which reports to the Joint Council. The current members that sit on the Steering Committee include representatives from the PIB, OIB, LSIB and RDOS. Steering Committee meetings occur monthly (RDOS, 2013c; UBCM, 2015).

The steering committee appointed an additional working group, the Referral Working Group, specifically for the purpose of discussing and negotiating issues regarding land use planning within the region. An example of this type of referral would include an amendment of an RDOS zoning bylaw. A referral of this type would be sent to the First Nation for comments on the amendment as the First Nation may be affected directly or indirectly by this change in

land use. The Referral Working Group is meant to help create a better process in which referrals are sent and processed. The members of the Referral Working Group include representatives from local municipalities, the RDOS, and First Nations (RDOS, 2013c; RDOS, personal communication).

Some of the main themes discussed at the Referral Working Group meetings concern the non-Indigenous government's duty and responsibility to consult. The referral process is a main discussion point during these meetings as well as how to budget effectively for processing referrals. The specific proponents that are expected to send referrals to First Nations include the RDOS, local governments, industry, and Federal and Crown agencies. The committee meets every month unless otherwise discussed, and the location rotates throughout the region (UBCM, 2015).

2.5 Referrals

The referral process was first created to protect First Nations' right to determine what types of development would take place on their traditional territories. The referral process has the ability to assist in shaping regional development by including Indigenous perspectives on policies including official community plans (section 879 of the Local Government Act), regional growth strategies (section 855 of the Local Government Act), and developments (Ministry of Community, Sport and Cultural Development, 2014). Other benefits include the protection of archeologically sensitive sites.

Originally referrals were the Province's responsibility for consultation, however the Province decided that the consultation process would be the proponents' responsibility. If the proponent wishes to develop or modify land that could impact First Nations' interests the proponent must make a request to the First Nation for review of the proposal. A lack of

provincial support has left the OIB and other First Nations struggling to budget for this added work. The OIB began to charge a referral fee of \$500 to the proponents. The OIB requires that the fee be paid by cheque within 30 days of the referral's submission and the results of the referral may take up to 30-90 days for completion (OIB, personal communication, May 2014).

Although the referral process is important, it has a number of challenges including the high number of referrals sent to the OIB, and proponents seeing the fee as too costly. In addition, the cost for processing the referrals has not be budgeted for, and the time it takes to have the referral approved delays the proposed developments (OIB, personal communication, May 2014). Both Indigenous and non-Indigenous governments struggle to find the capacity to handle referrals. The Referral Working Group, a direct outcome of the Protocol Agreement in 2013, was designed to assist this process.

Referrals sent by local governments to First Nations can assist in establishing trust between governments. Dialogue and negotiation regarding the referral will help meet the needs of both governments. The Referral Working Group is a step towards a stronger intergovernmental relationship.

3.0 Literature Review

This literature review examines government to government relationships between First Nations and Canadian governments and how they apply to land use and planning. These relationships between governments are known as intergovernmental relationships.

This chapter begins by exploring planning with Indigenous people, and then examines some considerations for planning that emerge from this context influencing current planning practices, types of engagement, and geographical proximity. It then reviews the various types of agreements governments use to strengthen relationships, exchange services and uphold an alternative approach to planning that embraces Indigenous self-determination. This chapter concludes by describing the factors that contribute to making a successful intergovernmental agreement. In intergovernmental planning literature, these factors are called indicators of success. The indicators of success provide a fundamental understanding of what makes a successful protocol agreement.

3.1 Global Harm from Planning

Since the time of colonization, the Indigenous peoples of British Columbia have seen massive decreases in their population, with settlers increasingly making up most of society. By 1885, populations of Indigenous people had plummeted to less than 30,000, resulting in a 90% reduction since the arrival of Europeans to North America (Muckle, 2007). A significant concern for Indigenous peoples of Canada was that, "...a largely immigrant society had been put in place, systematically displacing Native people from their traditional territories" (Sandercock & Attili, 2013, p. 62). As this population decline occurred, European settlers began to create government structures excluding Indigenous peoples from input on land use and planning.

At an extreme, historical perspectives indicate that planning can be used as a tool for agendas such as reserves in Canada and apartheid in South Africa (Hendricks, 1990). Planners can see “Indigenous interests as a set of quaint, antiquated echoes of history to be extinguished and (in more generous regimes) compensated” (Howitt & Lunkapis, 2010, p. 110). Many countries have recognized that this is wrong and have indicated so by signing the United Nations Declaration on the Rights of Indigenous Peoples, where it clearly explains that Indigenous peoples should have the rights to develop and control their lands (United Nations, 2008, article 26:2). Yet, “mature post-colonial democracies have struggled to develop mainstream planning systems that can recognize, accommodate, and support the coexistence of persistent Indigenous rights, cultures and aspirations” (Howitt & Lunkapis, 2010, p. 111). If planning theory does not change it will continue to be used for the dominant culture in a society. First Nations have survived for hundreds of years planning and maintaining their traditions despite the emergence of colonial influences.

The fact that Native American cultures have survived with such tenacity is powerful evidence of the distinctiveness of tribal societies. For nearly 500 years, the insistent forces of European culture have pressed in on Native peoples suggesting, coercing, legislating, and mandating change. The remarkable resilience of Indian cultures enabled tribal peoples to maintain their cultural integrity in spite of seemingly insuperable influences to homogenize them with the larger society. (Getches, 1993, p.130)

An engaged political will between Indigenous and non-Indigenous governments may be a way to promote agreements that assist coexistence (UBCM & LMTAC, 2005).

3.2 Indigenous Planning

Indigenous peoples have planned for centuries; their approach is different from that of the west and should be valued on an equal level. Indigenous planning is not only used as a theoretical approach, but rather is a joint idea and tactic intended on improving the lives and environments of Indigenous peoples (Sandercock, 2013). Sandercock (2013) identifies critical

outcomes of Indigenous planning which include political autonomy of Indigenous governments, economic growth, and the protection of First Nations culture.

First Nations use Indigenous planning today to plan for their communities. In some instances Indigenous planning is used to protect natural resources, and can be implemented during community decisions. Indigenous planning is important as it is a method which is integrated with Indigenous culture. The preservation of Indigenous planning today is crucial for the survival of First Nations' traditions and values (Sandercock, 2013).

3.3 Planning with Indigenous People and Intergovernmental Planning

The following sections touch on several planning related themes and approaches. These sections include information regarding current planning practices, intergovernmental engagement, geographical proximity, and coexistence. These ideas all build on the foundation of intergovernmental planning.

Current planning practices are very much a western concept that do not encourage coexistence of different cultures and knowledge systems. Planning with Indigenous peoples needs to embrace an open mind to how planning can be done. As stated by Puketapu-Dentice, Connelly, and Thompson-Fawcett (2017) "there still remains a gap in the incorporation of Indigenous values and traditions within planning processes" (p.1). This poses a challenge in that many planners are not aware of Indigenous cultures or knowledge systems. This disconnect has the potential to create a variety of challenges where the planner and Indigenous communities do not see eye to eye. This western viewpoint can lead to the lack of awareness of important concerns within the Indigenous community and scarce understanding of the tools and procedures for working collaboratively with them. Sandercock (2004) shares a key point regarding the process of planning and decision-making. Understanding that Indigenous people live within the

western society and culture does not mean they incorporate all western worldviews into their lives. “Being direct, getting quickly to the point, being detached, might be valued ways of working in Western bureaucracies and universities, but are not the way that Indigenous cultures operate” (Sandercock, 2004, p. 123). There is no single correct process or path, and understanding this concept makes working with Indigenous people in planning much more efficient and beneficial for all parties involved.

In addition, planning with Indigenous peoples means understanding that people of Indigenous descent live on reserves, in rural spaces, or in downtown centers and suburban areas of cities. Howitt and Lunkapis (2010) state, “...Indigenous peoples in urban settings are often treated as if they are somehow out of place, not entitled to recognition” (p. 111). Indigenous people traditionally have had a stronger sense of place because of their long history with the land (Alfred & Corntassel, 2005; Howitt & Lunkapis, 2010; McGaw, Pieis, & Potter, 2011). Understanding what the term Indigenous means helps to understand the history of why an alternative type of planning is needed when working alongside Indigenous governments.

3.3.1 Current planning practices.

Today non-Indigenous land use and planning decisions, which involve official community plans, rarely involve collaboration with nearby Indigenous governments. In some cases, they involve Indigenous governments on a stakeholder level rather than as a partner (Barry, 2016). Involving Indigenous governments only as stakeholders negatively influences the opportunities for collaboration between governments because stakeholders do not have a high level of influence in planning and land use decisions. A more positive intergovernmental relationship approach would have both governments operating as equal partners rather than one

experiencing a low level of involvement. It is necessary that a higher level of involvement and engagement be used for First Nations to be valued as equals in the relationship.

In British Columbia, consultation using the requirements of the Local Government Act supports a low level of involvement with First Nations in context to Official Community Plans (OCP) and regional growth strategies (RGS). According to the Local Government Act, the consultation process is a time to share information and gather feedback during later stages rather than a start to finish approach. It does not require the high level of engagement that is often identified in protocol agreements. Instead, it is a way for local governments to keep First Nations up to date on the creation of local government guiding documents as these decisions may impact them. An alternative approach to this would be for non-Indigenous governments to recognize Indigenous self-determination. This alternative approach recognizes that Indigenous peoples have the right to autonomy on matters relating to local affairs (United Nations, 2008). Indigenous governments are to be contacted during the beginning stages; their input is valued from start to finish.

3.3.2 Intergovernmental Engagement.

Intergovernmental communication and engagement varies greatly depending on the level and intensity of engagement between the two parties. Arnstein's (1969) Ladder of Citizen Participation can help describe the level of engagement of the intergovernmental agreement. This ladder explains eight different types of engagement between a government and citizens. However, it can also be used to illustrate the consultative relationships between Canadian governments and First Nations, and the resulting potential for conflict or partnership.

The levels of citizen participation are as follows, from lowest to highest, Manipulation, Therapy, Informing, Consultation, Placation, Partnership, Delegated Power, and Citizen Control

(Arnstein, 1969, p. 217). The lower levels of Arnstein's ladder, collectively described as non-participation and tokenism, give citizens very little influence on planning decisions. Although Arnstein's Ladder is designed with citizens in mind it can be applied to a government to government relationship, for example, in intergovernmental planning when conflicts may arise where one party is informing the other with no room for influence on the decision.

Citizens may indeed hear and be heard, but under these conditions they lack the power to ensure that their views will be heeded by the powerful. When participation is restricted to these levels, there is no follow through, no muscle, hence no assurance of changing the status quo. (Arnstein, 1969, p. 217)

One government may want a higher level of involvement and control on decisions that affect them, where the other may not want to give up power and control. A level of involvement that is preferred in intergovernmental agreements is what Arnstein (1969) explains as Partnership, "Partnership that enables them to negotiate and engage in trade-offs with a traditional powerholder" (p. 217). This shift to a partnership from a consultation approach may connect more effectively to planning that embraces Indigenous self-determination as opposed to planning in context of the low levels of consultation required by the Local Government Act.

Alcantara and Nelles (2016) state that co-operation between Indigenous and non-Indigenous governments can occur with different levels of intensity or engagement. They developed a matrix that explains how levels of engagement can affect intergovernmental relationships. They describe their engagement matrix as follows.

1. High Engagement + High Intensity = Strong Synergy
2. High Engagement + Low Intensity = In the Loop
3. Low Engagement + High Intensity = Agreement Centred
4. Low Engagement + Low Intensity = Business as Usual. (Alcantara & Nelles, 2016, p. 49)

The different levels of engagement can contribute to the success or lack of success of an agreement. High levels of engagement and intensity promote strong synergy between the two parties. When engagement is high, but the intensity is low, parties are kept in the loop regarding communication, but the cooperation or give and take is not as strong. When engagement is low, and intensity is high, partners are honouring the agreement but the communication between the parties is low. When engagement and intensity are low, little progress will be made and business will continue as usual.

Higher levels of consultation and partnerships, as well as greater intensity and engagement, can in part be achieved through a number of different types of agreements, including service agreements, communication protocols, and protocol agreements. These types of agreements are especially important for governments in the same region.

3.3.3 Governments working in a close geographical proximity.

Governments located within a close geographical proximity impact one another through their decision making. Contact zones (Porter & Barry, 2016) are where Indigenous and settler cultures meet; these adjacent governments experience common issues and share a local geographic proximity to one another. This close proximity can be both beneficial and challenging and it presents opportunities for governments to explore collaborative options. The interactions of these governments can be strengthened using intergovernmental agreements. Protocol agreements are one type of agreement used by governments in close proximity to one another. These agreements are meant to promote the creation of a healthy relationship between neighbouring governments. Case studies on intergovernmental relationships in Canada have documented how local governments and First Nations governments are working together to look at how to create a sustainable future (Alcantara & Nelles, 2011).

Porter and Barry (2016) examined planning relationships among Indigenous people and municipalities along the west coast of British Columbia. These scholars suggest that developing planning relationships with Indigenous governments has similar benefits to developing relationships with other nearby non-Indigenous governments, “it simply makes good sense to try to develop a similar planning relationship with First Nations” (Porter and Barry, 2016, p.107). One of Porter and Barry’s main findings was that having a close and effective relationship with Indigenous communities allows for common goals to be met between governments and First Nations. This finding is significant as it gives a reason for other governments to pursue intergovernmental relationships with the knowledge that it has been successful in the past.

Porter and Barry (2016) identify that the use of protocol agreements can strengthen planning relationships. They cite an instance when a protocol agreement “progressed into a long-term governance arrangement” (Porter and Barry, 2016, p. 108). Protocol agreements can change over time becoming more meaningful. Porter and Barry (2016) explain, “planners find, and/or create opportunities to step out of the universalizing world of statutory processes and regulatory requirements, so that they can truly listen to, and not merely hear, the claims that Indigenous peoples are making” (p. 185). Planning must change and evolve to accommodate the needs of all cultures in society. Porter and Barry (2016) state that:

Everyday practices in the contact zone continuously unsettle and resettle the challenging nature of Indigenous claims on planning . . . Planners, land managers, staff and managers in government were able to use their professional knowledge and expertise to create spaces and possibilities for coexistence. (p. 173)

Collaborative planning theory explains that through relationships, parties may be able to achieve their needs in better ways than they could by acting independently, and by doing this they would be working towards stronger relationships (Saarikoski, Raitio, & Barry, 2013). Planners who accommodate for all cultures in society may be the force that impacts the way land use is

discussed between Indigenous and non-Indigenous governments. The use of protocol agreements may contribute to disconnecting from the minimum requirements of the Local Government Act leading to a higher level of engagement and collaboration, as identified in Arnstein's Ladder, as well as a positive step towards coexistence.

3.3.4 Coexistence.

Sandercock and Attili (2013) note that coexistence can be defined as “sharing space in more just, equitable, and sustainable ways where Indigenous rights can be seen to exist alongside other rights, both of which are constituted as two or more possible cultural expression of claims in space and place” (p. 291). Coexistence is a difficult concept to realize. In the western world the settler-dominated planning mindset resists coexistence. The values of this planning approach are based on the values of the dominant culture and do not acknowledge the benefits that come from coexistence. Researchers who have studied the relationship between Indigenous and non-Indigenous governments (Howitt & Lunkapis, 2010; Porter & Barry, 2016) have looked at areas where governments had begun to develop strategies to include and listen to each other.

Governments can exist in the same region and not experience any enhancement through collaborative opportunities. However, governments that embrace meaningful communication and dialogue can achieve mutually beneficial opportunities. The Local Government Act regulates all forms of local government in B.C. for interacting with Indigenous governments. These laws do not encourage an enhanced relationship.

True coexistence implies that the needs and strengths of both parties are reflected in planning, and land use development (Durden, Black, and Kuhn, 1998), although this is difficult in mainstream planning systems (Howitt & Lunkapis, 2010, p. 111). Neither party should feel uncomfortable with the decisions made by their regional partner as communication must be at

the forefront of decision making. Planning must evolve to meet the needs of all people. Porter and Barry (2016) suggest that planning must embrace a deeper understanding of contact zones (areas where Indigenous and non-Indigenous cultures meet and often share common issues) to achieve regions of coexistence. Coexistence can be understood on a deeper level through acknowledging the strengths of another culture within the same region. These strengths can be accessed through meaningfully established relationships between governments thus building stronger intergovernmental relationships.

3.4. Building Intergovernmental Relationships.

Governments that want to work towards coexistence have access to studies to and materials to help them build healthy and strong intergovernmental relationships. The Community Infrastructure Partnership Program(CIPP), a service agreement toolkit, created by the Federation of Canadian Municipalities (2011), identifies strategies for creating long-lasting partnerships benefiting Indigenous and non-Indigenous governments. Nine positive attributes are identified including:

1. Improving relationships (community to community, government to government)
2. Enhancing social standards
3. Providing growth and new opportunities to both municipal and First Nation communities
4. Building stronger labour force
5. Increasing capacity with both political and technical staff, due to knowledge sharing
6. Implementing working partnerships that become business as usual
7. Accommodating regulatory changes; working together to meet standards
8. Improving levels of service
9. Realizing financial savings

(Federation of Canadian Municipalities [FCM], 2011, p. 17)

This toolkit encourages healthy relationship building and identifies a number of tips for governments working with other governments. Some of these tips include: both governments should contact each other's leaders and familiarize one another with their governmental

structure; public works staff of each government should make contact to become comfortable with one another personalizing the relationship; both parties must show respect “and ensure your concerns are addressed in face-to-face meetings with the right person” (FCM, 2011, p. 19). As stated in the Community Infrastructure Partnership Program (CIPP) toolkit, joint council meetings are an effective way to secure political representation together to address issues of mutual concern. “Joint council meetings may be informal and held over a meal or may be formalized in a communication protocol” (FCM, 2011, p. 19). Joint councils are a priority because they create a table where communication can occur, and relationships can be established which otherwise might not happen.

Establishing a positive relationship is crucial to the overall success of all intergovernmental agreements (Wiltshire, 1980). *Building Relations with First Nations: A Handbook for Local Governments* (2005), written by the Union of British Columbia Municipalities and the Lower Mainland Treaty Advisory Committee, identifies four key characteristics to help strengthen relationships involving Indigenous and non-Indigenous governments. This document embraces Indigenous and non-Indigenous perspectives.

The first of these characteristics is mutual awareness and understanding of one another. During times when “awareness and understanding exist, partner actions are based on knowledge in contrast to assumptions of one another’s interests, perspectives, motivating factors and values” (UBCM & LMTAC, 2005, p. 6). This awareness can help each party understand the other’s motives and rationales behind their actions and goals, strengthen the relationship, and lessen the chance of conflict.

The second characteristic identified is the importance of constant dialogue and communication between parties. Communication must be honest and respectful of one another.

The benefit of this is that ongoing communication may contribute to a more meaningful relationship bringing opportunities for both parties to work collaboratively.

The third characteristic is respect, which is described as partners who “consider the impact of their actions on each other and work to ensure their actions demonstrate respect for different interests, perspectives, and values” (UBCM & LMTAC, 2005, p. 6). When both parties respect one another, it opens opportunity for governments to build a trusting and meaningfully cooperative relationship.

The fourth characteristic is trust, which is significant in any working relationship. A lack of trust presents significant challenges involving unforeseen complexities to the relationship and may be even more challenging to mend. An intergovernmental relationship that does not embrace trust gives both parties reason to not work together. This may result in lost opportunities for both governments.

Building Relations with First Nations (UBCM & LMTAC, 2005) also describes a number of additional key factors that can be built upon when developing intergovernmental relationships. These factors include an accessible and established conflict resolution strategy and regular communication. Accessible conflict resolution strategies must be in place for any challenging situations that may unfold. For regular communication to be successful both parties must be viewed as equal and Indigenous governments must be involved in decisions from the beginning. The authors (UBCM & LMTAC, 2005) suggest that Indigenous and non-Indigenous governments must recognize each other as equal entities rather than one being viewed as a stakeholder. The characteristics and factors described in *Building Relations with First Nations* (2005) create a foundation for a co-operative and collaborative relationship.

3.5 Types of Agreements

In recent times, there has been a growing interest in how Indigenous and non-Indigenous governments can build relationships and work together collaboratively. Policymakers view cross-cultural collaborative partnerships as a way to bridge conflicts created decades ago. As mentioned in the literature “Indigenous-local intergovernmental agreements may have the potential to address a variety of problems and issues...” (Alcantara & Nelles, 2016, p. 11). These partnerships create the opportunity for positive relationships.

There are a number of different types of Intergovernmental Agreements found in the literature including various sub-types of intergovernmental agreements, servicing agreements, and communication protocols. The following sections explain in greater detail the different types of agreements used between governments.

3.5.1 Intergovernmental Agreements.

Alcantara and Nelles (2016) discuss different types of intergovernmental agreements that exist between Indigenous and non-Indigenous governments, some which are focused on services, others that are more complex. They categorize agreements into four different categories: “jurisdictional negotiation, relationship building, decolonization, and capacity building” (Alcantara and Nelles, 2016, p. 18). Each of these agreements encompasses different responsibilities that can be used to connect and work collaboratively through an intergovernmental relationship involving Indigenous and non-Indigenous partners.

Jurisdictional negotiations include agreements involving the “transfer of responsibilities for service, infrastructure, resources, and/or territory that lie within the jurisdiction of one party to the other...” (Alcantara & Nelles, 2016, p. 19). This type of agreement would be used when a municipality or First Nation government agrees to provide services in exchange for a fee. A

specific example includes the fire protection agreement signed by the City of Kamloops and the Kamloops Indian Band. Through this agreement, the City of Kamloops receives \$436,654.42 per year in exchange for their fire protection services (Alcantara and Nelles, 2016). A strength of a Jurisdictional Agreement is that it provides a history of collaboration where both governments are working together. An additional strength is that both parties benefit from the agreement, providing a reason for the two governments to work together in the future. A weakness of this type of agreement is where one government abuses their power and demands more than what is fair from the other government. This may occur if the service-seeking government has only one service provider to work with. Strong negotiation skills are needed to ensure this does not happen. No examples of jurisdictional negotiation agreements were found in the existing intergovernmental literature where one government demanded more than what was fair from the other government.

Relationship building agreements occur between Indigenous and non-Indigenous governments and in B.C., have become more popular in recent years. As explained in the literature "...this type of agreement is intended to be a precursor to, or a vehicle for, deepening ties between communities and their governance" (Alcantara and Nelles, 2016, p. 20). Agreements focused on relationship building address several different issues such as promoting fair working relationships, planning for services, and land use planning and development. These cross-cultural intergovernmental relationships promote mutual benefits to all parties involved (UBCM & LMTAC, 2005). Protocol agreements can be considered relationship building agreements.

A strength of relationship building agreements is that they can lead to the creation of other collaborative agreements in the future. This may help both parties develop trust and

understanding of their partnered government. The weaknesses of this type of agreement are that much of the success of this agreement is based on the existing political will and the will of staff to pursue working with the partnered government of the agreement. This is a weakness as the relationship may shift because of a change in government or staff. The resiliency of the agreement will be tested when one of these changes occurs.

Decolonization agreements recognize Indigenous governments in a way that restores their authority over their lands making an effort to remove colonialism and embracing a collaborative approach of two equal parties. The use of decolonization agreements, “often mark a break from colonial past by acknowledging that there has been a resurgence in population and culture and a continued assertion of their lawful and inherent rights” (Alcantara & Nelles, 2016, p. 22). Not all agreements fully embrace a resistance to colonial approaches to planning. However, some do embrace characteristics that value and include Indigenous governments within traditional planning approaches (Alcantara & Nelles, 2011). Decolonization agreements can be used to help build relationships between governments of different cultures. The strengths of decolonization agreements are how they embrace a difference of approaches to land use and planning providing an openness of ideas and perspectives.

Agreements that focus on capacity building strengthen skills and resources within Indigenous and non-Indigenous governments promoting a coexistence of cultures and governments. Alcantara and Nelles (2016) state that capacity building types of agreements can be used for community building as well as intergovernmental agreements. Indigenous people in Canada are underrepresented in the workforce. Capacity building can be used to establish “protocols to achieve a representative workforce” (Alcantara and Nelles, 2016, p. 25). This strategy requires Indigenous and non-Indigenous parties to work together, developing

opportunities for employment that can be filled by Indigenous peoples. The City of Prince Albert and the Saskatchewan First Nations and Metis relationship is an example of an employer partnership agreement driving economic opportunity and development (Alcantara & Nelles, 2016). This agreement is focused on supporting First Nations people to become more represented in the work force. Capacity building agreements assist in building positive government relationships as they provide unique opportunities for the communities involved. The strength found in capacity building agreements is how they provide economic opportunities. No weaknesses were found in the planning literature for exploring these types of intergovernmental agreements.

3.5.2 Service Agreements.

Alcantara and Nelles (2016) describe one specific type of Jurisdictional Agreement where one government can provide a service to another government for money. Service agreements are mutually beneficial as both parties' needs are met. In addition, service agreements provide a positive history of collaboration leading to other collaborative opportunities in the future. There is reason for both sides to pursue these types of agreements as it encourages a mutually beneficial situation. The First Nations Tax Commission (2013) explains

There are instances where it is cost effective for a local government to purchase services from a First Nation. Some of the most common services purchased are water, sewer, and fire protection. The contract to provide these services is a First Nation Local Government service agreement. (p. 5)

These types of agreements embrace a win-win approach that strives to meet the interests of all parties involved. As described in the *Guide to a Facilitated Service Agreement between First Nations and Local Governments* (First Nations Tax Commission, 2013) the philosophy of mutual gain leads to five different benefits that make agreements even more meaningful. "This approach leads to creative solutions, widely supported solutions, increased understanding of other

viewpoints, increased mutual respect, and easier implementation” (First Nations Tax Commission, 2013, p. 8). An example of this approach is the Shuswap First Nation’s agreement with the Kootenay Region of British Columbia. The Shuswap First Nation Company Kinbasket Water & Sewer Company (KWSC) provides a sewer service to both commercial and lakeside residences in the Kootenay region. This agreement aids the First Nation through financial gain from sewer connections. Lowering the risk of septic field waste leaching into the lake also protects the environment. In addition, “service agreements can also provide benefits related to positive relationship, natural synergies, joint initiative, regional economic development, increasing investor confidence, and meeting requirements for additions to reserves” (First Nations Tax Commission, 2013, p. 14). This range of additional benefits can prove to be worthwhile for both Indigenous and non-Indigenous parties.

The Federation of Canadian Municipalities (FCM, 2011) created a service agreement toolkit called the Community Infrastructure Partnership Program (CIPP). This toolkit identifies strategies for creating long-lasting partnerships that benefit Indigenous and non-Indigenous governments. Indigenous and non-Indigenous governments have unique characteristics including population, size, geography, and capacity that make each agreement and partnership different. It is crucial that both parties recognize these unique characteristics about one another if a partnership is going to be created (FCM, 2011).

3.5.3 Communication Protocols.

Communication protocols are similar to other types of agreements used to build intergovernmental relationships. The Federation of Canadian Municipalities (2011) outlines key points to be included in a communication protocol. The key points are:

1. Outlining principles and values, these must be understood to ensure respect; fairness and transparency are maintained in the relationship.

2. Identifying areas of mutual interest and concerns. Examples of this include service agreements, roads, planning, and land use development.
3. There must be a detailed process in which to structure this agreement. Parties will identify the frequency of meetings, create committees to complete tasks, plan on how meetings will occur, location, who will chair, and their frequency. A framework of how decisions will be made will also need to be clarified between parties. (FCM, 2011)

Communication protocols offer a foundation for future agreements to take place. Partners are able to speak to one another, meeting regularly regarding issues of regional concern. Strengths of a communication protocol are how it can enhance relationships and provide governments with new opportunities with their partners. A challenge of a communication protocol is when there are changes in leadership and/or political will. These changes may fracture the previously built relationship. The structure of communication may not survive as not all communication protocols are legally binding.

3.6 Indicators of Success

The intergovernmental agreements described above are successful to different degrees, depending on the context where they are implemented. Measuring the success of agreements can assist in examining how they have affected intergovernmental relationships. Indicators of success found in planning literature can be applied to all agreements discussed in Section 3.5.

Specifically, in this research, the Protocol Agreement signed between the OIB and the RDOS will be measured for its success based on indicators found in relevant planning literature and planning documents. There are five key indicators of success.

The first indicator of success is that both members of the agreement are valued as equals in the relationship. Indigenous peoples are not to be treated as stakeholders in this collaborative approach, but rather as equals (Barry, 2016). Equality in the relationship will embrace a resistance to colonial planning interest. This will focus the relationship away from a settler-dominated planning mindset contributing to an equal relationship (Porter & Barry, 2013).

The second indicator of success is establishing a healthy and positive relationship between the two parties. Examples of this found in planning literature include: members of the agreement fully listening to their partners, rather than only hearing them (Porter & Barry, 2013). Additionally, members who honour the agreement, fulfilling their obligation as collaborative partners contribute to a successful relationship (Barry, 2016). Members who seek out knowledge and listen to their partners, rather than making assumptions, contribute to a positive collaborative relationship (UBCM & LMTAC, 2005). When conflicts arise both parties will draw on conflict resolution strategies rather than abandoning communication (UBCM & LMTAC, 2005).

The third indicator of success is a protocol agreement that benefits both cultures (Porter & Barry, 2013). A successful protocol agreement can help Indigenous and non-Indigenous governments work in a more constructive way towards achieving mutual goals such as service agreements. These agreements can embrace the values of both cultures allowing all to benefit (Alcantara & Nelles, 2016).

The fourth indicator of success is the commitment to the protocol agreement. An agreement that embraces and honours the commitment will contribute to a lasting and meaningful intergovernmental relationship. Many protocol agreements lack a significant binding mechanism holding both parties to their agreement (Hill, 2006). Binding mechanisms are not always beneficial as they may require governments to meet out of force rather than a will to connect. The binding aspect can however be an advantage as it forces communication to occur. Some agreements that are generally legally binding are those that involve the transfer of money. An example of this is a servicing agreement. There is a higher level of commitment to these agreements as services are being provided on a regular basis and money is being transferred as compensation.

The fifth indicator of success focuses on the strength of a government's political will to work towards a coexistence of cultures. A powerful driving factor that can affect the success of a protocol agreement is the political will of both Indigenous and non-Indigenous governments (UBCM & LMTAC, 2005). A strong political will may be able to positively create opportunities that embrace a coexistence of cultures. This political will may also contribute to the creation of other agreements and collaborative options. Despite a motivated government attempting to promote a healthy working relationship, unforeseen challenges may occur, such as a change in leadership that may shift the will of a government. Relationships can survive through these types of changes if governments are able to acknowledge the benefits of working collaboratively and honouring decisions and commitments made by previous leaders even if the agreement lacks a binding mechanism. These characteristics are powerful as governments are choosing to work collaboratively. The agreement has a better chance of lasting the test of time when governments choose to commit and have high levels of engagement and cooperation.

3.7 Research Gap in Intergovernmental Planning

This thesis bridges gaps in current intergovernmental planning literature by using the indicators of success as a framework to examine the successes, limitations, opportunities, and overarching challenges of a relationship building intergovernmental agreement known as a protocol agreement between Indigenous and non-Indigenous governments within a common region. Currently, there are limited studies that examine the use of protocol agreements (see for example, Alcantara and Nelles [2011], Hill [2006], and Wiltshire [1980]). This thesis will further the field of planning by adding to the current intergovernmental planning literature. Specifically, more can be added to planning literature that discusses land development and planning and its effect on neighbouring Indigenous communities. Consultation and cooperation are areas that

need further investigation to benefit intergovernmental planning involving Indigenous governments.

4.0 Research Methods

This thesis uses a qualitative research case study design (Merriam, 2009; Yin, 2006). It examines the success of the Protocol Agreement between the RDOS and the OIB. The Protocol Agreement was signed in 2013 with the intention of strengthening relationships between Indigenous and non-Indigenous governments in a common region. This case study examines how successful the Protocol Agreement has been over the five years of 2013 to 2018.

A qualitative research design was chosen because “Qualitative research is highly contextual, being collected in a natural ‘real life’ setting” (Gray, 2014, p. 507). Qualitative research allows for versatile methods of data collection and can be adapted to a variety of situations. It has been determined that “Qualitative studies can be used in circumstances where relatively little is known about the phenomenon, or to gain new perspectives on issue” (Gray, 2014, p. 507). This style of research allows for an understanding of how people interpret their experience (Merriam, 2009; Stake, 2005; Yin, 2006). The information presented by researchers has helped determine that a qualitative research design is the best fit for this study.

4.1 Overall Research Strategy

The case study design was used to examine how successful the Protocol Agreement has been since its implementation in 2013. Stake (2005) suggests that the case study method is less of a methodology and more of a choice of what is being studied. In this thesis, the case being studied is the Protocol Agreement between the OIB and RDOS. The advantage of using the case study method is its ability to use a real-world example to extract details in a specific research area (Yin, 2006). The case study method contributes to protocol agreement literature as a real-world example in Canada. This case study acts as a bounded system, fencing in the studied content (Smith, 1978). The Protocol Agreement is the only topic of study in this case study.

Knowledge learned from this case study is different from that extracted using an alternative method. Stake (2010) claims that knowledge learned by using a case study approach is different from other research knowledge as it is more concrete. It has been determined that “Case study knowledge resonates with our own experience because it is more vivid, concrete, and sensory than abstract” (Merriam, 2009, p. 45).

This research study was chosen for a number of reasons. The Protocol Agreement signed between the RDOS and OIB is a desirable agreement to study because the OIB is located in close proximity to non-Indigenous communities. The OIB being located within the RDOS’s regional boundary gives reason for decisions made by both parties to have significant impact on each other. This Protocol Agreement outlines areas where a relationship and planning processes between Indigenous and non-Indigenous governments could be established. In addition, this case study was chosen as it provides an example in Canada of what can be achieved by pursuing protocol agreements. This particular example is relevant as the agreement was signed in 2013, thus there is sufficient evidence over the past five years to effectively determine the agreements impact on the intergovernmental relationship between the RDOS and OIB.

4.2 Methods of Data Collection: Interviews

Case studies do not have any strict method of data collection; “Any and all methods of gathering data, from testing to interviewing, can be used in a case study” (Merriam, 2009, p. 42). This case study uses interviews as its method of data collection.

During this study the researcher interviewed participants from the OIB and RDOS in order to gain their thoughts and insights on the Protocol Agreement. In addition, “Qualitative interviews utilize open-ended questions using either informal, conversational interviews, semi-structured interviews (where additional probing questions can be used) or standardized

interviews, where they are not” (Gray, 2014, p. 547). In this study, the researcher conducted semi-structured interviews. Semi-structured interviews allow “for the discovery or elaboration of information that is important to participants but may not have previously been thought of as pertinent” (Gill, Stewart, Treasure, & Chardwick, 2008, p. 291). This method of research allows the researcher to ask predetermined structured questions and also allows for flexibility to follow topics that arise in the conversation (Merriam, 2009). For this case study, the researcher used a number of predetermined questions in order to gain insights and perspectives on the success of the Protocol Agreement based on the Indicators of Success (see Chapter 3).

Questions were structured to allow the participant to comment on the successes, limitations, opportunities, overarching challenges, and on whether the Protocol Agreement has met its original intent. Yin (2006) suggests that case studies use “guidance from preliminary theoretical concepts” (p. 3) to give structure to research benefiting from the work of relevant scholarly literature. In addition to structured questions based on the literature, the researcher listened closely for areas not outlined in the Indicators of Success in order to incorporate unexpected findings into this data (Yin, 2006).

The researcher interviewed five individuals: two from the OIB and three from the RDOS. The two members from the OIB were involved in the Land Use Department. At the RDOS, the researcher interviewed one Regional Planner, the Development Services Manager, and a member of the RDOS board.

Each interview took between 45-60 minutes. During the interviews, notes were taken, and an audio recording was used to ensure accuracy of the data collected and that all comments were “preserved for analysis” (Merriam, 2009, p. 109). Confidentiality was the default for these

interviews. The researcher has chosen not to use any names as this would compromise the interviewee's confidentiality.

The researcher asked some structured questions in order to pursue the interviewees' thoughts on the effectiveness of the implementation of the Protocol Agreement. The interviewer probed for hard evidence and real examples and stories connected to land use development within the OIB and the RDOS. These examples and stories gave more detailed and descriptive pieces of information about the real lived experience pertaining to this study (Merriam, 2009).

4.3 Methods of Data Collection: Document Analysis

A document analysis was also completed to provide additional information pertaining to the Protocol Agreement. These documents provided contextual information about the creation of the Protocol Agreement, the Joint Council, and the Referral Committee. Other agreement-focused documents involving the OIB and RDOS were also examined. Specifically, the documents that were examined included the Protocol Agreement itself, policies guiding the implementation of the Protocol Agreement, past service agreements within the region, and Referral Committee minutes. Any documents the researcher came across that connected to this study's research questions were also considered for analysis. These were analyzed using the five Indicators of Successes. These themes were chosen as they provide a good tool for determining the outcomes of the Protocol Agreement. In addition, documents were analyzed to help maintain consistency of information presented in interviews; this also assisted in eliminating any contradictory pieces of data (Olson, 2010, p. 3). As suggested by Merriam (1992), the researcher measured the authenticity and relevance of the document by considering these five points:

- What is the history of the document?
- Is the document complete, as originally constructed?
- If the document is genuine, under what circumstances and for what purpose was it produced?
- What were the maker's sources of information? Does the document represent an eyewitness account, a second-hand account, a reconstruction of an event prior to the writing, and an interpretation?
- Do other documents exist that might shed additional light on the same story, event, project, program, context? If so, are they available, accessible? Who holds them? (p. 151)

These five points may help distinguish what is reliable information, and what should be further examined for credibility.

The documents were examined to find mini-victories which are understood in this thesis research as hard evidence of success between Indigenous and non-Indigenous governments. These mini-victories are different from successes as they are documented example of success compared rather than communicative information gather during interviews with participants from the OIB and RDOS.

4.4 Methods of Data Analysis

In this study, the researcher collected and analyzed the data simultaneously:

Data collection and analysis is a simultaneous activity in qualitative research. Analysis begins with the first interview, the first observation, the first document read. Emerging insights, hunches, and tentative hypotheses direct the next phase of data collection, which in turn leads to the refinement or reformulation of questions, and so on. It is an interactive process throughout that allows the investigator to produce believable and trustworthy findings. (Merriam, 2009, p. 165)

The first phase of this method involved becoming familiar with the data from the interviews. The interviews were transcribed, and initial themes noted. Themes arose in interviews and were built from identified Indicators of Success (see Chapter 3), and from indicators found in the interviews that were not expressed in protocol agreement literature. This thematic analysis approach allowed for common patterns to emerge. The emerging patterns helped capture the messages that interviewees had in common.

In this initial phase, the researcher found and categorized common ideas (Merriam, 2009). Initial codes were applied to the data to identify existing patterns in the interviews. Common themes from the research were highlighted. A thematic map was created using post-it notes (Figure 3). Common themes of interest were identified and categorized into the Indicators of Success. These themes were then coded into the successes, limitations, and opportunities of the Protocol Agreement. Other key ideas were also taken note of (Gray, 2014).



Figure 3: Thematic Map

Phase two involved reviewing all the themes and checking coded patterns for usable information. Themes that had sufficient data and support were identified as significant for the case study. All pieces of data from the interviews were placed in categories and were refined (Merriam, 2009).

In phase three, the identified themes were refined into a narrow scope of what they offer the study. This contributed to a precise collection of usable research.

Phase four involved writing the thesis. The researcher chose information gathered through the interviews that connected well to the original research questions and literature. This information provided evidence and a strong connection to the identified themes (Gray, 2014).

Finally, the themes in the Overarching Challenges section were identified from the responses provided by the participants of the RDOS and OIB. The challenges that were recognized by both parties strengthened the relevancy. The themes that were constructed help explain the complexities and ongoing issues occurring between the OIB and RDOS. The five themes identified as overarching challenges include:

- Differences in approaches to planning,
- Communication
- Challenges that stem from levels of authority,
- Clarification and gaps in information, and
- Trust

These overarching challenges are examined in Chapter 5, providing key information leading up to the discussion and conclusion of this research.

5.0 Indicators of Success and Overarching Challenges: Research Findings

5.1 Introduction

The interviews with participants from the OIB and RDOS produced a number of findings related to the Indicators of Success in intergovernmental planning literature. These findings are discussed in relation to the successes, limitations, and opportunities of the Protocol Agreement. The findings pertaining to the overarching challenges are discussed separately.

Interview data is combined with data collected from the document analysis. Combining these two types of data helps understand the Protocol Agreement in greater depth. Findings in the document analysis are expressed in this research as mini victories and can be understood as successful outcomes of the Protocol Agreement. These mini victories connect to different indicators of success. The indicators of success involve themes of equality, positive relationships, benefit to both cultures, commitment to the agreement, and a strong political will.

5.2 Indicator 1

The first indicator of success is that both members of the agreement are valued as equals within the intergovernmental relationship. Indigenous parties within the agreement are not to be treated as stakeholders, but rather as equals within the agreement (Barry, 2016). Equality in the relationship requires embracing a resistance to colonial planning interests. This will focus the relationship away from a settler-dominated planning mindset, and will contribute to an equal relationship (Porter & Barry, 2013). Themes regarding Indicator 1 were found numerous times throughout interviews with participants from the RDOS and OIB, and in the document analysis (see Table 1). The discussion in this section includes interviewees' comments and mini victories that relate to Indicator 1.

Table 1. Key themes related to Indicator 1

Successes	Limitations	Opportunities
<p>RDOS: Valuing the Relationship</p> <ul style="list-style-type: none"> • Relationship built through a government to government approach. <p>RDOS: Recognition of First Nations government jurisdiction and authority</p> <p>OIB and Document Analysis: First Nations perspective was acknowledged in the decision making process - Spotted Lake</p>	<p>RDOS: Valuing the Relationship</p> <ul style="list-style-type: none"> • The Protocol Agreement is a benefit for the Bands not the board <p>OIB: We are not stakeholders</p>	<p>RDOS: To work together to achieve goals of common interest: Incorporate First Nations in the creation of guiding documents</p> <p>RDOS: First Nation representation on the board</p>

5.2.1 Valuing the Relationship.

The Development Services Manager at the RDOS explained that the Protocol Agreement has promoted strong relationship building qualities between the RDOS and the bands that are within the RDOS boundary. The RDOS now recognizes that the RDOS is sitting on ancestral land of the Indigenous peoples of the Okanagan and chooses to approach First Nations as equal governments.

I think the Protocol Agreement was signed to recognize that fact, even though there are prior mechanisms through the Crown and Federal Government, and formal processes to negotiate or communicate. A better way for a relationship to be built is through a government to government approach. I think that's the intent of the Protocol Agreement at its root. I think there is recognition in there that we are, for the first time as a Regional District, that we were sitting on the ancestral lands of the Syilx Nation and the corresponding bands that are within the regional district, those site signatories, LSIB, OIB, PIB, as well as the USIB although they were not a signing authority to the Protocol Agreement. (DSM, RDOS, 2018)

Before the signing of the Protocol Agreement, there was not a strong relationship between the bands and the RDOS. Participants from the RDOS believe the Protocol Agreement is a valuable way to strengthen the intergovernmental relationship.

Despite this approach to equality, some individuals interpret the Protocol Agreement as benefiting the bands more than the RDOS. The RDOS Development Services Manager stated that the RDOS board views the Protocol Agreement as an agreement that does not mutually benefit both parties, but instead benefits the bands more than the board. This does not mean that the board does not want the agreement, but instead that they don't see the benefits of the agreement being equal.

It is benefiting us by doing it. We are trying to improve that relationship. It's not something we feel we are benefiting more from than them, we are doing it for them. (DSM, RDOS, 2018)

There is a perception on our board that the Protocol Agreement was a benefit for the bands themselves and not for the board. (DSM, RDOS, 2018)

These two quotes provide some insight into the perspective of the RDOS Board of Directors.

These quotes suggest that the RDOS views the Protocol Agreement as important because it is helping the RDOS establish a relationship with the OIB. However, they feel the Protocol Agreement is benefitting the bands more, and in fact may not be benefiting the RDOS board at all.

The first indicator of success is when both members are valued as equals, and when there is a resistance to a settler-dominated planning mindset. Both of these quotes, however, suggest that the two parties are not benefiting equally within the agreement, and that resisting colonial planning approaches are a hindrance to the RDOS rather than being mutually beneficial. In this case, the RDOS is making a distinction between the Indigenous and non-Indigenous

communities in their area. This is a challenge and a limitation as the importance of equality in planning practices is not fully embraced.

5.2.2 Recognition of First Nations Government Jurisdiction and Authority.

The RDOS understands that the First Nations who have signed the Protocol Agreement have an independent governance system from the RDOS.

I think in general though, we do want to be in partnership with our Aboriginal partners and we recognize as well, that they have a separate government than the regional district. (DSM, RDOS, 2018)

Recognizing that First Nations have distinct governments and are separate from the RDOS is essential for a healthy intergovernmental relationship. This quote connects to the first indicator of success because the recognition of First Nations independent may contribute to fostering an intergovernmental relationship where both parties are valued as equals.

5.2.3 First Nation's Perspective was Acknowledged in the Decisions Making Process: Spotted Lake.

A mini victory found during the document analysis that aligns with the first indicator of success is from a gypsum crushing temporary use permit application. A letter signed by members of the Okanagan Nation Alliance was sent to the RDOS in response to this application. This letter included concerns regarding the proposed temporary use permit. The OIB's involvement in this letter makes this case particularly significant as they have signed the Protocol Agreement.

Details regarding the application are as follows:

The application seeks approval for an operation that would see transportation of gypsum material onto the site and, put through a crusher, and conveyed to an area where it is bagged for transportation off site. The operation includes two 'temporary' buildings on site, an open ended arched structure approximately 30 m by 15 m and a 3 sided, and a roofed structure approximately 15 m by 5 m with interlocking concrete blocks where the crushing and bagging occurs. In support of this proposal the applicant states: considering that the disturbance on the site will be mitigated and rehabilitated; the proposed temporary use will not remain as a permanent land use;

and the short duration of the proposed use the operation of the proposed temporary use will not result in any short or long term negative impacts on the environment, the rural character of the surrounding area, the use and enjoyment of any adjacent properties, or on the use or preservation / conservation of Spotted Lake. (RDOS, 2014, p. 1)

The proposed site for gypsum crushing is located only 220m east of Spotted Lake. Spotted Lake is sacred to the Okanagan Nation. Historically this lake was significant as it was used for traditional healing purposes. The letter written by the OIB to the RDOS in February 2014, comments on the concern that the gypsum crushing and exploration may negatively affect Spotted Lake. The First Nations noted that the lack of First Nations involvement on this project violates numerous sections within the United Nations' Declaration of Indigenous Peoples. Article 11 of the declaration notes that Indigenous peoples have a right to practice their cultural traditions and customs: "This includes the right to maintain, protect and develop the past present and future manifestation of their cultures, such as archaeological and historical sites" (United Nations, 2008). Article 25 of the declaration continues to explain that Indigenous peoples have the right to maintain a spiritual relationship with their traditionally owned lands and waters and may uphold responsibilities to maintain this for the future (United Nations, 2008). This connects directly to Spotted Lake, as it is a spiritual and culturally significant site.

The hydrological and environmental study of Spotted Lake provided by Dave Gooding, P.Eng. provides recommendations on the temporary use permit No.A2013.096-TUP. The key point Gooding commented on included how there are numerous different subsurface flows that contribute to of Spotted Lake. The production of the chemical composition of Spotted Lake is unknown and any development in the area should take serious precautions not to divert the water flow (Gooding Hydrology, 2014).

The letter from the Okanagan Nation Alliance written to the RDOS spoke of the Nations' concern; there was a lack of archeological awareness and steps taken to ensure the protection of Spotted Lake. The outcome of this letter to the RDOS provided a First Nation perspective on the proposal and assisted in the decision to turn down the application for a temporary use permit.

The documents regarding Spotted Lake have both credibility and relevance to the existing Protocol Agreement. The letter to the RDOS is in its original form and contains signatures of the members of the Okanagan Nation Alliance. The document is currently complete and is not missing any information as it is in its original form. Other documents that exist that pertain to this case provided by RDOS staff included an administrative report written to the Board of Directors regarding temporary use permit No.A2013.096-TUP. The reason for the creation of this document is to provide the Board of Directors with planning recommendations from the RDOS planning staff. The hydrology report was also unaltered and is highly credible; it was written by a professional hydrologist. These documents are of high credibility as they are official documents used by the RDOS.

The outcome of the letter written to the RDOS assisted in the decision made on June 5, 2014 by the Board of Directors turning down the temporary use permit No.A2013.096-TUP. It was determined that this land was not suitable for gypsum crushing as the area has been identified as highly significant in regard to Indigenous culture and history.

As reflected in the literature, this mini victory is an indicator of success as the RDOS listened to the concerns of the First Nations who signed the Protocol Agreement. It is crucial that partners are valued in the relationship (following Barry, 2016); this mini victory is a step toward a stronger relationship between governments as First Nations concerns were valued in the decision making process of the temporary use permit No.A2013.096-TUP.

The mini-victory pertaining to Spotted Lake was also discussed during the interviews with participants from the OIB and RDOS. The Environmental and Natural Resource Technician and Traditional Knowledge Keeper from the OIB noted that a First Nation's viewpoint was acknowledged in the decision making process of this temporary use permit application. The Regional Planner from the RDOS stated during an interview that the RDOS valued the concerns mentioned in the letter from the Okanagan Nation Alliance (ONA) outlining how Spotted Lake is a culturally sensitive area for the nation.

The RDOS's response to this letter resulted in the Temporary Use Permit (TUP) application being denied as the proposal presented significant risk to Spotted Lake. Ultimately the RDOS Board of Directors has the final say in this matter although input from First Nations was taken into consideration. This success relates to the first indicator of success as the ONA's perspective was acknowledged during the RDOS's decision-making process.

This mini victory also relates to Indicator 2, as it established a healthy and positive relationship between two parties (following Porter & Barry, 2013; UBCM & LMTAC, 2005). This mini victory helps regional unity, as four First Nations were involved in signing the letter of concern sent to the RDOS. Through listening, the RDOS was able to strengthen its relationship to the OIB, PIB, LSIB, and USIB.

5.2.4 To Work Together to Achieve Goals of Common Interest.

Interview comments from the Development Services Manager and the Regional Planner at the RDOS suggest that engaging with First Nations at higher levels of planning could provide the opportunity for a stronger intergovernmental relationship. If First Nations had the opportunity to contribute to guiding documents and plans, rather than having input on a much lower level of planning such as consultation, there would be more opportunities for regional

goals to be sustained and achieved. There are many opportunities within intergovernmental meetings and structures to increase engagement. Some comments made by the Development Services Manager are as follows:

Even though we do not have a formal authority or relationship with them through legislation we recognize that in order for regional policies and regional goals to be sustainable and achievable we need to have them involved in the policy making process; at times that has proven difficult. (DSM, RDOS, 2018)

I think a higher level of engagement is a good place to start. Including First Nations communities within the OCP [Official Community Plan] level will filter down the planning hierarchy structure, into the OCP will be guidance to the zoning bylaw and other regulations and help reflect the desires of First Nations community. So having more meaningful engagement on the reserve and the First Nation communities at the OCP level is a good place to start. It would be nice if there was more requirement of the province to put on the municipalities to do that. I think there has been some court decisions that have led to the requirement to at least consult regarding OCPs. Consultation and engagement are two different things, and there is no real urgency at the political level to engage meaningfully with First Nations communities, because in their view it's not their area; their area is on reserve, we don't zone areas on reserve, we zone areas outside the reserve. At the elected official level they feel it's just our area we need to manage. The level of engagement is perhaps limited due to that structure. (DSM, RDOS, 2018)

I think the Protocol Agreement does give the purpose for collaborating on policy development, I think it gives us the justification to work together because we understand as a regional district given the nature of our structure we are a regional body that needs to come up with regional policy goals which includes the bands in the regional district. (DSM, RDOS, 2018)

A Regional Planner at the RDOS also stated that the Protocol Agreement has led to a more positive and functional working relationship between the RDOS and OIB. In addition to the Development Services Manager at the RDOS, the Regional Planner also spoke about the opportunity for higher levels of collaboration to occur. The development of OCPs will allow First Nations to have a larger impact on planning at a regional scale. The input from the OIB may also help understand alternative perspectives previously unexplored by the RDOS (RP, RDOS, 2018).

These findings are significant because they show that the planning staff from the RDOS is aware of regional planning opportunities with First Nations partners promoting a more complete planning perspective. Specifics were not identified although opportunity is present for future exploration about how the OIB could contribute to the development of OCPs.

5.2.5 First Nation Representation on the Board.

The Protocol Agreement offers an alternative to the basic requirements outlined in the Local Government Act regarding consultation with First Nations. An example of this is for non-Indigenous government to work with First Nations as equal governments; historically the colonial perspective did not view First Nations in this way. An equal voice at the table allows for more opportunities to be presented as a result of committed dialogue and trust.

In an interview with the Development Services Manager of the RDOS, it was suggested that having First Nations representation on the RDOS Board of Directors is a way to develop a stronger intergovernmental relationship. The First Nations would hold a seat at the table during the decision-making process, rather than only being involved during the consultation process. This opportunity is available to treaty First Nations, but there is nothing in the Local Government Act that stipulates that non-treaty First Nations can sit on the board.

I think that they [First Nations] do not think they are equal especially when the OIB's political will is involved in that, I think even other regional districts include the bands on a seat at the regional district board table. I think if that were to happen they would have an equal voice, weighted like any other director on the regional district board. I don't know if that will ever come here in terms of decision-making. A lot of the regional district decisions are made only with the regional district board as per the kind of statutory requirements provided in the tools in the Local Government Act as to how the regional districts need to make decisions. The missing piece in there is how the bands can be included in the decisions making process. (DSM, RDOS, 2018)

If a representative of the OIB, LSIB, or PIB sat on the board of directors, it would allow for the First Nations to have a voice during the decision-making process resulting in greater

representation of the people of the RDOS. The point made by the Development Services Manager connects directly to the first indicator of success as a step towards a more equal regional relationship. Participants from the OIB did not comment on this idea.

5.2.6 We are not Stakeholders.

Despite the comments made in the sections above, not all research participants are confident that these opportunities will be fulfilled. The current form of consultation used when engaging with First Nations is described by the Referrals Officer as a stakeholder approach. A re-examination of the methods used to consult may be required for both parties to feel they are equal partners. The Referrals Officer from the OIB voiced that the band feels their role within the region has been misunderstood by the RDOS. The OIB and other First Nations within the region are not stakeholders but rather equal governments.

When asked why the RDOS was breaching the Protocol Agreement by not adequately consulting or taking OIB's concerns into consideration; the follow up correspondence from the RDOS on this matter suggested an appropriate venue to address our concerns was a public hearing. The OIB is a rights-holder, not a public stakeholder. (RO, OIB, 2018)

This information connects to the first indicator of success because the Referrals Officer from the OIB feels the relationship between the RDOS and OIB is not equal. The response explains that the RDOS is not engaging with the OIB as an equal government, but instead is viewing the OIB as a stakeholder. This interviewee suggested there is a high level of work ahead to achieve equality through collaboration.

5.3 Indicator 2.

The second indicator of success is establishing a healthy and positive relationship between the two parties. Examples of this from the planning literature include members of the agreement fully listening to their partners, rather than only hearing them (Porter & Barry, 2013).

Additionally, members who honour the agreement, fulfilling their obligation as collaborative partners, contribute to a successful relationship (Barry, 2016). Members who seek out knowledge and listen to their partner, rather than making assumptions, contribute to a positive collaborative relationship (UBCM & LMTAC, 2005). When conflicts arise both parties will draw on conflict resolution strategies rather than abandoning communication (UBCM & LMTAC, 2005). Themes related to Indicator 2 were found many times during interviews with participants from the RDOS and OIB and were also evident in the document analysis. These themes are discussed below (see Table 2).

Table 2. Key themes related to indicator 2.

Successes	Limitations	Opportunities
<p>RDOS: Progress toward a working relationship between Indigenous and non-Indigenous governments.</p> <p>RDOS: Communication</p> <ul style="list-style-type: none"> • The Protocol Agreement provides reason to meet; • Creation of an intergovernmental land use and Referral Working Group <p>Document Analysis: Collaboration across governments - Letter to the Province</p>	<p>RDOS: Communication - Meetings</p> <ul style="list-style-type: none"> • Plan meetings • Lack of meetings <p>RDOS: Keeping each other informed</p> <ul style="list-style-type: none"> • Not keeping one another “in the loop” <p>OIB: Communication - Meetings</p> <ul style="list-style-type: none"> • Referral Working Group Attendance 	<p>OIB: Communication – Meetings</p> <ul style="list-style-type: none"> • Meaningful communication

5.3.1 Progress Toward a Working Relationship between Indigenous and non-Indigenous Governments.

The Regional Planner from the RDOS made a statement about how the Protocol Agreement has helped facilitate a relationship that previously did not exist between the RDOS and OIB.

I think the Protocol Agreement was to improve the working relationship with the bands because it was basically non-existent ... this whole idea of government to government C2C, community to community taking root . . . (RP, RDOS, 2018)

This quote provides contextual information describing how the relationship before the agreement was non-existent. It connects to the second indicator of success, as the Protocol Agreement was able to help foster a healthy and positive relationship. An additional comment from the Regional Planner continues to explain how the Protocol Agreement has led to a positive and healthy relationship through the creation of the referral committee.

In context to the Referral Committee, I mean it's not all rainbows and unicorns, we have disagreements, particularly over certain projects and the referral process themselves. At least in the committee there is the venue for us to come and listen to one another. I think for the most part it has been positive, obviously we're not both getting what we want out of it, but the lines of communication are open...I think we are all still committed to the referral process. (RP, RDOS, 2018)

The Referral Working Group has created a process for both parties to come together and listen to each other. Based on indicator 2, the establishment of the Referral Working Group has contributed to the Protocol Agreement's success as it has provided a venue for a positive and healthy relationship between governments. The lack of meetings that took place before the creation of the Referral Working Group indicates that the Protocol Agreement is driving communication within the region. The Protocol Agreement is the reason for the creation of the Joint Council connecting leaders from the RDOS, OIB, LSIB, and PIB to discuss regional issues. The Joint Council has been a place for dialogue providing reason for Indigenous and non-Indigenous parties to work together through their signed commitment to one another.

5.3.2 Collaboration across Governments.

A mini victory that highlights characteristics of a healthy and positive working relationship was a collaborative letter written to the Premier of British Columbia as a response to utility rate increases by the energy company FortisBC. The letter explained how customers are

facing financial challenges with an increase in energy cost prices. This letter asked for an explanation for the increase in energy prices. Participants from the RDOS and OIB did not comment during interviews regarding this collaborative effort. However, information found in the intergovernmental planning literature during shows collaboration between two governments can lead to a healthy and positive working relationship.

The significance of this mini victory was the collaboration across governments; the letter was signed by the chair of the RDOS and the chiefs of the PIB, LSIB, and OIB. (RDOS, personal communication, January 2014). The letter to the Province, signed by the Joint Council, is genuine and was created under circumstances that pertained to the interest of all parties involved.

Although the letter written to the Province didn't result in any changes or explanations as to why the utility prices were increasing, the main success of this letter was the collaboration of the RDOS, PIB, OIB, and LSIB in seeking an explanation together. Indigenous and non-Indigenous governments working together is an indicator of success (Porter & Barry, 2009). The RDOS was not legally obligated to support the First Nations' utility price inquiry. This cooperative effort is an example of how, despite the agreement lacking a legal binding mechanism (Hill, 2006), the inquiry was supported by the non-Indigenous partner because of their commitment to the Protocol Agreement. In addition, this mini victory aligns with research by Porter & Barry (2013) as they describe a success to be a situation where both cultures are benefiting, contributing to a healthy and positive relationship. The non-Indigenous RDOS who signed the letter written to the Province is looking to support all the people within the regional district. In this instance both Indigenous and non-Indigenous peoples' needs are valued as the RDOS acknowledges that both exist and belong.

The copy of the letter used for this analysis was unaltered from what was originally sent to the Province. The letter, signed by the Joint Council, takes the side of the First Nations and is strongly supported through the signature of the RDOS chair. These signatures make this letter even more significant as it is an example of a unified approach that addresses a regionally relevant challenge.

5.3.3 Communication and Meetings.

The Protocol Agreement signifies the importance of pursuing a government to government relationship and provides meaningful opportunity for meeting and communicating.

Just that willingness to work together creates the justification. For example, meeting on a regular basis in our Land Use Working Group to talk about projects and development we see within our region and what impact that might have in their community; as whatever they are doing in their community might have an impact on us. Without that, there isn't a political backing to start that level, that next level, administration to administration. (DSM, RDOS, 2018)

I would say it has been a success to meet in our Land Use Working Group with OIB, and PIB and also the LSIB, on a regular basis, I know we've had spotty attendance for those meetings. When we've had these meetings at the administrative table it allows us to get a greater understanding of how these processes work and where we fit in the referral process and how they as well could fit in our land use and planning framework. (DSM, RDOS, 2018)

I'm not sure if we had any contacts with the OIB, so the Protocol Agreement and Referral Committee forced all of us to come together get to know one another, who to contact, talk about projects we were working on, areas where our interest intersect. (RP, RDOS, 2018)

These quotes show how the Protocol Agreement encourages members to meet and communicate regularly which connects to the second indicator of success, as both parties want to communicate with one another to maintain a healthy and positive intergovernmental relationship. The Referral Working Group and higher administrative levels of government are providing a reason to meet, prolonging the effect and commitment to the agreement. Communication at different levels of government has encouraged relationships to be made when previously they were non-existent.

Despite the creation of the Referral Working Group and the increased communication between the RDOS and the OIB, meeting attendance has declined and has become far less frequent over the past year. Participants from the RDOS and OIB verify this reduction in meeting attendance. Since 2013, when the Protocol Agreement was signed, the Referral Working Group has attempted to meet once per month. This has been a challenge, as there is no legal requirement to meet in the Protocol Agreement.

To my knowledge there have not been any meetings since January 2018.
(RO, OIB, 2018)

Sometimes it is disappointing. I'm not blaming the bands, I know sometimes getting the membered municipalities, as their attendance record has been abysmal, but getting the bands out is a challenge too, right? I think we are all still committed to the referral process. (RP, RDOS, 2018)

We have had spotty attendance for those meetings. When we've had these meetings at the administrative table it allows us to get a greater understanding of how these processes work and where we fit in the referral process and how they as well could fit in our land use and planning framework. That working group normally meets once a month, but it's been a couple months since we've last met. (DSM, RDOS, 2018)

This data connects to the second indicator of success as there appears to be a lack of motivation to meet and communicate more recently. This hinders the ability for a healthy and positive relationship. Not meeting regularly suggest the commitment to the Protocol Agreement has become less of a priority for the RDOS and OIB. Less involvement with one another creates a lack of awareness about current projects. Collaborative opportunities and meetings must occur more frequently to ensure both parties are committed to the agreement. The data found in interviews suggests that meetings should occur more frequently although neither party is taking the initiative to make this a reality.

Set up meetings way in advance...one of the biggest limitations is we don't meet often enough...communication is the biggest part of this agreement. (MRDB, RDOS, 2018)

This quote comes from the perspective of an RDOS board member explaining that communication should be more frequent between First Nations and the RDOS. This quote is relevant to the second indicator of success as meeting more frequently may lead to a more positive and healthy relationship.

The Referrals Officer from the OIB shared an understanding that meeting frequently is important for strengthening communication that may benefit the intergovernmental relationship between the OIB and RDOS.

First Nations and government entities can work together to build a sustainable future for the people if they are willing to respect each other's differences, be forthcoming with information and recognize First Nations rights. (RO, OIB, 2018)

Meaningful reconciliation, accommodation and consultation must occur before the Protocol Agreement can be a success. (RO, OIB, 2018)

These quotes suggest that the current level of communication is not enough to be considered a success. One indication of this, as mentioned in the previous section, is the decline in attendance of members of the Referral Working Group and the frequency of the meetings. Additional information provided in these quotes suggests that if communication were a priority, there is an opportunity to grow the current intergovernmental relationship. The suggestions provided by the Referrals Officer from the OIB are in line with the second indicator of success and suggest that if members respect one another and their differences in planning theory this may contribute to a healthier relationship regionally. There are opportunities for both parties to work together to understand the referral process, meet more frequently and collaborate on larger projects. The consultation process cannot be a success if both parties have a different understanding of what is appropriate. The opportunity is to continue to find common ground by continuing the Referral Working Group meetings.

5.3.4 Keeping Each Other Informed.

The Protocol Agreement has no binding mechanism that forces governments to communicate. This is a limitation of the agreement as there is no obligation to enhance communication between the governments who have signed the agreement. Communication is based on the will and motivation of each government to keep their partners in the loop on issues of regional significance.

We have no desire to exert our influence over the band land, we tried to convey this to them a couple of times not too much success. We are not looking to approve or deny stuff on band lands, but sometimes it would be helpful to know what's going on as it might impact our land. The one that comes up for us is Skaha Hills just outside of Penticton by the airport, which is kind of technically within our electoral Area "D", although we don't have any jurisdiction, and so when we were doing our OCP [Official Community Plan] review and trying to figure out growth management and how many homes we need to accommodate for in the next twenty years we did it on the basis that we weren't aware of Skaha Hills going forward. Had we known that they were going to be building 900 homes that would have impacted on how we dealt with growth management in our plans. It's not that we want to say don't do Skaha Hills, just let us know so we can adjust our plans accordingly. Getting that relationship up to that point has been a challenge. (RP, RDOS, 2018)

This quote provides contextual information on why it is important to keep one another informed on regionally relevant decisions, and how it benefits both communities. This example of Skaha Hills provides an understanding of how nearby developments from the Penticton Indian Band (PIB) may affect planning related decisions at the RDOS. Generally, this quote explains how communication is essential for good planning, but does not necessarily happen. In some cases it is the First Nations expressing concerns about the lack of information given to them by local governments and their ability to comment during the decision making process. The Skaha Hills development is an example where the First Nation is not providing information to their non-Indigenous partner about the land use project, a project that directly affects the RDOS. Indigenous and non-Indigenous governments are responsible for keeping one another aware of

planning and land use decisions. This quote connects to the second indicator of success because stronger communications between those involved in the Protocol Agreement will lead to a stronger and healthier relationship regionally.

5.4 Indicator 3.

The third indicator of success is a Protocol Agreement that benefits both cultures (Porter & Barry, 2013). A successful Protocol Agreement can help Indigenous and non-Indigenous governments work in a more constructive way. These agreements can embrace the values of both cultures allowing all to benefit (Alcantara & Nelles, 2016). Themes regarding Indicator 3 were found numerous times throughout interviews with participants from the RDOS and OIB (see Table 3). The discussion in the next section includes interviewees' comments and mini victories that relate to Indicator 3.

Table 3. Key themes related to indicator 3

Successes	Limitations	Opportunities
<p>OIB: RDOS staff and First Nation staff connect through collaboration in the referral working group</p> <p>OIB and Document Analysis: Benefits both governments - Creation of servicing agreements</p> <p>Document Analysis: Benefits both governments - Regional Growth Strategy</p>		<p>RDOS: Opportunity for higher level engagement</p>

5.4.1 RDOS Staff and First Nation Staff Connect through Collaboration in Committing to the Referral Working Group.

The OIB recognizes the Referral Working Group as an opportunity to working alongside the RDOS as regional partners. This relationship has strengthened their ability to live and work in coexistence.

The RDOS and First Nations technical staff have learned a lot working together.
(RO, OIB, 2018)

The staff of both governments are benefiting from working together, they are learning and communicating in ways that did not happen prior to the signing of the Protocol Agreement. The RDOS and OIB have developed a relationship.

5.4.2 Benefits Both Governments: Creation of Servicing Agreement.

On March 6, 2014 the RDOS staff proposed to the Regional District Board of Directors, a 30 lot subdivision located at Deer Park, a strata lot development near Gallagher Lake. The proposed development did not have sewer or water services. The proposal to the Board of Directors was to authorize a sewer and water agreement with the OIB to provide new residents with necessary utilities. During March of 2014, the Regional District Board and the OIB Council conducted their reviews of the agreement and both gave approval for the servicing agreement to move forward. The information regarding this services agreement comes from an RDOS document. The document is genuine as the purpose of its creation was for the service agreement between the OIB and RDOS. The sources included in the document come from an administrative report written to the board of directors from the RDOS's Chief Administrative Officer (RDOS, 2014b).

The significance of this servicing agreement is that the OIB and RDOS both benefited through this agreement. The OIB was receiving money, and the new strata development was able

to connect to water and sewer. This servicing agreement was approved by the RDOS and OIB as the Deer Park strata lot development was both an opportunity for residential growth for the RDOS and a profitable agreement for the OIB.

Based on the literature, this servicing agreement is an indicator of success from the 2013 Protocol Agreement as it contributes to a healthy and positive working relationship between two parties (following Porter & Barry, 2013), the OIB and the RDOS. In addition to this, following Hill (2006), since many protocol agreements lack a binding mechanism, the transfer of monetary value for this servicing agreement contributes to the likelihood of the agreement being upheld. The RDOS is relying on the services and the OIB is in return expecting payment for the connection to sewer and water. Hill (2006) suggests that an agreement that embraces commitment will contribute to an even stronger intergovernmental relationship. This service agreement indicates that both parties were open to working with one another.

Other documents that pertain to this service agreement include the outline of the official Sewer and Water Agreement between Senkulmen Utilities LTD (a company duly incorporated under the laws of the Province of British Columbia, having its registered office at 1006 McKinney Road, Oliver, B.C., V0H 1T8) and the RDOS. The outcome of this proposal was a successful servicing agreement between the OIB and RDOS as both parties were able to successfully negotiate with one another (RDOS, 2014b).

Data from interviews confirms the findings from the document analysis mini victory in the creation of a servicing agreement for sewer and water.

The OIB Chief and council agreed to provide Deer Park and Gallagher Lake Village with water and sewer from Senkulmen Utilities. (RO, OIB, 2018)

This quote is significant because it is an example of the RDOS and OIB working collaboratively on a project. This is an example of the third indicator of success where both parties are

benefiting from the agreement. The success of this service agreement gives reason for the OIB and RDOS to work together in the future.

5.4.3 Benefits both Governments: Regional Growth Strategy.

In 2017, the RDOS completed the South Okanagan Regional Growth Strategy (RGS) BYLAW 2770, 2017. As explained in the Local Government Act s.855, it is required that local governments consider whether consultation is necessary with First Nations when developing, amending and reviewing a regional growth strategy (Ministry of Community, Sport and Cultural Development, 2014). The RGS developed by the RDOS involved the OIB as its territories are located within the South Okanagan. This RGS outlines numerous areas that are relevant to both local municipalities and the First Nations that are located within the region. The RDOS views this Regional Growth Strategy as a partnership between the RDOS, City of Penticton, Town of Oliver, Town of Osoyoos, District of Summerland, and local First Nations, and a way to stay consistent with the commitments made to First Nations in the signing of the 2013 Protocol Agreement (RDOS, 2017b, p. 4-7). The core purpose of the RGS is a commitment to long-term sustainable development. Seven policy areas are outlined in the RGS:

1. Housing and Development: Focus development to serviced areas in designated Primary Growth Areas and Rural Growth Areas.
2. Ecosystems, Natural Areas and Parks: Protect the health and biodiversity of ecosystems in the south Okanagan.
3. Infrastructure and Transportation: Support efficient and effective infrastructure services and an accessible multi-modal transportation network.
4. Community Health and Wellbeing: Foster healthy, safe communities that provide accessible recreational, educational and cultural opportunities.
5. Regional Economic Development: Achieve a sustainable, resilient and prosperous South Okanagan regional economy.
6. Engagement and Collaboration: Foster and support regional cooperation, collaboration and civic engagement.
7. Energy Emissions and Climate Change: Reduce energy emissions and ensure the South Okanagan is prepared for a changing climate. (RDOS, 2017b, p. 8)

The RGS continues to outline the commitment in collaborating with local Indigenous groups in supporting policy 1C-8, “Communicate and work with Penticton Indian Band, Osoyoos Indian Band, and Lower-Similkameen Indian Band on potential cost sharing, delivery of services, capacity building and/or development plans for development abutting rural areas” (RDOS, 2017b, p. 20). This supporting policy is consistent with commitments made in the Protocol Agreement acknowledging the need to consult and work alongside Indigenous groups. In addition, Goal 6 of the RGS on Engagement and Collaboration states that “ongoing coordination, collaboration, and communication remain critical ingredients to RGS implementation and planning” (RDOS, 2017b, p. 34). Goal 6 is a step toward connecting with the vision of collaboration found in the Protocol Agreement of 2013. Other notable objectives and supporting policies found in Goal 6 include:

Objective

6-B Build and enhance communication and relationship with regional Sylix/Okanagan Nation communities.

Supporting Policies

6B-1 Develop protocol agreements with Osoyoos Indian Band and Penticton Indian Band for communications, service delivery and joint services and joint capacity building initiatives.

6B-2 Continue to implement the *Protocol Agreement between the Penticton Indian Band, Osoyoos Indian Band, Lower-Similkameen Indian Band and RDOS (2013)*.

6B-3 Support development of an indigenous cultural awareness program for local communities and governments. (RDOS, 2017b, p. 35)

These supporting policies are significant indicators of how the RGS is directly acknowledging the commitments of the Protocol Agreement and is looking to build on this work through the creation of additional future policies. The RGS also contributes to the first purpose of the Protocol Agreement, which is explained as a step toward “Formalizing a government to government relationship” (RDOS, 2013b, p. 2).

The RGS can be considered a mini victory as the RDOS has honoured its commitment to collaborate with the First Nations in the region to assist in creating a more complete RGS for the needs of all South Okanagan peoples. People of Indigenous and non-Indigenous cultures are valued in this RGS. This RGS includes supporting policies such as section 6B-2 that states a continuing commitment to support the Protocol Agreement between the PIB, OIB, LSIB, and RDOS. This is an indication that the RDOS and the OIB are looking to remember the relationship-building milestones of the past and want to honour these past commitments. Through working with First Nations to create the RGS, the RDOS is contributing to building a stronger relationship with the local First Nations within the region, indicating success of the Protocol Agreement. In addition, the Protocol Agreement was signed in 2013 whereas the RGS is a more recent document created in late 2017. Despite the agreement lacking a significant binding mechanism to hold both parties to the agreement, this Protocol Agreement has been upheld and is still being referred to in more recent documents such as the RGS. Hill (2006) explains that embracing and honouring commitment contributes to a meaningful relationship. The duration of time between the Protocol Agreement and newly created RGS is an indicator that the Protocol Agreement is successful as it is continuing to influence new policies within the region despite lacking a legal binding mechanism. The RGS outlines, in numerous sections including 1C-8, 6B-1, 6B2-2, and 6B-3 that a joint effort between cultures will create the most effective RGS for all people. This is an example that contributes to the success of the Protocol Agreement as the collaboration in the RGS benefits both cultures (following Porter & Barry, 2013).

The RGS that was analyzed was in its original form. This document's purpose is to assist in coordinating between municipalities, unincorporated areas, districts, and First Nations to

achieve goals of common interest. The RGS is also reflective of the First Nations that live within the region. This document focuses on long term and sustainable development within the region (RDOS, 2017b). The RGS refers numerous times to the commitments made in the Protocol Agreement, between the PIB, OIB, LSIB, and RDOS. The information developed in the RGS by the RDOS is a reliable, guiding document that connects to existing agreements and policies set out by the Regional District, First Nations governments, and local municipalities.

5.4.4 Opportunity for Higher Level Engagement.

There are opportunities that come from the Protocol Agreement that allow for a higher level of engagement with First Nations. This may involve First Nations being present during the creation of guiding documents and large projects rather than being involved during later stages as required in the Local Government Act. During interviews with participants from the RDOS it was suggested that collaborating on large projects would benefit both cultures, and would strengthen the intergovernmental relationship. Participants from the OIB did not comment on this theme.

I think the Protocol Agreement does give the purpose for collaborating on policy development. I think it gives us the justification to work together because we understand as a regional district, given the nature of our structure, we are a regional body that needs to come up with regional policy goals which includes the bands in the regional district. (DSM, RDOS, 2018)

This quote outlines an opportunity which values input from Indigenous and non-Indigenous cultures through mutual involvement in the creation of guiding documents. Guiding documents are used for long range planning and policy creation, these contribute to shaping a region of coexistence of cultures. Engaging with First Nations through collaborating on guiding documents allows for the OIB and RDOS to mutually benefit as they have designed the plans and policies together. First Nations would be able to contribute their ideas at a far earlier date.

This change in structure is helpful for both governments as it embraces a more inclusive approach.

5.5 Indicators 4 and 5

The fourth indicator of success is the commitment to the Protocol Agreement. Many protocol agreements lack a significant binding mechanism holding both parties to their agreement (Hill, 2006). An agreement that embraces, and honours the commitment will contribute to a lasting and meaningful intergovernmental relationship. Indicator 4 is combined in this section with Indicator 5, as findings are relevant to both indicators.

The fifth indicator of success focuses on the strength of a government's political will to work towards a coexistence of cultures. As stated in the *Building Relations Handbook 2* (UBCM & LMTAC, 2005), a powerful driving factor that can affect the success of a protocol agreement is the political will of both Indigenous and non-Indigenous governments. A strong political will may be able to positively create opportunities that embrace a coexistence of cultures. Themes regarding Indicator 5 were found several times throughout interviews with participants from the RDOS and OIB. These themes are discussed below as they relate to Indicators 4 and 5.

Table 4. Key themes related to indicators 4 & 5

Successes	Limitations	Opportunities
RDOS: Political Will • Political will to have the Protocol Agreement work. OIB: Political Will • There was political will to create the Protocol Agreement. • Past leadership held a strong political will for the Protocol Agreement.	RDOS: Communication between governments during a change in leadership and staffing OIB: Education • New leaders must understand the history	RDOS: Education • Training at the RDOS board level for new elected officials RDOS: First Nation seat on the RDOS Board

5.5.1 Political Will.

Two participants from the RDOS indicated that both communities want this Protocol Agreement to work.

I believe there is a political will in both communities, in all the communities, to have the Protocol Agreement work, I really do believe there is. The only way it will, is if we communicate especially when there is a change in government. (MRDB, RDOS, 2018)

We do want to be in partnership with our Aboriginal partners (DSM, RDOS, 2018). These two quotes indicate that the RDOS does have the political will to continue with the Protocol Agreement and wants to continue to pursue a positive relationship with their First Nations partners. No comments from participants from the OIB were directly related to the political will to continue the Protocol Agreement.

Prior to 2013, people who sat in leadership positions saw the vision of the Protocol Agreement and they had an idea of a future of coexistence of cultures.

Well the first part of the success is they sat together and developed a protocol that could potentially lead to something more meaningful. (ENTK, OIB, 2018)

The Chief of PIB, during the signing of the Protocol Agreement, he was kind of a champion for this whole agreement, he wanted to sit there with the district, he really pushed it. (ENTK, OIB, 2018)

One of the research participants from the OIB explained how the past Chief of the Penticton Indian Band was a driving force, encouraging the implementation of the Protocol Agreement. There was a strong political will to have a Protocol Agreement developed for the region.

5.5.2 Communication Between Governments During a Change in Leadership and Staffing.

Changes in leadership may affect the dynamic of an intergovernmental relationship. Communication must occur to help encourage lines of communication stay open between the

two governments as staff and politicians may need to familiarize themselves with their new partners. Interviews with participants from the RDOS explained:

Communicate especially when there is a change in government. (RDOS, MRDB, 2018)

Newly elected officials can circumvent the intent of that agreement, and there is nothing really binding us pulling out based on whatever happened, and basically un-doing a lot of good work that went into getting that agreement signed. I think it would be best if it was legislative. (DSM, RDOS, 2018)

These quotes are significant because they refer to the importance of communicating with partnered governments during a change in leadership. Political will to work with one another is crucial to the survival of the intergovernmental relationship resulting from the work of the Protocol Agreement. It is beneficial for both parties to pursue this communication to ensure the survival of the Protocol Agreement.

This data suggests there is a risk of undoing a lot of good work if the two parties don't continue to communicate. A deteriorating political will may harm the survival of the Protocol Agreement. If the Protocol Agreement had a legal binding mechanism it would force governments to meet and communicate. The downside to a legal binding mechanism is that the agreement would not have the ability to change and evolve over time. The rigid structure of a legally binding agreement may negatively affect the intergovernmental relationship resulting in each party resenting one another for the mandatory meetings. The fluidity of the non-legally binding agreement is a more natural approach although it requires more effort and relies on political will to commit.

5.5.3 Education.

The Environmental and Natural Resource Technician and Traditional Knowledge Keeper of the OIB shared that new leaders of the RDOS and OIB must understand the history as they enter into the intergovernmental relationship of the Protocol Agreement in order for the

agreement to survive. Communication is crucial during any changes in government.

Understanding the history and the significance behind the agreement will help the intergovernmental relationship survive despite the original players ceasing to be involved.

You need to have the will to sit down with these communities, and understand the history and previous commitments made. (ENTK, OIB, 2018)

This quote relates to the fifth indicator of success, as an intergovernmental relationship requires both parties' political will to be active. This quote explains how the RDOS's political will must reflect an interest in the OIB's history within the region. New leaders must educate themselves about their partners' history. Genuinely wanting to get to know each other as regional partners is crucial to the success of this intergovernmental agreement. Both parties must understand the difference in beliefs regarding land use and planning.

The need for education was also mentioned by a member of the Regional Board of Directors from the RDOS. This board member voiced how education regarding the authority of First Nations governments and commitment to the Protocol Agreement may lead to a stronger intergovernmental relationship in the future.

It is important there are continuous reminders and training at the RDOS board level about the Protocol Agreement, extensive reminders for newly elected officials so they are reminded about where this originated. (MRDB, RDOS, 2018)

This training opportunity would encourage engagement from the RDOS board. The political will of the board may significantly affect the commitment to the Protocol Agreement; new leaders must understand the past commitments of the board, especially with respect to nearby First Nations governments.

5.5.4 First Nation Seat on the RDOS Board.

The Development Services Manager at the RDOS suggested the idea of having representation of the bands on the RDOS Board of Directors. Participants from the OIB did not comment on this theme.

So like I said before, having greater representation on the board would help and would create more drive to plan and engage meaningfully with the First Nation communities, as well there is a need for us to understand their culture and past history and how they do things on reserve. There is also reason to have an understanding of how our process works. (DSM, RDOS, 2018)

The opportunity of having a First Nation representative on the board may contribute to a lasting commitment to the Protocol Agreement, as there would always be a voice coming from a First Nations perspective during decision-making processes. This may help the longevity of the Protocol Agreement because First Nations comments would be heard at the board level. This opportunity may also help in educating newly elected board members about enhancing and maintaining the RDOS' political will and the commitment made to the Protocol Agreement.

5.6 Overarching Challenges

Data collected from interviews with participants from the OIB and RDOS and the document analysis identified a number of overarching challenges between the two-partnered governments. While the focus of this study is on the successes, limitations, and opportunities of the Protocol Agreement, these overarching challenges, which are more historical in nature and which continue to shape the interactions between the RDOS and the First Nations, appear to have affected the success of the Protocol Agreement and need to be discussed. The Protocol Agreement did not lead to these challenges, but rather has been a tool in addressing many of the already existing overarching challenges. These challenges include differences in approaches to planning, communication, challenges that stem from levels of authority, clarification of information, and trust. The overarching challenges are not challenges of the Protocol Agreement,

but rather challenges existing between the RDOS and OIB in regard to land use and planning. Interviews with participants from the RDOS and OIB helped uncover some of these complex issues.

5.6.1 Differences in Approaches to Planning.

One of the themes identified as an overarching challenge is the difference of the approaches to planning and land use decisions by the two governments. The two governments, the RDOS and the OIB, do not have the authority to influence the other governments planning or land use decisions. These two governments exist in close geographical proximity and their development choices may affect one another. Understanding and respecting the differences in planning and land use processes is crucial.

Embracing these differences has proven to be a challenge voiced by both parties. The Development Services Manager at the RDOS explained that there are difference in land use planning between the RDOS and OIB.

Their (OIB) approach is a little more communal; our approach is more about protecting private property. (DSM, RDOS, 2018)

This quote suggests that the OIB is focused on the overall wellbeing of the band community; their interests are the focal point of their planning and land use decisions. The RDOS is looking to protect the private property owner. The interests of the OIB are not the same as the RDOS, but at the core, both governing bodies are looking to protect the interests of their community members. In this case, the RDOS is basing their land use and planning decisions on their ability to control land use through zoning and OCPs.

There is a misunderstanding of expectation of what the Protocol Agreement means between the RDOS and OIB. One example of this relates to the role the RDOS plays as a government. The Protocol Agreement is a step toward a more meaningful type of engagement,

yet the RDOS is operating under the requirements of the Local Government Act that requires a lower amount of engagement than what has been included in the Protocol Agreement. Ideally the Protocol Agreement should provide a mechanism where the OIB and RDOS can communicate.

An interview with the Environmental and Natural Resource Technician and Traditional Knowledge Keeper voiced this point:

Leading to the development of the Protocol we saw one of our sacred areas, Spotted Lake, that was being challenged. There was always proposed development that the region was dealing with. Things were going forward. Again, going back to when do things stop, Spotted Lake is a healing lake. These things are going wrong in our most sacred areas, bands are forced to step up. (ENTK, OIB, 2018)

This quote provides additional information on how the two cultures prioritize land use. The Environmental and Natural Resource Technician and Traditional Knowledge Keeper described how there is a need for bands to protect their interests on and off reserve. Some areas off reserve are included in First Nations traditional territory. A deeper understanding of one another's culture, as mentioned in the third indicator of success, would help address this overarching challenge. Understanding each other's culture would allow for partners to gain a better understanding of the reasons behind one another's choices in regard to land use and planning decisions.

In some instances, First Nations approach RDOS referrals as high-stake situations. In many cases, cultural heritage is closely tied to the land, which is a significant difference in land use value from that of the RDOS. The lines of communication are not always as open as they need to be to address these land use situations effectively. This is an area where the Protocol Agreement has made some level of impact through the Referral Working Group, although the frequency of meetings has significantly reduced in recent times (RO, OIB, 2018).

5.6.2 Communication.

The second overarching challenge that was identified was communication.

Communication is very important because these two governments are located in close geographical proximity to one another and each government's decisions may have significant effect on the neighbouring government. It is crucial to keep one another aware of land use aspirations.

The one that comes up for us is Skaha Hills just outside of Penticton by the airport, which is kind of technically within our electoral area D, although we don't have any jurisdiction, and so when we were doing our OCP review and trying to figure out growth management and how many homes we need to accommodate for in the next twenty years we did it on the basis that we weren't aware of Skaha Hills going forward. Had we known that they were going to be building 900 homes that would have impacted on how we dealt with growth management in our plans, it's not that we want to say, "Don't do Skaha Hills", just let us know so we can adjust our plans accordingly. Getting that relationship up to that point has been a challenge. (RP, RDOS, 2018)

This quote provides an example of how one government's plans affect the neighbouring government. An intergovernmental relationship has the opportunity to be strengthened by having mechanisms and structures for regular communication.

5.6.3 Challenges that Stem from Levels of Authority.

A third overarching challenge discussed during interviews was the theme of limited authority of each government under their respective laws. The two governing bodies of the OIB and the RDOS are limited in their power through the Indian Act and the Local Government Act.

There is a lack of understanding in terms of those frameworks [Local Government Act], from their side [OIB] as to how planning works, or land use planning works within incorporated municipalities; lack of an understanding of what we can and cannot do within the parameters of the Local Government Act. (DSM, RDOS, 2018)

Section 855 and 879 of the Local Government Act (B.C. Laws, Part 25-26, 1996) state that local governments must provide opportunity for consultation with First Nations if the RGS or OCP is

going to affect them. There is currently a limitation in the intergovernmental relationship as the Protocol Agreement has not been able to foster a level of communication for clarifying the boundaries of the RDOS within the Local Government Act. There is a limitation of understanding between the local government and First Nations. The legislative boundaries of the Local Government Act suggest that any engagement outside of what is required by the Local Government Act is not necessary. There is a gap in expectation between the RDOS and OIB as to what consultation means and what local governments are required to do.

We also have recent example of it having a negative effect of creating expectation that the bands have an ability or power to influence the decision-making process where they may not have the legislative power bestowed on them to have that influence. (DSM, RDOS, 2018)

In addition to this gap in expectation as to what consultation means, another theme arose in the interviews around the issue of who controls development throughout the region. Neither the RDOS or OIB has the ability to control one another's lands, and neither government is looking to engage the other willingly in discussions around land use. There is not yet a sense of collaboration between the two governments in this area.

It's just our spheres of operation are so distinct and separate and you know my impression is the bands would like to have a much larger impact on our sphere, but there's no scope for that to happen. I wouldn't be surprised, again, I shouldn't speak for them, but I wouldn't be surprised if they felt less valued in the relationship because they can't enact changes. (RP, RDOS, 2018)

One of the challenges between the RDOS and OIB is that neither party has the authority to influence decisions made by the other, yet both parties affect one another through their close geographical proximity. The RDOS does not want to influence decisions made on band land. The bands do however want a say in decisions made off reserve as much of the land located within the boundaries of the RDOS is traditional First Nations territory. There are areas of significant value such as Spotted Lake that are technically located outside reserve lands. There is no scope

for the OIB to have an impact on the RDOS's sphere as there is no seat on the RDOS Board of Directors for an Indigenous representative. The lack of power the First Nations have may make them feel less than equal in the intergovernmental relationship. The comments provided by First Nations during the consultation process are viewed by the RDOS as 'considerations' (RO, OIB, 2018). The OIB has no way of enforcing their perspectives. The OIB's lack of influence may make them feel powerless regarding the future of the region, specifically their traditional territory outside of their reserves (DSM, RDOS).

The [OIB] don't trust us or have any power tools to meaningfully engage in land use, because of the limitations of the Local Government Act. (DSM, RDOS, 2018)

They [OIB] need to engage with senior levels of government because we don't have the mandate nor the resources or experience to take on larger issues of title. (RP, RDOS, 2018)

There is still probably a lack of understanding of the legislative bounds we are stuck in, in regard to the Local Government Act. (DSM, RDOS, 2018)

The Protocol Agreement has created expectations. I think even more so on the bands side, as to what type of involvement and engagement they will have in land use decisions. (DSM, RDOS, 2018)

Different levels of expectation exist because both parties are on different pages as to what the Protocol Agreement means. This has led to the OIB having expectations about the type of engagement the RDOS will have regarding the commitment of the Protocol Agreement. This has created challenges because the RDOS and OIB have different perspectives and understanding of what the Protocol Agreement means. The referral process is a good example of where challenges regarding expectation exist (RO, OIB, 2018).

Levels of authority make it challenging as the RDOS can only operate as a regional government. Additional expectations the OIB has of the RDOS and their capacity to engage in a more meaningful level is limited by the resources provided in the Local Government Act.

In addition, the interviews touched on the need to understand the Local Government Act and how it applies to consultation between local governments and First Nations. A second area to clarify is what the Protocol Agreement means to each partner in the agreement; is everyone on the same page in regard to expectations? Finally, clarification of the referral system and to differentiate between what is expected by the RDOS compared to Crown land referrals is needed.

Better communication between the RDOS and OIB is needed in order to establish a more meaningful relationship. One area of concern that was mentioned during an interview with the Development Services Manager of the RDOS was the need and willingness of both governments to communicate their understanding and process of planning work and land use decisions (DSM, RDOS, 2018).

5.6.4 Trust.

The fourth theme categorized as an overarching challenge was trust between the RDOS and OIB. Trust has been a challenge between Indigenous and non-Indigenous peoples since the time of colonization. The undeniable movement of settler societies to oppress and eradicate First Nations culture leaves current generations of First Nations people skeptical of the intentions of western people, and their planning and land use decisions. The Development Services Manager of the RDOS argues that the colonial effects of planning for Indigenous and non-Indigenous people have created the mistrust there is today:

You could say the creation of reserves was land use planning decisions. They look at previous land use planning decisions and feel that we are going to continue to abuse them in how we do our approach, so there is a lot of mistrust there and that's a huge barrier. (DSM, RDOS, 2018)

Today, documents like the Protocol Agreement are working towards re-building trust. This quote from the Development Services Manager suggests that the past ambitions of western planning

initiatives were designed to destroy Indigenous peoples' ways of life, corralling them into specific areas out of the way from western developments. First Nations traditional territories are not only reserve lands, but span across vast areas inhabited today by non-Indigenous people. Indigenous peoples have suffered because of western planning decisions; trust is an area of immense sensitivity. Earning back trust takes time and will require embracing an approach to planning that recognizes Indigenous self-determination.

The Environmental and Natural Resource Technician and Traditional Knowledge Keeper from the OIB noted that prior to the Protocol Agreement, decisions were being made that directly affected First Nations, yet the OIB was not included in any of these processes. In his opinion, this was seen as a major breach in trust as consultation did not occur. The OIB was opposed to the process in which these decisions were being made, rather than the decisions themselves.

They claimed that they were going to conserve species by x amount of percent back in the 80s, biodiversity summit in Rio de Janeiro, and how this plays out now is through these legislation, which is basically a federal legislation, which only applies to federal lands, which I heard is only 4% of the land base, and what you're looking at is a federal law that has no application provincially but it applies 100% on reserves. Again, without our consultation. So all of these things going on prior to this memorandum, had already taken place before our participation. They developed guidelines, recovery guidelines, everything. They introduce through cabinet, went through first reading, second reading, received royal assent in 2003. There was a whole long process, just to introduce a law that only applied to reserve lands, and national parks and military bases. And we had no participation or voice. We actually did make a previous objection. We didn't object to protecting species, we objected to the fact we didn't know what the heck was going on. (ENTK, OIB, 2018)

This information is significant as it describes how for years there has been mistrust between the OIB and non-Indigenous governments because of lack of consultation and involvement. This quote is referring in particular to the Federal and Provincial government, however, up until the signing of the Protocol Agreement there was a much weaker relationship with the RDOS as well.

The wrongdoings of the Federal and Provincial governments give little reason for First Nations to trust local governments as they are all part of the same colonial structure.

Although there are areas of concern regarding the commitment to the Protocol Agreement, the signing does provide reason to believe that the RDOS does want to enhance and build upon a relationship with the First Nations governments within the region. The Environmental and Natural Resource Technician and Traditional Knowledge Keeper continued to describe that the Protocol Agreement was the spark that led to improving the government to government relationship:

You can start off with the Protocol Agreement that kind of sets the framework as to how we sit together. At the end of the day, whether they have the political will or not to sit with us in a meaningful way, we have to sit and develop these terms beyond this Protocol Agreement. (ENTK, OIB, 2018)

This quote explains how the Protocol Agreement sets the foundation for the beginning of a trusting relationship. It suggests that even if there is no political will, the Protocol Agreement has still been signed so both parties must discuss how they are going to work together; it is mandatory although it is not legally binding. The Protocol Agreement has the potential of leading to something more, but communication must occur and discussions about the referral process must happen as land use and planning decisions are an area of significant concern to both parties. The Regional District Board Member indicated how crucial it is that all parties continue to trust and communicate with one another.

Keeping lines of communication open, not just when there is a controversial issue. (MRDB, RDOS, 2018)

Communicating during times of success will help both parties build trust and recognize the other as a partner rather than an opponent. This will help make the intergovernmental relationship more positive for both parties involved.

The RDOS Director noted that a successful coexistence of cultures within one region could only occur through trust:

...and having a sense of awareness for all of our communities within the region Indigenous and non-Indigenous. (MRDB, RDOS, 2018)

This quote suggests that the RDOS Board values their First Nations partners and are aware of their needs within the region. However, the OIB still has concerns about how valued they are, and how their needs have been considered since the signing of the Protocol Agreement.

Some of the concerns the band/nation had are over protecting areas of cultural heritage significance like Spotted Lake. (RO, OIB, 2018)

The bands have this concern as the RDOS does not have the same priorities as the OIB in regard to land use and planning. Heritage is a sensitive area as historically western planning initiatives have negatively impacted the heritage of First Nations.

Cultural heritage has been impacted multiple times with little to no regard from the RDOS. (RO, OIB, 2018)

These quotes indicate how the OIB continues to have concerns for protecting culturally sensitive areas and feel their concerns regarding cultural heritage are not being fully heard. This challenge is complicated as there is often little the RDOS can do; archaeological issues are under provincial jurisdiction. In some cases the RDOS doesn't know where culturally significant sites are and cannot protect them effectively. Currently there is a gap in the sharing of information.

Trust between governments is an overarching challenge. The on-going commitment to the Protocol Agreement is left to those who did not originally sign it. Rather, it is left to those who joined in later through elections, appointments, or acceptance of positions, for example, those who were elected in subsequent elections or appointed to positions after the signing of the Protocol Agreement. Educating these newly elected or appointed individuals is currently one of the gaps in the commitment of the agreement between the RDOS and OIB.

It is really important there are continually reminders and actual training at the RDOS board level to have extensive reminders and for the new elected officials about the Protocol Agreement. Reminders so they are reminded about where this originated and what the future plan was for it, and what the successes have been, and what everyone hopes the successes will be. (MRDB, RDOS, 2018)

This quote by a Regional Director suggests that for the Protocol Agreement to be a success all people involved at the RDOS and OIB must continue to make an effort so that when new people enter these positions, they understand the commitments made by their regional partners. This stems from a willingness to educate the future generations so they too have the political will to pursue this intergovernmental relationship. The OIB Environmental and Natural Resource Technician and Traditional Knowledge Keeper voiced an interesting question.

Are the people who sit now on the Joint Council, would they sign the Protocol Agreement again? (ENTK, OIB, 2018)

This quote questions the political will of those sitting on the Joint Council. Is the Protocol Agreement being honoured, or has the commitment faded? What will help this Protocol Agreement survive the lifespan of a political term when those who signed the agreement are no longer involved or forget what this agreement is all about?

5.6.5 Existing Challenges.

There are numerous challenges for the RDOS and the OIB as partners. These challenges are outlined in Figure 4. The Protocol Agreement unifies the two governments although it does not eliminate the issues that both parties face.

One issue both parties face is the challenge of capacity in regard to referrals. The RDOS has not budgeted for the existing \$500 referral fee and the OIB has similarly not budgeted for the added workload of reviewing the referrals. There is a lack of capacity to review referrals and the finances to pay them. This conflict is problematic for both local governments and First Nations.

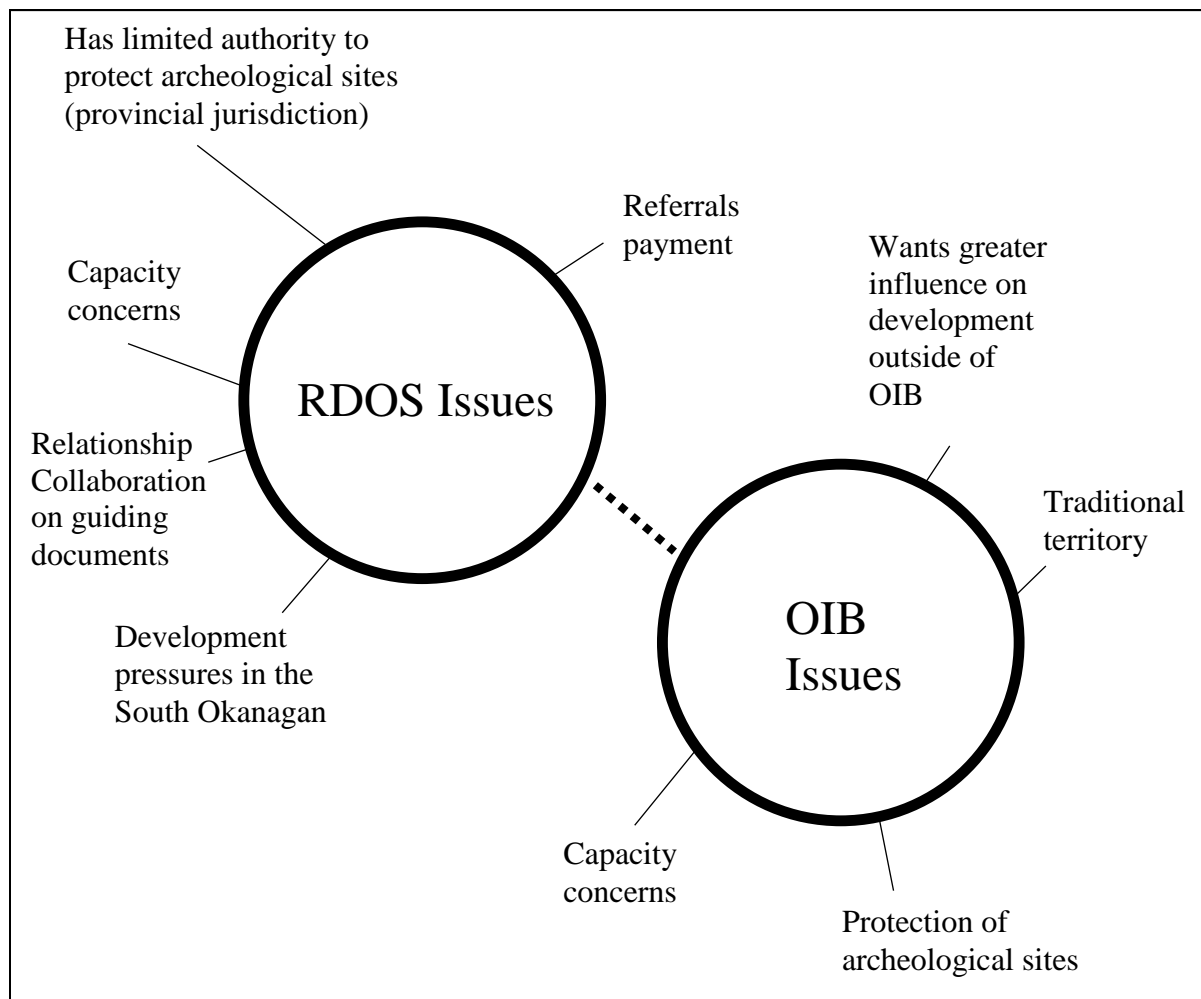


Figure 4: Intergovernmental Issues. Based on RDOS, 2015, Referral Working Group Minutes. Data from RDOS, personal communication.

A second challenge identified in Figure 4 is the protection of archeological sites: a concern of the OIB. The current government structure does not effectively address this. First Nations understand their rights as outlined in the United Nations Declaration of Rights of Indigenous Peoples (2008); instances such as the Temporary use permit No.A2013.096-TUP for the proposed gypsum crushing site located 210m from Spotted Lake is a clear example of the potential for Indigenous rights of the Okanagan Nation to be compromised. This example speaks to the First Nation's concern regarding the current policies of the provincial government. The existing policies do not fully protect the needs of Indigenous peoples as culturally sensitive areas

are continuing to be compromised. This is an example of a gap in the current relationship and policies between the Indigenous and non-Indigenous governments. The RDOS has recognized this challenge, as their ability to effectively protect archeological sites is limited. Archaeological issues are under the jurisdiction of the provincial government of British Columbia. The RDOS feels pressure to both promote and allow development to occur within the region. When reviewing a development permit, the RDOS may recommend the proponent contact the provincial archeological branch if the development is located within a suspected archeological area. However, this is a limitation, as the proponent is not required to contact the province as the RDOS is only providing a recommendation. An additional challenge results if an archeological site is found. The proponent then may lose the right to develop, or experience significant delays to their project. This is a barrier between cultures as the Indigenous governments view the preservation of archeological sites with a higher urgency than the RDOS does; and a recommendation to a proponent does not always result with the proponent adhering to the recommendation.

6.0 Analysis and Conclusion

The purpose of this research was to examine how the Protocol Agreement signed in 2013 has affected the government to government relationship between the RDOS and OIB regarding land use and planning. Specifically, this research identified how the Protocol Agreement aligns with the indicators of success found in intergovernmental planning literature. The research was conducted through interviews with participants from the RDOS and OIB. These interviews contributed to the findings of this research by providing information about the existing condition of the Protocol Agreement between the RDOS and OIB. A document analysis of relevant documents contributed to these findings providing hard factual evidence.

This chapter summarizes the findings of this research and lessons found in this study. These findings are used to help answer the key research questions set out at the beginning of this research:

1. How has the Protocol Agreement encouraged a healthier government to government relationship between the OIB and RDOS?
2. How does the Protocol Agreement fit into the indicators of success found in intergovernmental planning literature?
3. What are the successes, limitations, opportunities, and overarching challenges in this intergovernmental relationship in context to the Protocol Agreement?

6.1 What We Have Learned

6.1.1 Overview.

The first major finding in this research is that the Protocol Agreement was the leading cause in creating an active intergovernmental relationship between Indigenous and non-Indigenous governments within the region. Previous to the signing of the Protocol Agreement in

2013, there was very limited communication between the OIB and RDOS. Staff at the RDOS and OIB now communicates on a regular basis on regional issues of importance, although the frequency of meetings has decreased in recent months as indicated in interviews with participants from the RDOS and OIB. An established intergovernmental relationship is a certain outcome of any Protocol Agreement.

The creation of the Referral Working Group was a second direct outcome of the Protocol Agreement. This working group is one of the reasons why communication has occurred more frequently at the staff level than before the signing of the Protocol Agreement. As indicated during interviews with the RDOS, attendance of both parties has been an issue during the last few months, since January 2018. Nevertheless, without the signing of the Protocol Agreement this working group would never have been created and dialogue at the staff level would be far less frequent.

This research has helped understand in greater detail the challenges present within the region between the OIB and RDOS. The signing of the Protocol Agreement has provided a mechanism through which the OIB and RDOS work together. As mentioned in the Overarching Challenges section, differences in approaches to planning have caused difficulty between the OIB and RDOS. Information found in the literature and through interviews with the OIB and RDOS suggest that more communication between governments over time may help both parties understand one another's planning and land use approaches.

Although there are differences, the commitment made to the Protocol Agreement does set a foundation for both planning approaches to coexist as both parties are committed to pursuing this intergovernmental relationship. This is significant as it suggests that governments who sign protocol agreements commit to working together to accept and understand one another's

approaches to planning and land use. These differences in planning approaches can coexist within the same region when both parties are willing to learn and understand one another.

The data found in this research suggests that governments within the same region are able to work more effectively in coexistence when there is a strong commitment to communication regarding land use and planning. First Nations and local governments have different approaches to planning, therefore, keeping one another aware of development aspirations will lead to a stronger regional relationship.

The information in the interviews also indicates that the OIB and RDOS have struggled regarding issues of authority. This struggle seems to originate from a lack of clarification of what is required in the Local Government Act, section 879. The OIB and RDOS have different understandings of what is required in regard to consultation. As mentioned earlier in this research, the Local Government Act states that consultation must only occur during the creation of OCPs and RGSs.

In addition to the Local Government Act, there have been a number of court cases relevant to intergovernmental relationships. During an interview, the Natural Resource Technician and Traditional Knowledge Keeper of the OIB noted that through the recent history of court cases, local governments are required to receive consent from First Nations rather than through a checklist approach of consultation. This interpretation of recent court cases puts a burden on the intergovernmental relationship between the OIB and RDOS as both parties have a difference in understanding of what these court cases mean. A stronger level of communication is needed to address this misunderstanding of government authority and jurisdiction. First Nations with the support from local governments may want to voice concerns to have the Local Government Act amended to reflect a higher level of commitment and capacity to foster a more

meaningful level of engagement between local governments and First Nations. This may assist in a more positive intergovernmental relationship between Indigenous and non-Indigenous governments.

As mentioned in the literature (UBCM & LMTAC, 2005) and interviews with the OIB and RDOS, it is clear that trust is a major factor in the success of intergovernmental agreements. Interviews with the OIB explained that trust has been an ongoing issue for the First Nation. A major learning from this case study is how trust can be extremely difficult to establish, and damaged easily. This is a significant challenge as the OIB and RDOS have different expectations of what the Protocol Agreement means. This creates the risk for misunderstandings and damaged trust, even when one party is not intending to hurt the other. Communication is crucial for the survival of an intergovernmental relationship.

Another key finding of this study is how the Protocol Agreement provided a foundation for the signing of a new agreement. The researcher found that the Protocol Agreement led to more dialogue at the staff level, which facilitated the OIB and RDOS signing a servicing agreement. The servicing agreement involved an OIB corporation ‘Senkulmen Utilities LTD’ providing water and sewer services to an RDOS strata development called Deer Park, in exchange for money. Mini victories, like this servicing agreement, are important as they provide examples of collaborative successes between the OIB and RDOS where both parties benefit, increasing trust, enhancing communication, and reaffirming the positive outcomes of the Protocol Agreement.

In addition, this research has assisted in further understanding the consultation process between local governments and First Nations. Figure 5 outlines four different options that local governments may pursue in regard to the consultation process. Outcome 1 involves local

governments achieving a fast result, no consultation occurs between the local government and action. A second outcome is where the local government may achieve the same outcome as outcome 1 although the local government chooses to engage with First Nations. In this case, both parties are in full understanding of the decision. The third outcome, presented in Figure 5, involves local governments choosing an alternative option than previously explored, through consultation with First Nations. This process may take longer to accomplish as compromises are made on both sides to achieve a mutually beneficial situation. Both parties are heard and are comfortable with the decision achieved in the consultation process. A final scenario, found in Figure 5, is a situation where First Nations respond negatively to the proposal and seek legal action as Aboriginal rights may be compromised. Ultimately Figure 5 outlines numerous paths that may occur regarding consultation with First Nations. This research has identified that dialogue, communication, and trust must be established in order to build a strong relationship where both governments' voices are heard and valued during the decision making process.

In this study, the Protocol Agreement was examined through the lens of intergovernmental planning literature. The literature helped to outline five specific Indicators of Success. When examining the Protocol Agreement using these five Indicators of Success, the successes, limitations, opportunities became more apparent.

The indicators of success found in the intergovernmental planning literature were helpful in better understanding and analysing the successes, opportunities, limitations, and overarching challenges of the Protocol Agreement since its signing in 2013. These indicators provided a base of understanding of what has been determined to lead to a successful protocol agreement. The literature in intergovernmental planning is continuing to grow and case study research such as

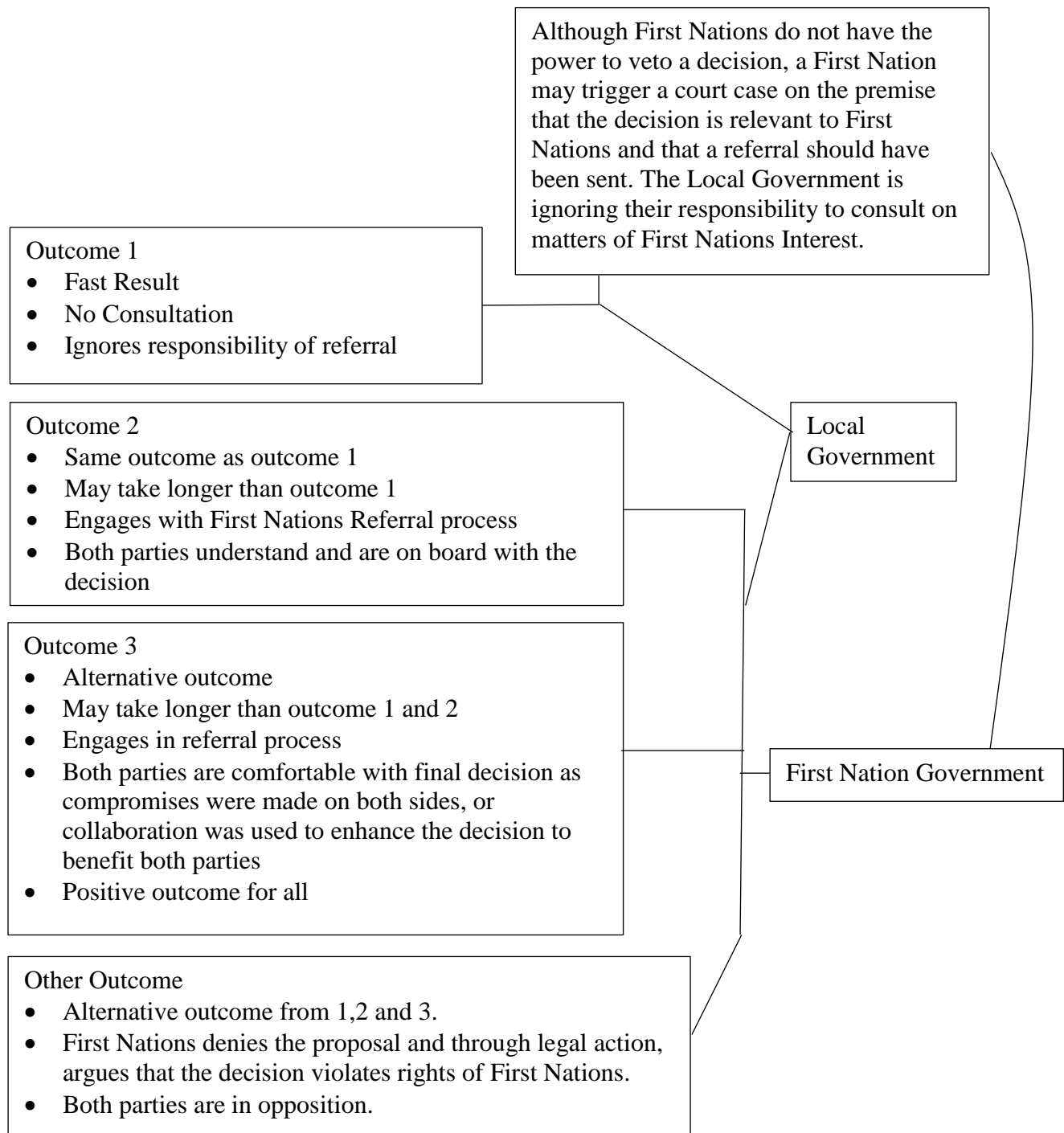


Figure 5: Local Government and First Nation Consultation. Based on Consultation with First Nations: Referrals (PowerPoint). Prepared for the RDOS. Data from OIB, 2014.

this can provide more information about the implementation of protocol agreements between Indigenous and non-Indigenous governments.

The Protocol Agreement between the RDOS and OIB has had numerous successes, some more substantial than others. Some of the successes include the RDOS staff and First Nations staff connecting through collaboration in a Referral Working Group, creation of a servicing agreements, and a relationship founded on a government to government approach. The limitations of the agreement are present although these can be seen as opportunities for the future. Some of the limitations include a lack of meetings, lack of communication during a change in leadership, and differentiating the role of stakeholder and government partners. The Protocol Agreement between the RDOS and OIB has had its challenges; this research determined that the challenges appear to stem from levels of authority, clarifying information with government partners, and challenges regarding trust. Although the outcomes set out in the Protocol Agreement have not all been met, the Protocol Agreement has made an impact on the region.

In addition, this thesis has effectively addressed all objectives set out in this research. Specifically, this research has:

- Assessed the successes, limitations, opportunities, and overarching challenges of the Protocol Agreement
- Assessed the effect the Protocol Agreement has had on land use development and planning
- Identified ways the Protocol Agreement has encouraged healthier relationships between parties
- Contributed to the body of research in Canadian Intergovernmental Planning

6.1.2 What Protocol Agreements Need to Achieve Success.

Protocol Agreements may achieve success when there is a high level of commitment at the staff and political levels. As determined in this study, from interviews with participants from the RDOS, governments must educate staff and politicians on the importance of the Protocol Agreement. Newly elected officials and staff persons must be up to date about the commitments made in the Protocol Agreement.

A Protocol Agreement may achieve success if the non-Indigenous government has a sincere desire to look at other ways of planning. This includes an alternative approach that may move away from a colonial planning perspective. This research has shown that Indigenous and non-Indigenous governments have differing views about land use and planning; these alternative views have created challenges in the intergovernmental relationship as each culture values something different. The OIB has a strong focus on culture, heritage, and community, where the RDOS is more interested in planning regionally with specific interest in protecting the rights of private property owners. Protocol Agreements are worth pursuing if each government has the will to understand and respect their partner's views despite the differences of culture and belief. If this cannot happen, a Protocol Agreement may not be the best type of intergovernmental approach.

In this study, interviews with the OIB and RDOS have shown that trust is a major component to a healthy intergovernmental relationship. Trust must be established between the Indigenous and non-Indigenous government for the Protocol Agreement to be a success. When trust has been established a Protocol Agreement is certainly worth pursuing as a building block to opportunities. If trust is not established, the desire for a Protocol Agreement should not be abandoned. A slower approach through Community to Community (C2C) events can lead to the

establishment of a trusting intergovernmental relationship. Trust is crucial to the survival of a Protocol Agreement.

This research has determined that Protocol Agreements alone do not lead to perfect intergovernmental relationships. This does not mean that Protocol Agreements are not worth pursuing. Challenges are a part of any relationship. Working together and communicating are the necessary steps in making it through difficult times. Protocol Agreements are worth pursuing if both governments have the will, respect, and determination to work together even in the more difficult times.

6.1.3 How to Work with a Protocol Agreement to Build Respect and Trust.

When a protocol agreement has previously been established between an Indigenous and non-Indigenous government, maintaining commitment to the agreement over time can lead to a strong level of trust and respect between governments. Fully understanding and valuing the commitments made to the agreement can prolong the agreement into a long lasting relationship. As mentioned during interviews with participants from the RDOS and OIB, education at the staff and political level can contribute to the long-term survival of the agreement, as everyone is up to date on their duties and responsibilities in context to the protocol agreement. Accepting alternative approaches to planning practices shows respect to partners. In addition, meeting regularly was also found to be a contributor to a trusting relationship, as loyalty is shown through commitment. Finally, as seen in the document analysis in this research, the exploration of new agreements, such as the servicing agreement between the OIB and RDOS, provides the opportunity to work together and develop trust through this agreement.

6.1.4 Who Must be at the Table for a Protocol Agreement to be Established?

For a protocol agreement to be established political leaders of Indigenous and non-Indigenous governments must be present and committed to entering into a long lasting intergovernmental relationship. In this particular study the leaders involved in the signing of the Protocol Agreement in 2013 included the Chiefs of the OIB, PIB, and LSIB, and the Chair of the RDOS Board of Directors, and the Chief Administrative Officer of the RDOS. These are all important people for the signing of a protocol agreement, but as found in Chapter 6 the education of newly elected official is imperative for a long lasting understanding and commitment to the agreement.

6.1.5 Other Tools or Processes to Complement the Agreement.

Tools and processes that complement protocol agreements may include but are not limited to having follow up C2C forums. This can help bring communities together in a strong and meaningful way. The C2C forums held in the Okanagan were a strong contributor to why the Protocol Agreement was signed between the RDOS and the OIB as the C2C introduced governments to one another. Additional C2C events may spark collaborative interest and reignite energy into the Protocol Agreement. In addition to C2Cs, the use of an asset mapping workshop is a tool that may help both partners understand their strengths. This may help both parties understand one another and their values. A higher level of understanding and knowledge of partners may open doors to previously unforeseen opportunities.

6.1.6 When to Recommend the Use of a Protocol Agreement.

The results of this study suggest that a protocol agreement be used as a relationship-building tool only when both parties are ready to fully commit to the agreement. Non-Indigenous governments must understand that protocol agreements are not a requirement outlined in the

Local Government Act. Protocol agreements may involve a higher level of commitment, consultation, and collaboration which goes above and beyond what is outlined in the Local Government Act, specifically sections 855 and 879 on consulting with First Nations. Both parties must visualize a future where the protocol agreement is present and discuss this with their partners so as to not get a false sense of expectation. In addition, both parties must be ready to learn planning practices outside of what is normally done to help allow for collaboration to occur without one party dictating process. Finally, both parties must desire a region of coexistence and sign into the protocol agreement only when they are fully ready to commit.

6.2 Policy Recommendations

This research study has uncovered key findings beneficial for other governments looking to pursue protocol agreements.

6.2.1 Importance of First Nations Involvement During the Early Stages.

One key finding from interviews with participants from the RDOS, was that First Nations involvement during the early stages of the creation of regional guiding documents such as OCPs and RGSs would provide First Nations a stronger voice in the region. This suggestion exceeds what the Local Government Act, in section 879, requires. The local government is only required to consult during the creation of OCPs and RGSs. Providing First Nations with a stronger voice and collaborating on regional guiding documents rather than only including First Nations through consultation could be a positive next step towards a government to government relationship. Using this approach would give First Nations confidence in these regional documents, as they would be a part of the process from start to finish. Governments looking to pursue protocol agreements should consider collaborating with First Nations on guiding

documents as part of establishing a trusting relationship. This would need to be initiated by the non-Indigenous government.

6.2.2 Importance of First Nations Voices.

Local governments who are looking to strengthen their relationship with local First Nations should consider adding First Nation representation to the non-Indigenous government's board of directors. Governments that do not have a board of directors may want to create a Joint Council made up of leaders of adjacent governments. This was a suggestion made by the Development Services Manager of the RDOS. First Nations representation would help provide First Nations with a voice during the board's decision-making process. Currently, First Nations have very limited input. Legally, the RDOS Board of Directors does not have to listen to comments made by First Nations as the board has final say despite concerns of First Nations. The addition of First Nations board representation would suggest that the local government genuinely wants input from First Nations and is not fulfilling only the bare minimum required by the Local Government Act. An example of this type of representation is found on the Metro Vancouver Board that includes representation from Tsawwassen First Nation (Metro Vancouver, 2018). First Nations board representation is a way to embrace a region of cultural coexistence that shifts away from the colonial perspective of politics and planning. Adding First Nation representation or the creation of a Joint Council would need to be initiated by the non-Indigenous government.

6.2.3 On-Going Education of New Staff and Political Leaders.

Another recommendation for governments looking to introduce and maintain a Protocol Agreement is to make a conscious effort to educate new staff and political leaders so they will also be committed to the agreement. Newly elected leaders and staff may not have the history or

know the importance of the Protocol Agreement. As mentioned by a Director of the RDOS Board, it is crucial that newly elected leaders are educated about the commitments made by past leaders (MRDB, RDOS, 2018). The fulfillment and longevity of the Protocol Agreement depends on the will to educate the future generation so the intergovernmental relationship can continue to grow, presenting new regional opportunities for all who are involved. This responsibility needs to be taken on by all governments involved in a protocol agreement.

6.2.4 Commitment.

Data in this study confirmed that governments that are looking to introduce a protocol agreement must be sure there is commitment from both parties. A major lesson of this study is that an agreement that lacks commitment will not survive. There must be a strong desire from both parties to be involved on a deeper level. The example found in this study involved the creation of the Joint Council, a group comprising Indigenous and non-Indigenous leaders. The Joint Council had the foresight to create a subcommittee called the Referral Working Group; Indigenous and non-Indigenous government staff members committed to meeting numerous times per year. These types of meetings did not occur prior to the Protocol Agreement.

6.2.5 Structures for Increasing Communication.

An additional finding, from this study, is that the creation of subcommittee working groups can enhance dialogue between cultures encouraging staff members of both parties to become familiar with one another. Governments looking to implement protocol agreements may want to consider the use of subcommittees, where meetings occur regularly with a willingness to engage meaningfully. Creation of these working groups would need to be agreed to by all governments involved.

6.2.6 Community Events.

Governments that are considering introducing a protocol agreement will benefit from exploring a Community to Community (C2C) event. As indicated in interviews with the RDOS, C2C events can bring together Indigenous and non-Indigenous governments in a learning environment that helps to address common issues and goals. C2Cs have been held numerous times throughout B.C. and Canada and have led to numerous successes. The Protocol Agreement between the RDOS and OIB is a direct outcome of C2Cs occurring in the Okanagan. A C2C can help governments realize how much can be achieved by working collaboratively. This is an option that should be explored by governments if a Protocol Agreement is of interest to them.

6.3 Recommendations for Practicing Planners

Local governments that have committed to signing a protocol agreement with First Nations may create a larger workload for professional planners. This larger workload would occur because protocol agreements involve planners communicating more frequently with First Nations offering a higher level of collaborative opportunity than what is originally stated in the Local Government Act. Planning which embraces Indigenous self-determination as opposed to the minimum requirements of the Local Government Act allows for planners to connect in a more meaningful way. This brings challenges of capacity at the staff level. Planners must be aware that more is expected of them, as there is a higher commitment in maintaining a working relationship with First Nations.

One recommendation to planners is to work as a collective group within the local government. All planners must be aware of the commitments made in the protocol agreement and collectively uphold these commitments in day to day planning work. The signing of a protocol agreement at the political level provides reason for governments to work together, this

however certainly affects planning work at the staff level and may be challenging if all staff persons are not aware of, or express different levels of commitment to the agreement. All planners must stay committed to the agreement despite differing opinions from other planners, and the political board.

A second recommendation is to acknowledge that although the agreement is not legally binding, it still requires a serious level of commitment. If this level of commitment is difficult to uphold, resolution strategies must be implemented immediately to ensure the survival of the agreement. Examples include hiring more staff to alleviate stresses which concern capacity, communicating more frequently with First Nations so they understand the existing challenges and are reassured that the agreement is not being forgotten, and finally communicating with members of the local government board to ensure they are fully aware of ongoing collaboration with First Nations.

6.5 Conclusion.

Since the time of colonization, planning has been used to control Indigenous peoples in their land use aspirations. The signing of the Protocol Agreement between the OIB and the RDOS was a significant move towards creating a region of coexistence in planning and land use beliefs. Historically, western planning theory has not been practiced with the interest of First Nations people in mind. The Protocol Agreement offered Indigenous and non-Indigenous governments a reason to work cooperatively toward common goals.

The findings from this intergovernmental case study have reinforced concepts found in the literature that explain that in order to move forward, western cultures must learn to work outside the settler-dominated bureaucracy. They need to create opportunities for Indigenous and non-Indigenous governments to get to know each other, and they must have a strong political

will in order to coexist in a meaningful way (Getches, 1993; Porter & Barry 2016; UBCM & LMTAC, 2005).

The Local Government Act lays the foundation for how local governments operate. The way this Act is written does not reflect an Indigenous self-determination approach because it only requires a low level of engagement with First Nations. The Local Government Act therefore is a challenge to work with because a stronger relationship between Indigenous and non-Indigenous governments is required to embrace Indigenous self-determination in planning. Local governments must independently go beyond what is required by the Act to deliver commitments made in the protocol agreement. Local governments must advocate to the British Columbia government to change the Local Government Act so local governments can have more time and resources to be able to truly partner with First Nations.

There are different levels of expectation held by the RDOS and the OIB as to the commitments required by the Protocol Agreement. The RDOS is in a difficult position as they are doing what the Local Government Act requires. The OIB is expecting a higher level of involvement that goes beyond the requirement of the Local Government Act, especially in the decision-making process on referrals, policies, and guiding documents. The Protocol Agreement sets the foundation for a positive future, whereas the Local Government Act hinders the ability of local governments to fully fulfill aspirations of coexistence within the region. The requirements in the Local Government Act do not encourage a high level of communication or collaboration between Indigenous and non-Indigenous governments and treats each party as very separate governments responsible for their own lands rather than a regionally harmonious relationship of governments interacting to meet common goals.

At various times since the signing of the Protocol Agreement in 2013 progress has been made suggesting that at these times both the engagement and intensity must have been high (following Alcantara & Nelles, 2016) between the OIB and RDOS, causing a strong synergy between the two parties. Currently, as the elected politicians have changed, and the Referral Working Group has met less frequently, the mini victories over the last several years do not hide the fact that this intergovernmental relationship has challenges which must be addressed if they want to move forward. The OIB and RDOS have challenges in communication, expectations, and decision-making.

When looking at Alcantara & Nelles' (2016) matrix of engagement and intensity, it appears this intergovernmental relationship would fall under the category of agreement centred, where the two groups have a low level of engagement, yet the intensity in honouring the agreement is high. The mini victories outlined in this research indicate that the Protocol Agreement has led to collaborative opportunities that both parties have benefited from. There is however a low level of communication as Referral Working Group meetings have not occurred since January 2018.

This level of relationship as defined by Alcantara and Nelles (2016) aligns well with the levels of engagement described by Arnstein (1969) in her Ladder of Citizen Participation. The Protocol Agreement provides the opportunity for the level of engagement to be a partnership, but it appears to be at what Arnstein (2016) describes as the lower levels of tokenism and is an example of consultation. Comments made during interviews with participants from the RDOS and OIB indicate that both parties have limited amount of influence on each other's development aspirations. There is dialogue between the RDOS and OIB that contributes to this partnership in the intergovernmental relationship although it has been less frequent since January 2018.

Planning is really about looking forward and planning for a better future for all people (Walker, 2013). The relationship between the OIB and the RDOS has shifted since 2013. The RDOS and OIB have a relationship and have set up some structures for meeting. The challenge now is for the OIB and the RDOS to look at fundamental issues such as trust, input, collaboration, and communication, and continue to work together in order to coexist in a positive way. The two governments have different approaches and beliefs about land use and development and therefore must take the time to understand each other if future decisions are to reflect the commitments made in the Protocol Agreement.

*I would like to say that we should sit together,
our peoples.
I'm not just saying our Indian people
but all our people
sitting together for the common good of each other.*

(ENTK, OIB, 2018)

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Appendix A: Sample Interview Consent Form

Background Information and Consent Form



UNIVERSITY
OF MANITOBA

City Planning
201 Russell Building
84 Curry Place
Winnipeg, Manitoba
R3T 2N2
Tel: (204) 474-9458
Fax: (204) 474-7532

Statement of Informed Consent

Research Project Study: *'A Study of the Protocol Agreement between the Osoyoos Indian Band and the Regional District of the Okanagan Similkameen'*

Principal Investigator: Levan King Cranston, Graduate Student, Master of City Planning, Faculty of Architecture, University of Manitoba

Phone: *****

Email: *****

Supervisor: Dr. Sarah Cooper, Assistant Professor, Department of City Planning, Faculty of Architecture, University of Manitoba

Phone: *****

Email: *****

Introduction

You are invited to participate in a research study. The purpose of this consent form, a copy of which you can keep for your own records, is intended to ensure you have consented willingly to participate in the research and with all necessary information. It should also explain the procedures involved in the research and the expectations from you as a participant.

Please read carefully, understand and review the consent form and information about the

research. If you would like to know more details on any issues concerning your participation in the interview, please feel to ask me (the Principal Investigator).

Purpose of the study

The purpose of this research is to examine the protocol agreement signed in 2013 between members of the Okanagan Nation, specifically the Osoyoos Indian Band, with the Regional District of the Okanagan Similkameen. This study will focus on intergovernmental agreements between Indigenous and non-Indigenous governments. The research is informed by and will be grounded in the theory and practice of Indigenous intergovernmental planning literature.

This research will identify the strengths of the Protocol Agreement, its recent areas of success, and areas of opportunity for improvement. The area of study is on intergovernmental agreements, intergovernmental relationships, and the use of protocol agreements effect on land use and planning issues. This research will primarily focus on the Osoyoos Indian band because of their proximity to non-Indigenous governing bodies.

This project is my Major Degree Project and is a requirement for the completion of the two- year Master of City Planning Program at the University of Manitoba.

Study procedures

As a participant in the study, you will be asked a series of questions related to professional experience, success stories, challenges and limitation of the protocol agreement, and the impact the protocol agreement has had on the intergovernmental relationship. The Interviews will be conducted in person at a location chosen by the participant. It is crucial that the chosen location does not compromise the security of the research. An example of this may be in their workplace. The anticipated time for the completion of the semi-structured interview is 45-60 minutes. You can refuse to answer any questions, and to end the interview at any time. The interviews will be audio recorded and transcribed with your consent. You will have the opportunity to review your transcript prior to the publication of this project.

Participant risks, benefits, costs

This study poses very low risk associated with participating in this research. To lower this risk even further, names will not be included in the report. A pseudonym will be used to conceal your identity. Information pertaining to the area of employment will provide this report with important context which relates more closely to the research.

It is possible, that a reader could work out your identity based on this information. If you're not comfortable revealing your job title or type of employment, I will replace it with a generic descriptor. You will have the final say of what this descriptor will be.

I will take several steps to minimize these risks including the opportunity for you to read, review and edit the transcript of the interview. This will allow you to remove or modify any sensitive information.

As a participant, this research will give you an opportunity to share your knowledge and experience on intergovernmental relationships at the local level and what characteristics it benefits from. You will also be able to share your insights on characteristics that relate to the spirit of reconciliation in Canada. Your participation in the study has the potential to contribute to a framework to improve the intergovernmental capacity of Indigenous and non-Indigenous governments.

Audiotaping & confidentiality

With your permission, the interviews will be audio recorded and then transcribed. This will help maintain the accuracy of information during interviews. If a participant is not comfortable with audio recording, I will take notes instead. Personal identifiers such as your name, age, and gender will be removed within a day after interview transcripts are completed. I will assign pseudonyms instead of real names to help with confidentiality for my report. I will also keep all confidential information on a password protected computer where the files will also be password protected.

Feedback & debriefing

Once the interview transcription is completed, I will send you the interview transcripts using email. This will help maintain and verify the accuracy of information that was shared in the interview. This will also provide you an opportunity to clarify and modify any comments. Changes must be sent back to me within a two week time period. I will send a reminder email before the two week period is up. If you are interested, I can provide you a copy of my final report for your own records.

Dissemination of results

The final thesis report will be a hard copy which can be found at the University of Manitoba's Architecture/Fine Arts Library and in my oral defense. In addition to this, there will also be an

electronic copy that will be uploaded to the University of Manitoba's M Space following the project's approval. I will send a copy of the final report to those who are interested following the thesis defense. Research findings may be published in academic or professional publications.

Voluntary participation/Withdrawal from study

Your decision to take part in this study is fully voluntary. You may refuse to answer any questions or to withdraw your participation in the study. If you choose to withdraw from the research it must occur no later than 8 weeks before my defense date which is estimated to be in October of 2018. In addition, I cannot make changes after I have submitted my thesis to the Faculty of Graduate Studies.

Statement of consent

The signature you provide in this form indicates you understand to your satisfaction the information related to participation in this research project and willingly agree to participate as a subject. Signing this does not waive your legal rights as a participant nor does it release the researchers, and institution from their professional responsibilities. You are free to refuse to answer any questions during interviews which make you uncomfortable. Your participation should be as informed as your initial consent. If you have any questions feel free to ask as I will do my best to clarify any gaps in information.

The University of Manitoba may look at your research records to see that the research is being done in a safe and proper way.

This research has been approved by the Joint-Faculty Research Ethics Board (JFREB). If you have any concerns or complaints about your participation in this study, you may contact any of the persons named above, or the Human Ethics Coordinator (HEC) at 204-474-7122 or by e-mail at humanethics@umanitoba.ca. A copy of this consent form has been given to you to keep for your personal records and reference.

Please place a tick mark in the corresponding box.

Questions:	Yes	No
I have read and understood the information provided in this consent form.		
I have had all my questions answered by the student researcher in the		

language that I understand.		
I understand that my participation in the study is voluntary and have the right to discontinue from the study at any time.		
I, _____ (print name), agree to participate in this study.		
I agree to have my job title/employer attributed to my interview.		
I agree to have the interview audio-recorded and transcribed.		
I agree to be contacted by phone or e-mail if further information is required after the interview		
I agree to have the findings from this project published or presented in a manner that reveals only very basic information about my position (e.g. Employee of the Osoyoos Indian Band) (I will negotiate this with each participant to ensure they are not identified)		
Do you wish to receive a summary of the findings?		
<p>Would you like a copy of your transcript?</p> <p>This is to ensure the correct information has been gathered in the interview and that no errors exist in the data.</p> <p>If yes, please include your contact information in the space provided</p> <p>_____</p> <p>If the participant does not wish to use an email to receive the transcript I am able to deliver the transcript in person to the participant.</p>		
<p>Would you like a copy of the final report?</p> <p>If yes, please include your contact information in the space provided</p> <p>_____</p>		

Participant's Signature _____ Date _____

Researcher's Signature _____ Date _____

Contact information

Principal Investigator: Levan King Cranston, Graduate Student, Master of City Planning, Faculty of Architecture, University of Manitoba

Phone: *****

Email: *****

Supervisor: Dr. Sarah Cooper, Assistant Professor, Department of City Planning, Faculty of Architecture, University of Manitoba

Phone: *****

Email: *****

Human Ethics Coordinator

208-194 Dafoe Road

Winnipeg, MB R3T 2N2

Ph: (204) 474-7122

Fax: (204) 269-7173

humanethics@umanitoba.ca

Appendix B: OIB Letter of Support



OSOYOOS INDIAN BAND

1155 Sen Pok Chin Boulevard PHONE: 250.490.3444 -- FAX: 250.488.8577 OLIVER, BC V0H 1T0

March 14, 2018

Dear Levan King Cranston

Please accept this letter as an indication of the Osoyoos Indian Band's (OIB) ongoing support for research that seeks to provide new insights on the relationships between First Nations and local governments. The OIB is willing to work with you on this project.

The OIB has been apprised of your intention to examine the successes and opportunities that have occurred since the signing of the 2013 protocol agreement between the Penticton Indian Band, Osoyoos Indian Band, Lower Similkameen Indian Band, and Regional District of the Okanagan Similkameen (RDOS). Your attendance at land referral meetings during your work at the RDOS as a student planner demonstrates you have attempted to learn in greater depth the current situation and status of the intergovernmental relationship.

The OIB understands that you would like to conduct interviews with three members of the OIB, including council members, and land use staff. The OIB would be able to introduce you to the appropriate people, though each individual would need to give consent to an interview. The OIB would also like to maintain communication with you during the course of the research study. We are pleased that you have agreed to regularly share your results so that we can provide additional feedback and ensure that culturally and/or politically sensitive information is omitted.

We see there are areas where the OIB will benefit from this study and look forward to hearing the results of your research. We support your work in examining the protocol agreement and its areas of success and opportunity. The interviews may provide new insights concerning the overall effect of the protocol agreement on intergovernmental relationships since 2013.

I am pleased to grant our approval for you to continue your research. We look forward to working with you towards the completion of this study. If you have any questions please feel free to contact me.

Chief Clarence Louie
Osoyoos Indian Band

Appendix C: CORE Certificate of Completion

PANEL ON RESEARCH ETHICS <small>Navigating the ethics of human research</small>		TCPS 2: CORE
<h1>Certificate of Completion</h1> <p><i>This document certifies that</i></p> <p>levan king cranston</p> <p><i>has completed the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans Course on Research Ethics (TCPS 2: CORE)</i></p> <p>Date of Issue: 19 April, 2017</p>		