

Manitoba Relationship Stories: When First Nations and Local Governments Plan Together

by

Madeleine Koch

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University of Manitoba

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Abstract

As First Nations establish new reserves in urban areas, it creates opportunities for “intergovernmental” land use planning relationships between First Nations and adjacent local governments. However, at present, limited resources exist to guide practitioners through these new relationships. This research explores the practical realities of intergovernmental planning in Manitoba, and analyses current practice’s congruence with pre-established principles for a renewed relationship between First Nations and Non-First Nations. Semi-structured interviews were used to collect “practice stories” about practitioners’ grounded experiences with intergovernmental planning work in Manitoba. Findings suggest that relationship building between local governments and First Nations is taking place largely due to the informal initiatives of individual staff, but often not due to formal organizational support. Despite the challenges associated with this work, intergovernmental planning relationships have promising opportunities to bring about mutual benefits for both parties, and to contribute to reconciliation between First Nations and non-First Nations peoples.

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1.0 Introduction

Since Europeans first arrived in what is now Canada, First Nations and non-First Nations have grappled with a largely misaligned relationship – a relationship that is now at a turning point. Coming out of a stage characterized by “displacement and assimilation”, the relationship is gradually moving into a stage of “negotiation and renewal” (Royal Commission on Aboriginal Peoples, 1996). In Part Three of their 1996 report, “Looking Forward, Looking Back”, the Royal Commission on Aboriginal Peoples (RCAP) recommends that a spirit of mutual respect, mutual recognition, mutual responsibility and sharing guide this renewed relationship (RCAP, 1996). The Truth and Reconciliation Commission’s (TRC) 2015 report echoes this advice by identifying mutual respect as a key principle for reconciling the tarnished relationship between First Nations and the Canadian State. The TRC has also published a series of “calls to action” for various sectors with a role to play in reconciliation (Truth and Reconciliation Commission, 2015). Much of this work must take place at the national and provincial levels, where constitutional obligations bind the Crown to a duty of honour towards First Nations (Barry, 2016). However, as pointed to by the Truth and Reconciliation Commission of Canada (2015), and as this research project explores, there are major relationship implications at the local government level too.

Land use planners working for local governments are often at the forefront of navigating new relationships with First Nations, as First Nations land settlements lead to new “urban reserves” adjacent to or within established local government jurisdictions. In Manitoba, where this research project is focussed, urban reserve creation is primarily resulting from Treaty Land Entitlement claims from First Nations who have yet to acquire the full amount of reserve lands promised to

them in the original treaties. These new urban reserve lands open up planning coordination challenges as well as opportunities for collaborative planning between the two parties. This is not always straightforward work, though. As research examining these relationships in other provinces has found, the two parties often find themselves embarking on collaborative planning ventures with little previous experience of working together, and in some of the worst cases they may have to come to terms with a history of conflict between one another (Mountjoy, 1999). Very few resources are available to guide practitioners as they attempt to navigate these new relationships, despite the increasing prevalence of “intergovernmental planning” between local governments and First Nations.

The lack of supportive resources for intergovernmental planning is quite likely a symptom of mainstream planning’s historic lack of emphasis on First Nations considerations (Hibbard, Lane, & Rasmussen, 2008), especially with regard to the particularly relevant issues of First Nation rights, land title, and treaties. As explored in Section 3.3, treaties are “essentially relationship documents” (Craft, 2013, p. 12) intended to provide guiding relationship principles, and to outline mutual responsibilities between First Nations and newcomers. In Manitoba, treaties are beginning to be recognized in the planning profession, but in rather perfunctory ways. Treaty Land Entitlement claims bring about the possibility of new urban reserves, and subsequently require local governments to confront new planning considerations such as service agreements and land use compatibility (Manitoba Aboriginal and Northern Affairs, 2004). Although these new relationships arise from treaty terms, the planning profession does not seem to recognize the relational guidance within the treaties, or how this might practically support the new planning relationships between local governments and First Nations. As it stands, when municipalities do

take the initiative to form working relationships with First Nations, this is often done out of a desire to “help” a marginalized population, not out of recognition that First Nations have special rights and title (Mountjoy, 1999).

However, mainstream planning dialogue is beginning to shift. Professional planning conferences, publications, and university programs have begun to include content on “First Nations planning” considerations (see for example: Plan Canada, Summer 2013; Canadian Institute of Planners & Planning Institute of British Columbia, 2013; Manitoba Planning Conference, 2015; University of British Columbia, n.d.; and University of Manitoba, n.d.) Gerald Hodge’s book “Planning Canadian Communities” – now in its sixth edition (in collaboration with David Gordon) – has been a foundational planning text for decades. Between the 2003 fourth edition and the 2014 sixth edition, content on First Nations has expanded from a single paragraph on “Planning First Nations Communities” (Hodge, 2003) to integrated content throughout the book which addresses relationships with local governments, and some implications around First Nation rights and title (Hodge & Gordon, 2014). These new directions are promising, but the relatively recent introduction of these topics indicates that many local government planners – particularly those who graduated from university ten or more years ago – are likely to have a limited understanding of the implications of First Nation rights and title, and the principles, responsibilities and relationships that stem from treaties.

As it stands, practitioners are left to navigate intergovernmental planning undertakings with very few resources, and a limited understanding of the implicated context within which they are working, despite the increasing momentum with which First Nations are reasserting jurisdiction

over lands, and integrating into the urban environment. This is the essence of the research problem that I am attempting to address.

1.1 Research Questions And Objectives

The purpose of the proposed research is to better understand the realities of intergovernmental planning between First Nations and local governments in Manitoba, and in particular, to understand the challenges and opportunities of the relationship, and the strategies practitioners use to navigate this field. I have chosen to focus the research on local government planners' experiences in part because I have personal experience working in a local government planning context, and have experienced some of the realities associated with this type of work. I will likely find myself working for a local government again in the future, and am interested in exploring the role practitioners can play in improving the intergovernmental planning relationship in daily practice. In this thesis, I explore what practitioners are already doing in daily practice by collecting "practice stories" from planners engaged in intergovernmental planning. This method was developed by John Forester (see, for example, Fischer & Forester, 1993; Forester, 1993, 1999, 2012) who endorses the collection and analysis of "practice stories" in research that seeks to understand the intrinsic complexities of professional practice, in planning and in other fields. Given that intergovernmental planning is a particularly complex type of planning practice, the use of practice stories to address the research questions seemed fitting.

This research investigates:

1. How do practitioners make sense of intergovernmental planning relationships with First Nations?
2. What strategies are they using to navigate challenges and the associated complexity? Are current practices in any way reflective of principles for a renewed relationship between First Nations and non-First Nations?
3. What types of challenges are practitioners faced with? What opportunities arise through this type of planning? What possible role(s) does this type of planning have in fulfilling the Honour of the Crown and solidifying government-to-government relationships involving First Nations?

To begin to answer these questions, and make sense of the existing state of the relationship, it is important to recognize the extensive history that led to the present-day realities. The following chapter highlights some of the key stages of the relationship, and important events that have contributed to the context within which practitioners work today.

Throughout this document, a number of different terms are used in reference to the original inhabitants of Canada, and other colonized nations, as well as those who now reside on these lands, but whose ancestral origins are from other parts of the world. Following is a list of these terms, and an explanation of how they are used within this document, and why. This terminology elaboration has been informed by Celeste McKay Consulting (2015).

Aboriginal: “Aboriginal” is a term used in reference to “all original peoples of the land in Canada”, and includes Métis, Inuit, and First Nations peoples. Because the term has roots in the Canadian constitution, some prefer to reserve use of the term for legal and policy contexts.

Indigenous: The term “Indigenous” is somewhat synonymous with “Aboriginal”. The key distinction between the two is that “Indigenous” is a term used more globally to describe original peoples, while “Aboriginal” is largely a Canadian term. The term “Indigenous” is considered to have positive connotations related to self-determination and human rights.

First Nations: “First Nations” are different from “Aboriginal” and “Indigenous” groups, in that they do not include Métis or Inuit peoples. The term “First Nation” began being used as a replacement for the term “Indian”, which is considered offensive by many. The term “First Nation” is commonly used to describe a community organized under a Band governance structure, in accordance with the *Indian Act* (Aboriginal Affairs and Northern Development Canada, n.d.). In this thesis, First Nations are recognized as governments, party to “intergovernmental” relationships.

My use of these terms throughout this thesis often reflects the language used in secondary sources being referenced. However, my use of the term “First Nation” is almost always in reference to a political group, and/ or its individual members. Where the term “Aboriginal” is used, this is usually reflective of the language of a secondary source being referenced, but is sometimes used to describe ethnicity, in a Canadian context. The term “Indigenous” is used in

reference to non-Canadian contexts, to describe ethnicity, and when discussing broader theories or literatures from other international contexts.

Throughout this document I also use terms to describe newcomers and their governments, and these terms are elaborated upon below.

Settler: This term began being used in recent years in reference to “non-indigenous peoples, communities, states and governments” (Lowman & Barker, 2015, p. 1). When used to describe individuals living in modern day Canada, the term serves as a reminder of settlers’ relationships with the Canadian state, their histories with First Nations peoples, and their “potential complicity in systems of dispossession and violence” (Lowman & Barker, 2015). In this document, the term is used to describe both individual people, and settler society as a whole.

Settler State/ State: This term refers to colonial governments imposed upon lands belonging to Indigenous peoples. The Canadian settler state, as is manifest in the Constitution of Canada, exists “to ensure Settler Canadian sovereignty over the land” (Lowman & Barker, 2015, p. 61). These terms may be more commonly associated with the Federal and Provincial governments. However, in this document, local governments are also encompassed by this term, as their existence arises from senior government legislation (Federation of Canadian Municipalities, 2013).

This document also uses terms to describe the professional and political realms within which this research takes place. These terms are elaborated below.

Planning: This document uses the term “planning” in reference to land use planning, and specifically, “intergovernmental” land use planning between First Nations and local governments. Generally, land use planning addresses “the physical form of communities and the natural environments that they share, along with the social needs of residents and the institutional means of planning” (Hodge & Gordon, 2014, p. 1). Land use planning arises from a community identified desire to improve their “built and natural environments” (p.2), while technical, legalistic planning procedures are often the means of accomplishing the planning direction identified by communities (Hodge & Gordon, 2014). The nature of “intergovernmental” planning is still being understood and developed. This type of planning often arises out of required technical/ legalistic processes, although the better examples of this work tend to involve the collaboration characteristic of community planning. This document uses the term “planning” broadly.

Intergovernmental: The Canadian Oxford Dictionary definition of the term is “concerning or conducted between two or more governments” (p. 787). This document uses the term specifically in relation to the political and administrative relationships between local governments and First Nations.

Local Government: The term “local government” includes municipalities, regional districts, rural municipalities, planning districts, and other forms of government arising from provincial governments, and that oversee local-level planning functions. In Manitoba, municipalities and planning districts are the principal forms of local government (Government of Manitoba, n.d.-a).

This document is structured in six chapters, the first being this introduction. Chapter 2 provides background information on the history and policies that have led to the present-day relationship between First Nations and non-First Nations. Chapter 3 is the literature review, which examines three main bodies of theory: Indigenous peoples and planning; intergovernmental planning in the scholarly literature; and treaty and other relationship principles. Chapter 4 details both the methods of data collection and data analysis used for the research, along with a justification for my use of “practice stories” as a method of inquiry. Chapter 5 begins to present the study results, by describing the challenges and opportunities associated with intergovernmental planning relationships, as expressed by participants. Chapter 6 analyses the strategies practitioners use in intergovernmental planning work, as demonstrated by their “practice stories”, and Chapter 7 provides a comparison between the realities of current planning practice and pre-established principles for relationships between First Nations and non-Indigenous peoples/ governments. Chapter 8 summarizes the study conclusions and contains my reflections on using “practice stories” for the research study.

2.0 How Did We Get Here? Historic And Policy Contexts

2.1 The Evolution of the Relationship

When Europeans first arrived in what is now Canada, it marked the beginning of a new, permanent, and highly complicated relationship between First Nations and non-First Nations and, subsequently, First Nations and the Canadian State. Today, this relationship looks much different than it did when the first settlers began arriving, and the relationship is expected to undergo further evolution in the years to come. This section is intended to provide snapshots of the historic eras of the relationship between First Nations and Canada, in order to provide a basis for understanding the realities of the relationship today, and to frame the possible futures of the relationship. While this research focuses on Manitoba, this section explores the relationship history in Canada more broadly, although Manitoba-specific references are highlighted where appropriate.

A New Relationship

Early European settlers were highly dependent on First Nations people to support their trading pursuits, and for the simple purpose of surviving in an unfamiliar landscape (Miller, 2009; Craft, 2013). Given that settlers' pursuits within the "new world" were only accomplishable with First Nations' collaboration, these newcomers very quickly adopted First Nations customs around the establishment of trading relationships (Miller, 2009; Craft, 2013). Prior to European contact, treaties were long-used among First Nations in order to secure trade and other relationships with each other, by conducting ceremonies that tied tribes together in what is likened to kinship relationships (Craft, 2013; Miller, 2009). By creating kinship bonds, these treaties ensured that

inter-tribal relations were conducted in good faith, with deep levels of care and trust between parties. In the oral tradition, good faith between parties was continuously reaffirmed through ongoing gestures, such as gift giving, feasting, and further ceremony. These treaties shaped First Nations' trade relations and societal structures, and the rituals associated with them were integral to their strength and legitimacy. As Europeans and First Nations began establishing relations around trade, peace, and friendship, they followed the same treaty formation customs that had been used among First Nations for generations (Miller, 2009; Craft, 2013). During this early era, First Nations' relations with settlers were largely characterized by settler dependence on First Nations, and mutually beneficial trade arrangements developed in substantial accordance with First Nation traditions.

As trade intensified, and settlement increased over the years, trade between First Nations and European individuals evolved to include land sales – a practice often conducted by “dubious means” (Miller, 2009, p. 69). Frontier entrepreneurs were known to use bribes to gain “deeds” to lands, and First Nation members with questionable authority to surrender lands often provided these “deeds” (Miller, 2009). First Nations began to feel increasing displacement pressure as a result of European settlement expansion (Borrows, 1994); meanwhile, the British were becoming anxious to ease jurisdictional conflict with First Nations (Borrows, 1994; Craft, 2013; Dickason, 2002). Violence began erupting during land disputes, as First Nations refused to give up their claims to sovereignty over their lands (Borrows, 1994).

The Royal Proclamation of 1763 came into place to define jurisdiction between First Nations and the Crown (Borrows, 1994; Miller, 2009). The document lays out a set of often contradictory

instructions as to how First Nations and the Crown were to coexist with one another (Borrows, 1994; Craft, 2013). On the one hand, the Proclamation affirmed First Nations' jurisdiction over their lands and governance, while on the other hand, it asserted British 'dominion' and 'sovereignty' over First Nations (Borrows, 1994). Importantly, for the history being portrayed in this section, the Proclamation includes a clause that forbade the sale of First Nation lands to anyone but the Crown, which served to both suggest existing First Nation title to the lands, while at the same time bolstering the Crown's control over the same lands (Borrows, 1994). As the paradoxical elements of the Proclamation suggest, the results have been both positive and negative from a First Nation perspective. The Royal Proclamation is considered a Nation-to-Nation agreement, and has been used in the courts as proof of First Nations' inherent right to self-government (Borrows, 1994). However, due to the clause which bestowed land purchase power on the Crown, the document was also the foundation for the numbered treaties between First Nations and the British Crown (Bartlett, 1990). The first of which (Treaty One) encompasses a large swath of Southern Manitoba. Despite the Proclamation's promise to support a nation-to-nation relationship, the numbered treaties that arose from the Proclamation have turned out to be substantial Indigenous land dispossession tools (Miller, 2009) in Manitoba, and other Canadian provinces.

The numbered treaties were not the first treaties to be formed in Canada; newcomers and First Nations had been forming "commercial compacts and alliances of peace and friendship" (Miller, 2009, p. 283) for generations prior to the numbered treaties, including some that were formed after the Royal Proclamation of 1763 (Miller, 2009). It was not initially obvious to First Nations that the treaties would have the effect of diminishing their control over their lands, which is

understandable, given the relatively positive history of treaty-making they had experienced up to that point, and the fact that the early numbered treaties followed First Nations' customary principles and seemed to promise a relationship based on equality and sharing (Craft, 2013; Miller, 2009). From First Nations' perspectives, the early numbered treaties were agreements to share their lands with settlers in exchange for specified protections and provisions from Her Majesty the Queen, and assurance that certain lands and rights would never be interfered with (Craft, 2013; Miller, 2009). Craft (2013) explains that Treaty One was formalized by having First Nations enter into a kinship relationship with the Crown, in accordance with the First Nations' ceremonial treaty formation customs, with the expectation that the terms of the relationship agreement would be re-affirmed through ceremony and gift giving on an ongoing basis (Craft, 2013; Miller, 2009). On the other hand, the Crown's motivation to form numbered treaties stemmed from their desire to facilitate westward settlement by putting a railway in place – an undertaking that was contingent on the formation of vast territorial treaties with First Nations (Miller, 2009). Despite the seemingly earnest nature of Treaty One and the early numbered treaties as “relationship documents” based on respect and sharing (Craft, 2013, p. 12), the Crown proceeded to treat the agreements as one-time land surrenders from First Nations, and significantly under-delivered on their end of the treaty promises.

It is possible that the Crown did not completely understand the nuances of Indigenous legal systems and some of the expected outcomes resulting from their engagement in it, despite their engagement with First Nations' customary norms during treaty negotiations (Craft, 2013). However, the treaties did set forth a range of quantifiable promises on the part of the Crown, and many of these have yet to come to full fruition, as will be discussed in Section 2.2. While each of

the numbered treaties is unique, many of the Crown promises within them are similar. Some of the common Crown promises within treaties include: provision of education (Venne, 2002; Craft, 2013), a sum of money to be paid to each First Nation member annually, the provision of certain goods to First Nation members (Venne, 2002), the provision of a “medicine chest” (interpreted as access to healthcare in a modern context) (Mainville, 2001), farming implements (Venne, 2002), the continued right to exercise hunting, fishing, and other traditional land uses (Venne, 2002), and the setting aside of a sum of lands reserved exclusively for First Nations’ use, the amount of which was determined by a formula based on the First Nations’ population at the time of treaty formation (Venne, 2002). With the Royal Proclamation defining First Nations’ jurisdiction, and the treaties outlining shared resources and relationship principles, a future based on a nation-to-nation relationship between First Nations and the Crown seemed promising. But the federal government had already begun to construct oppressive legislation aimed at breaking down First Nations’ autonomy and cultural practice, in favour of assimilating them to western ways. From Manitoban First Nation elders’ perspectives, treaty making is “characterised by broken promises and the introduction of government polices and laws that resulted in mostly negative impacts on First Nations peoples’ lifestyles, livelihood and relationships with the land” (Hyslop & Bone, 2015, p. 21).

Broken Promises And Oppressive Laws

In 1876, just a few years after Treaty One was signed, the Federal Government brought in the consolidated *Indian Act* – a piece of legislation which historian John Milloy (2008) describes as “an aggressive colonizing project of assimilation...of all First Nations throughout the nation” (p. 1). Through the *Indian Act* and its subsequent revisions, the Federal Government assumed

autocratic control – by their “self-defined authority” (L. Gray, 2011, p. 51) – over nearly all aspects of First Nations’ life. It dictated who had “Indian” status, and the ways in which status could be lost, including by obtaining a university degree or by a woman marrying a “non-Indian”. It forced a new governance structure on First Nations, composed of all-male Band Councils, and prohibited the Sun Dance and other important ceremonies (Coates, 2008; L. Gray, 2011; Milloy, 2008). Through the *Indian Act*, the Federal Government assumed far-reaching control over management of reserve lands, and administered this control via the department of Indian Affairs, and on-reserve Indian Agents (Milloy, 2008). The adoption of the *Indian Act* marked the degradation of First Nations’ standing in Canada - from autonomous nations coexisting with the state to dependent, paternalized “wards” of the state (Coates, 2008).

In the years that followed the early treaties and the adoption of the *Indian Act*, the Canadian State became increasingly powerful, while First Nations became increasingly dependent on provisions from Canada. The Crown’s treaty promises went largely ignored, and even the calculated sums of treaty land were not fully supplied to entitled First Nations in Manitoba and other provinces. Miller (2009) theorizes that the Crown pushed treaty obligations down their list of priorities due to the newly established colonial government’s parliamentary democracy structure, which focuses on catering to the Canadian electorate. At that time, First Nations did not have a right to vote, so their concerns were not accounted for under this democratic structure. Furthermore, the decline in buffalo populations and prevalence of introduced illness (Allard, 2002) had significantly weakened many First Nations, making it more difficult for them to assert their treaty rights, while simultaneously making it easier for the Crown to ignore their treaty promises (Miller, 2009).

A treaty promise that was at least partially realized was the provision of agricultural implements so that First Nations could use their reserve lands for agriculture as a form of economic development aimed at integrating them into western society. Many First Nations abandoned traditional pursuits in favour of agriculture, facilitated by the Federal Government's provision of seed, equipment and training. First Nations' farming pursuits were negatively affected by the Federal Government's half-hearted efforts to provide the necessary items to support farming on reserves (Carter, 1990). In many cases, the insufficient supports were enough to render on-reserve farming enterprises unfeasible. The infrequency with which reserves were being used for agriculture, coupled with non-Aboriginal farmers voicing grievances about the "unfair advantages" for First Nations farmers, led the Federal Government to induce First Nations to sell off their "unused" lands to allow for agricultural expansion by non-Aboriginal farmers (Carter, 1990). Through a process of allotting lands to individual First Nations farmers, the Federal Government was able to determine which reserve lands were in productive agricultural use, and which were "surplus" lands – a method of determination that would lead to the dispossession of First Nations lands not in active agricultural use (Carter, 1990). In 1911, revisions to the *Indian Act* would grant the Federal Government power to expropriate First Nations' land, with or without their consent (L. Gray, 2011).

Reserves started as vast tracts of land intended for First Nations' continued traditional use, and have largely degraded into minute land bases containing isolated residential communities strongly regulated by colonial powers. Around World War II, band members were not permitted to leave reserves without permission from the Indian Agent (RCAP, 1996). On the other hand,

there were times when the government applied forcible relocation, whereby First Nations were required to leave their home reserves and move to new reserves in unfamiliar locations, often with reduced resources and land bases (RCAP, 1996). Hydroelectric dam developments have also resulted in the reduction of First Nations' usable land base, as these types of developments have caused vast flooding of traditional territories (RCAP, 1996). Today, land claim processes, such as Treaty Land Entitlement in Manitoba, are acting to resolve some of the treaty breaches related to unfulfilled promises surrounding reserve land amounts, and this is taking place as a partial result of mounting pressure for better recognition of First Nations in Canada.

A Shift Towards Greater Recognition

By the late 1960s, the relationship between First Nations and Canada began a slow shift towards greater recognition of First Nations rights, as a result of First Nations' organization, protests, and monumental court cases. Prime Minister Pierre Trudeau's 1969 "White Paper", which proposed to eliminate the *Indian Act* and, thus, First Nations' special standing in Canada, prompted major protest from First Nations (Coates, 2008; Dickason, 2002; RCAP, 1996). The White Paper was ultimately rejected, which brought to light the importance of maintaining a distinct national standing for First Nations, and led to the gradual strengthening of First Nation organizations (Coates, 2008). Uprising, occupation, and other grassroots activism also bubbled up over the years, as First Nations defended their rights and title. Numerous First Nations have taken government bodies to court over land and rights issues, with some cases having momentous results. The 1973 Calder decision (*Calder et al v. Attorney General of British Columbia*, 1973) did not rule in favour of the Nisga'a Nation's assertions to title over their lands, but it set an important precedent for subsequent cases surrounding First Nations title. The judge summarized

First Nations' title as follows: "the fact is that when the settlers came the Indians were there, organized in societies and occupying the land as their forefathers had done for centuries. This is what Indian title means" (*Calder et al v. Attorney General of British Columbia*, 1973, p. 328). In contrast to his previous attempt to eradicate First Nations' special standing through the White Paper, Trudeau entrenched First Nation rights in the Canadian Constitution of 1982 after reviewing the Calder decision (Dickason, 2002). It was around this same time that formal land claim processes began to be developed (as discussed further in the following section), in order to make up for First Nations' land degradation, and the failure to fulfil the land entitled to First Nations in the numbered treaties. These are just a few examples of the events and activities that led to a turn towards greater recognition of First Nations by Canada, and efforts to repair the damaged relationship.

2.2 New Policies, New Trends

First Nations' Land Claims

As touched on in the previous section, many First Nations never received the full amount of lands that were entitled to them under the initial treaty agreements, including a number of First Nations in Manitoba, where this research is focused. A formula was used to calculate the area of land to be set aside as reserves for Manitoban First Nations, and this was based on First Nations' populations at the time of treaty formation. Due in part to flawed population surveys, many First Nations were not left with all of the lands to which they were entitled under the treaty agreements (Treaty & Aboriginal Rights Research Centre of Manitoba, 1994). Around the time when First Nation recognition began to build momentum, two principal policy mechanisms were brought into effect in an attempt to resolve this long-standing debt, and each has substantial

implications for land use planning both at the local government level, and the First Nation level. The remainder of this section explains these policies, along with other relevant legislative frameworks and economic realities that impact Manitoban First Nations and local governments, as they operate alongside one another in this new era.

Specific land claims and comprehensive land claims are the two principal types of Aboriginal land claims used in Canada (Indigenous and Northern Affairs Canada, n.d.-b). Comprehensive land claims are used for lands on which treaties do not currently exist, but to which First Nations have rights related to their traditional use of the lands. Specific land claims are used in places, like Manitoba, where treaties do exist, but where treaty obligations to First Nations have not been fulfilled (Indigenous and Northern Affairs Canada, n.d.-b). In Manitoba, Treaty Land Entitlement (TLE) Agreements and the Additions to Reserves Policy (ATR) are the principal policy mechanisms in place to allow “Entitlement” First Nations to select and convert lands to add to their reserve base. The majority of Entitlement First Nations in Manitoba have jointly negotiated under the Treaty Land Entitlement Committee of Manitoba, while others are negotiating their claims individually (Government of Manitoba, n.d.-b).

Other “one off” land claims processes exist, such as the Northern Flood Agreement to make up for the destructive flooding of swaths of First Nations land resulting from hydroelectric development in Northern Manitoba (Erenberg & Bell, 2006). However, the Treaty Land Entitlement and Additions to Reserves processes are likely the most far-reaching land claim mechanisms in place. Under the TLE process, entitled First Nations can select a sum of lands, to make up for the land owed to them. The lands selected can be either Federal or Provincial Crown

land, or private land purchased on a willing buyer-seller basis (Indigenous and Northern Affairs Canada, n.d.-a). Once acquired, First Nations have the option to convert their selection lands into federally-held reserve lands via the Additions to Reserves Policy process. Often, First Nations will select lands within or near urban municipalities/local government jurisdictions, in order to harness economic development opportunities. But deciding whether or not to convert their land selections to urban reserves is not always easy for First Nations.

First Nations' Considerations With Urban Reserve Creation

There are both advantages and disadvantages associated with reserve development. While this research focuses on intergovernmental planning in the context of First Nations with urban reserves, it is useful to understand that urban reserves are not the only land tenure under which First Nations can choose to develop lands for economic development. Provisions within the *Indian Act* dictate the extent of First Nations' on-reserve land management authority, and onerous, federally-regulated processes encumber many on-reserve development activities (National Aboriginal Economic Development Board, 2013). The Additions to Reserves process itself can involve such complex negotiations (Peters, 2007) and lengthy timelines (Standing Senate Committee on Aboriginal Peoples, 2012) that First Nations may be deterred from the process altogether. Instead of converting lands to reserves, some First Nations choose to own their selected lands in fee-simple, keeping them under local government jurisdiction (Peters, 2007). The fee-simple ownership model can also reduce some of the financial difficulties that on-reserve development may face. Not all banks will provide mortgages for on-reserve development, and in the event an on-reserve development project fails, cost-recovery is difficult, as reserve lands cannot be sold without undertaking another federally-regulated process (Peters,

2007). Despite the challenges of new reserve creation, many First Nations choose to convert their land selections to reserves under the Federal Government's Additions to Reserve Policy, as this can open up a number of opportunities.

Although reserves are owned by the Federal Government and overseen by the *Indian Act*, some First Nations leaders see the development of new reserves as a way to advance Indigenous self-government (Barron & Garcea, 1999). New reserves are a form of land tenure that can serve First Nations' "economic, social, cultural and political development objectives without compromising any of their rights" (Barron & Garcea, 1999, p. 302). When new reserves are created, and when First Nations have successfully gained control of on-reserve land management under the First Nations Land Management Act (see below), the lands fall under the jurisdiction of band councils, giving them bylaw and tax creation authority similar to that of local governments. While First Nations are exempt from government taxes and school levies, they may put in place their own taxes in order to meet their development objectives. Furthermore, when status First Nations people work on reserve, they are not required to pay income tax on the money they earned on reserve, which can help First Nations attract qualified staff people for on-reserve employment (Peters, 2007). Despite the financial challenges of on-reserve development discussed in the previous paragraph, one substantial financial benefit is the increased government funding options that tend to be available for on-reserve developments (Peters, 2007). The financial benefits derived from taxation options and funding opportunities are major drivers contributing to First Nations' choices to convert land selections to reserves. Many First Nations are finding that they are best able to maximize these benefits on lands located in urban areas, where economic development projects are more likely to be successful (Barron & Garcea, 1999).

When urban reserves are created, lands are pulled from a local government's land base, and put into First Nations' band council jurisdiction for regulatory purposes similar to those overseen by local governments, including land use planning and bylaw administration. While *the Indian Act* includes basic provisions for First Nations' land management, these have "limited legislative or land use planning value" (Cossey, 2013, p. 23). Under the 1999 *First Nations Land Management Act*, First Nations may opt out of the land use related sections of the *Indian Act*, and create their own Land Codes, giving them land use planning tools for their reserves which are similar to those used by local governments (Cossey, 2013). As First Nations establish and plan for reserves in urban areas, interaction with local governments is inevitable, which opens up new opportunities and a level of legal obligation for collaboration. During the Additions to Reserves process, First Nations are required to provide neighbouring municipalities/ local governments with the opportunity to give input on proposed new reserves (Indian and Northern Affairs Canada, 2002). This is an opportunity for local governments to voice any concerns they may have, and for the two parties to negotiate any services they may wish to share going forward.

Three major points of discussion generally result from Additions to Reserve (ATR) consultation: Bylaw compatibility, service sharing, and tax loss compensation (Federation of Canadian Municipalities, n.d.). Because local governments lose a portion of their tax revenue when lands are converted to reserve, agreements can be formed in which the First Nation pays a sum of money to make up for some or all of the tax loss resulting from the land transfer. Local governments also lose land use planning control over lands that become reserves, and are therefore interested in ensuring that future development by the First Nation is compatible with

adjacent land uses on local government lands. Bylaw harmonization becomes a more serious discussion when First Nations embark on the development of Land Codes, but these discussions may begin at the ATR stage (Cossey, 2013; Federation of Canadian Municipalities, n.d.).

Perhaps the most common interface in which local governments and First Nations collaborate is in the development of service agreements through which First Nations and local governments lay out the terms of how services will be shared and paid for. These are the common points of discussion that come up during the local government consultation First Nations are required to initiate under the ATR.

Local Government Considerations: Working Alongside New Neighbours

First Nations are not the only ones required to engage in consultation activities for intergovernmental relationships. The Provincial and Federal governments are constitutionally obligated to fulfill the Duty to Consult – a Crown responsibility which requires the Crown to consult with First Nations on matters that may infringe on their interests, and to accommodate these interests as reasonably as possible (*Haida Nation v. British Columbia (Minister of Forests)*, 2004) The Duty to Consult flows from the “Honour of the Crown”, a principle which means that the Crown must act “honourably” in its dealings with First Nations peoples (Barry, 2016).

Although local government-regulated projects have vast potential to impact First Nations’ interests (Dorries, 2012), the question of whether local governments are required to follow the Duty to Consult has been a controversial one (MacCallum Fraser & Viswanathan, 2013). A recent court case (*Neskonlith Indian Band v. Salmon Arm (City)*, 2012) ruled that municipalities are not responsible to uphold the Duty to Consult, stating it is a Crown responsibility that cannot be delegated. Others argue that this is not clear, and the responsibility could extend to

municipalities (Rowinski, 2009, as cited in MacCallum Fraser & Viswanathan, 2013; Imai & Stacey, 2014). Critics of the BC Court of Appeal's decision note that, because Crown governments empower municipalities with the authority to make land-use decisions which can affect Aboriginal rights, the duty to consult should come with that authority (Imai & Stacey, 2014). Regardless of whose responsibility the consultation is, municipally regulated projects with the potential to affect Aboriginal rights should not proceed until the duty to consult has been fulfilled (Imai & Stacey, 2014).

As debate continues over municipalities' legal duty to consult, local governments are finding that engaging in meaningful consultation with First Nations has practical benefits, with or without a legal basis to do so (Dorries, 2012; MacCallum Fraser & Viswanathan, 2013). Smoothing out dealings with one another by communicating regularly, rather than only when there is an issue at hand (Dorries, 2012), and pursuing economic development initiatives of mutual interest (MacCallum Fraser & Viswanathan, 2013) are examples of practical reasons for local governments to consult with First Nations. Despite the positive outcomes of voluntary engagement between First Nations and local governments, the lack of legal basis for this can be a deterrent for local governments, whose already stretched time and resources need to be expended on building these relationships (MacCallum Fraser & Viswanathan, 2013). Indeed, as MacCallum Fraser & Viswanathan (2013) found in Ontario, "quite often this proactive engagement is a result of individuals who see this as an important issue, and will take on extra work" (p. 13). These findings demonstrate that some local governments are electing to consult with First Nations, in absence of a legal responsibility to do so. However, it is unclear whether these undertakings by

local governments are simply practical in nature, or whether they stem from a deeper sense of moral duty to honour treaties and strengthen nation-to-nation relationships.

The present-day relationship between First Nations and local governments has evolved from a lengthy history. First Nations and non-First Nations have seen several “eras” in their relationship with one another; at times the two parties worked together as equals. Unfortunately, for most of the time, a devastating power imbalance existed, in which the Canadian state attempted to strip First Nations of their cultures, and lands. This era forced a damaging rift between the two parties, which they are now working to surmount. First Nations land claim resolutions, in provinces including Manitoba, are one piece of the reconciliation puzzle, with the establishment of new urban reserves holding substantial promise to aid First Nations on their quest for stronger sovereignty. In addition to the opportunities that urban reserves offer, there are challenges that must be overcome, including forming relationships with local governments. An ever-evolving legal framework has established the basis for many of the procedures for land claim settlement, yet the guidance for this type of work essentially stops there. Neither the scholarly literature nor the professional development realm has much guidance to offer planning practitioners and First Nations as they embark on these new relationships, although attention to the subject seems to be increasing, as explored in the literature review in the next chapter.

3.0 Literature Review

This literature review begins with a brief discussion on the nature of “First Nations planning”, to explore what “planning” has meant to First Nations throughout time, and not just since European contact. In the next section, I examine what little literature exists on intergovernmental planning. This literature review demonstrates that neither the scholarly literature nor professional development resources offer much guidance to local government practitioners engaged in planning with First Nations. In the third section of this literature review, I suggest that planning practitioners could seek guidance for intergovernmental planning work from the relationship principles already established by the historic numbered treaties and publications by organizations including Part Three of “Looking Forward, Looking Back” by the Royal Commission on Aboriginal Peoples (1996), the Truth and Reconciliation Commission of Canada’s Final Report (2015), and the United Nations’ Declaration on the Rights on Indigenous Peoples (2008). Literature surrounding treaty meanings and other possible “Nation-to-Nation” relationship principles are explored in this section, both to demonstrate these existing principles’ possible relevancy to planning practice, and to sketch out a preliminary framework for assessing the research findings.

3.1 Indigenous Peoples and Planning

Indigenous Planning As A Concept

This research is focused on intergovernmental planning that arises from state-regulated land claims processes, and as such it looks at what could be termed “Indigenous planning from a place of colonial origins”. This is simply a reality of the research, but it requires some background discussion on what “Indigenous planning” has meant over time, to demonstrate that

managing land through “planning” type activities is not something that started upon European contact. Indigenous peoples have always “planned” using their own culturally-rooted methods, since time immemorial (Matunga, 2013; Walker, Jojola & Natcher, 2013). Along with the enormous changes that came with the colonial era, Indigenous peoples’ planning systems changed too. The following section discusses ways in which “Indigenous planning” can be conceived, and how it has changed over time.

As Hirini Matunga (2013) admits, theorizing Indigenous planning is “potentially risky business” (p. 3). The language in mainstream planning texts (such as Hodge, 2003) has been around “planning First Nations communities” – possibly implying that ‘mainstream’ planners should be doing this work. Matunga is careful to point out that, when he uses the term “Indigenous planning”, it means “planning by, rather than for [Indigenous] communities” (p. 3). This concept of planning “by” Indigenous communities is by no means new – Indigenous peoples have been undertaking such work since time immemorial, in accordance with “their own traditions and sets of practices” (Matunga, 2013, p. 5). But the colonial settler state has largely failed to accommodate Indigenous planning traditions (Matunga, 2013). In fact, mainstream Western planning practice has facilitated the “scorched earth clearance” (p. 9) of Indigenous peoples, in order to make way for settler interests.

From the time of European contact until the 1970s represents what Matunga refers to as the “Resistance Tradition” of Indigenous Planning, in which the colonial settler state attempted to erase Indigenous peoples by displacing them from their communities and environments using tools including land surveying, mapping, and – indeed – western land use planning (Matunga,

2013). Finding themselves marginalized to rural enclaves, reserves, and urban ghettos (Matunga, 2013), Indigenous peoples' planning became a subversive practice which could only retain "as much of the characteristics of classical Indigenous planning as the politics of resistance and political advocacy allowed" (p. 11). By the 1980s, Indigenous peoples' protests over land loss and environmental degradation – coupled with the globalization of the Indigenous rights movement – led to the Indigenous planning tradition of today, which Matunga terms as the "Resurgence Tradition". While Indigenous Planning in the resurgence tradition has been coloured by - and is operating in response to - the colonial regime, it is largely characterized by the "reclaiming" of Indigenous Planning (Walker et al., 2013). This means that Indigenous peoples are finding ways to retain Indigenous planning's "own distinct tradition, history, contemporary identity, and practice" (p. 14), while simultaneously developing the means to "advocate, mediate and negotiate across the planning divide with 'mainstream' Western planning" (p. 14).

With specific land claims coming about in Manitoba, there are increasing opportunities to bridge this gap with western planning, by entering into new planning relationships. This trend calls on local governments and planners to re-evaluate their planning practices, and in doing so, possibly contributing to reconciliation, as called for by the Truth and Reconciliation Commission (2015). This "re-evaluation" of practice may involve learning about Indigenous planning traditions, and exploring the ways these complement and contradict western planning ideologies. It should certainly involve becoming educated on the implications of working on treaty lands. Indeed, this new working relationship cannot take place under a "business as usual" format, because First

Nations have specific rights and title that put them into a unique category for western planning consideration.

Planning With First Nations: Partners, Not "Stakeholders"

“Mainstream” planning practice tends to place substantial importance on garnering input from individuals and groups who have an interest or “stake” in planning decisions, to help guide policy development and decision making. These “stakeholders”, as they may be termed (Healey, 1998), can range from community associations to farmers to senior citizens to chambers of commerce to environmental groups and any number of other potentially interested parties (Wates, 2000). In their efforts to include many diverse ‘voices’, governments have sometimes identified First Nations as one of many stakeholder groups for consultation on policy (Walker, Moore, & Linklater, 2012). However, First Nations have long rejected being lumped into the general stakeholder category (Barry, 2012). The concept of being just another stakeholder that needs to be consulted does not go far enough to recognize and account for First Nations’ unique standing in Canada as an autonomous Nations with constitutionally entrenched rights, and self-government abilities (Barry, 2016). Governments are being called upon to find new ways of working with First Nations that go beyond the “stakeholder” consultation status quo, and move towards collaborative working relationships in which First Nations are partners.

Several terms have emerged to help conceive this new working relationship. Walker, Moore and Linklater (2012) imagine urban Aboriginal policy, in all its broad forms, as being “co-produced” by Aboriginal leaders and non-Aboriginal leaders, from the early stages of problem identification, priority setting etc., through to implementation – a method which, as Watson

(2014) discusses, better empowers marginalized parties engaged in work with the state than the more “commonly discussed” (p.69) methods of “collaborative” or “communicative” planning. The vision of co-production runs contrary to the present reality in which non-Aboriginal leaders develop policies and programs and then hand them over to Aboriginal groups near the end of the process for implementation (Walker, Moore, & Linklater 2012). Perhaps the most widely encompassing term to describe this new relationship is the “Nation-to-Nation” relationship. This term speaks to the relationship between sovereign First Nations and the Canadian government, and takes into account “that there exists a historically grounded set of Aboriginal nations, with distinctive traditions and practices of self-determination, including governance” (Abele & Prince, 2006).

“Government to Government” is another term that is used similarly, although as Walker, Moore, and Linklater (2012) explain, this term is more limiting than “Nation-to-Nation” as it “fixes Aboriginal peoples and communities as well as the aspirations of complex Aboriginal cultural identities that work through networks across space into well bounded territorial and jurisdictional forms” (p. 165). Still, the term “Government-to-Government” can be a more “practical” term (Walker & Moore, 2012) and has been used in planning to describe contexts “in which Indigenous peoples and the state mutually recognize each other’s governance authority and agree to share land use planning responsibilities” (Barry & Porter, 2012). “Indigenous-state planning” (Barry, 2012), “collaborative planning” (Jones, Rigg, & Lee, 2010), and “co-governance” (Jones et al., 2010) are other terms within this realm of discourse. For the purposes of this thesis, I use the term “Intergovernmental Planning” to describe planning relationships in which First Nations and local governments work together on planning issues of mutual interest. Within this literature

review, however, I may use the nearly synonymous terms discussed above, in order to reflect the language of the literature under review.

3.2 Intergovernmental Planning in the Scholarly Literature

In Canada, intergovernmental interfaces between First Nations and state governments often arise in natural resource management contexts, due in part to senior governments' role in allocating natural resources to various groups, and First Nations' inherent land title, and rights to resources (Hibbard, Lane, & Rasmussen, 2008). A Manitoba example of this type of intergovernmental interface are the Resource Management Boards in the north of the province, whose members include provincial and First Nation representatives, and whose purpose is to "co-manage" the natural resources of specified areas (Manitoba Aboriginal and Northern Affairs, n.d.-b). Barry (2012) examined a similar type of natural resource management interface in British Columbia, during her research on the evolution of "government-to-government" agreements in the province. Her paper looks at the experiences of BC First Nations and the Provincial government as they worked to establish new frameworks for resource management planning, in which the First Nations' role shifted from being "a particular kind of stakeholder to a long-term government partner" (p. 217). She points to this kind of collaborative land use planning as an opportunity to implement institutional change, and to advance First Nations' rights, title, and self-determination in ways outside of existing state-made structures (Barry, 2012). A challenging component of this experience was the "fundamental mismatch in expectations and communication styles of provincial and [First Nation] representatives" (p. 224) – an issue that was mitigated by the First Nations Council's strategic decision to adopt the "language of provincial resource planning" (p. 224).

Fitzpatrick, Sinclair, & Mitchell (2008) describe similar issues which arose during a study of the deliberative democracy potential of the North West Territories' Mackenzie Valley Resource Management Act. The article explores the opportunities associated with collaborative approaches to resource management under the Act, but also details the associated challenges. It was found that participation in the process was dependent on participants being able to navigate and act within a Western bureaucratic structure. This was identified as a "real problem" (p.13).

"Scoping" was used to gather input, which entailed gathering written comments and holding community meetings – input gathering methods common in planning processes. The use of written materials was a barrier to some people's ability to provide input, as was the exclusive use of the English language. These issues with the process were cited as "power distortions" related to "ways of knowing" (Fitzpatrick et al., 2008, p.13).

Another example of intergovernmental relationships in a co-management context can be found in New Mexico, US, where the Pueblo de Cochiti American Indian Tribe and the U.S. Bureau of Land Management (BLM) formed a co-management partnership for the Kasha-Katuwe Tent Rocks National Monument (Pinel & Pecos, 2012). Despite the two parties coming into the co-management process with different goals, and despite sharing a tense history, the co-management of Kasha-Katuwe has been a relatively successful venture. The successes of this co-management project can be largely attributed to: the involvement of the entire Pueblo tribal council, rather than a single representative; the formation of a partnership (not mere stakeholder consultation) based on power and responsibility sharing; and ensuring "personal continuity" (p. 600) by having the BLM's district manager stay involved for ten years. In this case, the BLM

“pride themselves on doing everything allowable under the law to collaborate, rather than consulting with the tribal government only as required by law” (p. 600).

While the literature discussed so far focuses on intergovernmental planning with higher levels of state government, there have also been some academic studies on First Nations collaboration with local governments. Nelles & Alcantara (2011) examined, and created typologies of, all publicly available “intergovernmental agreements” between First Nations and municipalities in British Columbia. They note that, despite the incomplete literature on the subject of intergovernmental planning, “relationship building” agreements between First Nations and municipalities are relatively common. Nelles & Alcantara's study encompassed 93 intergovernmental agreements, 35 of which revolved around relationship building. They note that most of these documents stress “the importance of mutual recognition and respect as a basis for the partnership and contain commitments to transparency and communication” (p. 319).

Wood (2003) writes about the challenges faced by the City of Calgary and the Tsuu T’ina First Nation, when Calgary proposed to construct a road through Tsuu T’ina’s land in order to support exurban development. Unfortunately, lessons learned from the experience described in this article are best labeled as “what not to do”. Barriers that stood in the way of Calgary and Tsuu T’ina’s working relationship included: a lack of recognition by Calgary of the First Nation’s collectively held rights, interests, connection to the land, and treaty rights; Calgary’s unwillingness to share power with the First Nation; negative stereotyping; and a weak relationship between the two parties that was typically only given attention when the City had development interests requiring Tsuu T’ina’s involvement (Wood, 2003).

Hamilton, ON and the Haudenosaunee First Nation also found themselves at an intergovernmental planning impasse due to a proposed highway development. (Hill, 2008) In this case, however, the two parties were able to come to an amicable agreement. “Mutual respect” for one another was found to be a critical component of the working relationship between Hamilton and the Haudenosaunee, and the principle of mutual respect is also one of the key principles outlined by the Royal Commission on Aboriginal Peoples (1996a) (see Section. 3.3). Work on the highway project was guided by Haudenosaunee land ethics, and – for the first time in generations – the treaty principles entered into by the Haudenosaunee and the British Crown. The General Agreement for the Hamilton roadway sets an important precedent related to local governments’ role in implementing treaties, in that it acknowledges that “Hamilton, as a municipality created by the Crown’s law, respects and shares in [the treaty] relationship” (City of Hamilton & Haudenosaunee Confederacy, 2003, p. 5), and therefore holds a level of obligation to uphold the treaty promises agreed to by the Crown and the Haudenosaunee.

Terry Mountjoy (1999) writes about municipal perspectives on Aboriginal self-government, by discussing the various ways in which First Nations and municipalities find themselves working together. Although his article tackles the subject broadly, many of his insights are applicable to intergovernmental planning. Mountjoy uses the term “Territoriality” to describe municipalities’ protectiveness over the lands within their jurisdiction, and First Nations’ expectation that they should have widespread latitude to determine land use rules on their lands (Mountjoy, 1999). This observation aligns with Wood's (2003) conclusion that Calgary’s unwillingness to share power with the Tsuu T’ina First Nation was a major barrier to their ability to work together on

the road project. It could be that conflicts over “territory” stem from municipalities’ common failure to understand First Nations’ standing as a “third order of government” with special rights and self-government goals (Mountjoy, 1999). To further illuminate this limited understanding, Barron & Garcea (1999), point out that, where municipalities have attempted to address Aboriginal concerns and problems, “they have done so mostly out of a concern for the marginalized position of Aboriginal people, not out of a belief that Aboriginal people have unique political or other rights” (p. 307). Municipalities have been similarly challenged in their relationships with senior governments in their attempts to move out of provincial control and gain their own constitutional recognition (Federation of Canadian Municipalities, 2013).

Expansion Of First Nations-Related Dialogue In The Planning Profession

Although many practitioners are still grasping the intricacies of First Nations’ legal standing in Canada (Barron & Garcea, 1999), there is substantial evidence to demonstrate that, overall, the planning profession is developing awareness of the need to work alongside First Nations, and is interested in learning how to do this well. Until recently, planning programs in Canadian universities have put little emphasis on working with First Nations. For example, the book “Planning Canadian Communities” by Gerald Hodge has been a foundational text used in Canadian planning schools since the 1980s, and has had six editions published to date (“About the book,” n.d.). Earlier editions of this book contain no mention of collaborative planning with First Nations. A single page dedicated to the topic of “Planning First Nation Communities” can be found in the text’s fourth edition (2003), but, as its title suggests, this small section speaks to methods of planning *for* First Nation communities, rather than in collaboration with them. The most recent edition includes integrated content pertaining to First Nations, including sections on

urban reserves, and local government-First Nation relationships (Hodge & Gordon, 2014).

The evolution of Hodge's enduring text mirrors the new trend for Canadian planning schools to more heavily emphasize First Nations and planning in their curricula. In 2012, the University of British Columbia's School of Community and Regional Planning introduced their new Indigenous Community Planning Specialization (University of British Columbia, n.d.), and the University of Manitoba has offered an Indigenous Planning studio with First Nation partnerships since 2010 (University of Manitoba, n.d.). But for practicing planners who completed their education before this shift in planning curricula, an understanding of the implications of First Nations and planning must be sought out by other means. Several organizations have published guides to assist with the development and navigation of relationships between local governments and First Nations (See for example: Federation of Canadian Municipalities (FCM), n.d.; FCM, 2012; Ontario Ministry of Municipal Affairs and Housing, 2009; First Nations Summit & Union of British Columbia Municipalities, n.d.). While these guides are well intentioned, and provide a helpful basis for understanding some of the challenges and opportunities associated with intergovernmental relationships, they fail to get at the intrinsically complicated nature of intergovernmental planning. Suggestions such as being aware of "different cultural values" (FCM, n.d.) neither empower practitioners with tangible strategies for achieving these suggestions, nor recognize the complex intricacies of intergovernmental planning relationships.

While existing resources fall short of being particularly useful for planning practitioners and First Nations engaged in intergovernmental planning, a shift in focus has been noticeable in recent years. Planning academics have begun publishing on the subject of First Nations planning

and intergovernmental planning, while planning practitioners have begun to adapt their professional development initiatives to reflect the need to work with First Nations. The desire to learn how to better work together is clear, yet the path to get there is less obvious. In the next section of this literature review, I suggest that broader “relationship principles” can be applied to planning practice, by reviewing documents including the Royal Commission on Aboriginal Peoples’ 1996 report “Looking Forward, Looking Back”, and literature on the relationship principles which form a part of the historic numbered treaties.

3.3 Treaty & Other Relationship Principles

Based on the existing literature, it seems that professional planners lack substantive resources to help them build positive working relationships with neighbouring First Nations. Existing guides targeted towards building relationships between planners and First Nations rely heavily on generic community engagement principles that fail to honour the unique standing of First Nations as “more than stakeholders” (Walker & Moore, 2012). This reality of planning practice is a manifestation of the broader dichotomy between Indigenous and State visions of what their inter-relationships should look like, and how these should be upheld. The Indigenous-State relationship has not always lacked guidance, though.

Early numbered treaties were “essentially relationship documents” (Craft, 2013, p. 12) largely based on Indigenous legal traditions of forming and reaffirming relationships. Treaties held many intentions, not least of which was the vision of how First Nations and non-First Nations would relate to one another on the lands they were agreeing to share. This section draws in part on literature from the legal field that points to the relationship principles implicit in the

Indigenous legal traditions that played into the formation of the early numbered treaties. As this literature indicates, these legal principles hold legitimacy in modern-day treaty interpretations (Craft, 2013), and I seek to explore how these may also act as a resource for local government planners to make sense of their relationships with First Nations.

I have also drawn on more contemporary resources to frame this section of the literature review, including: Part Three of The Royal Commission on Aboriginal Peoples' 1996 publication "Looking Forward, Looking Back", entitled "Building the Foundation of a Renewed Relationship" [between Aboriginal and Non-Aboriginal people]; the Truth and Reconciliation Commission's 2015 Final Report, which tackles the damaging legacy of residential schools and sets forth a framework for reconciliation; the United Nations' 2008 Declaration on the Rights of Indigenous Peoples; and Volume Three of the Treaty Elder's Volumes (2015). This section of the literature review is organized using the framework within Chapter 16 of the RCAP document, which explains that a renewed relationship between First Nations and non-First Nations must be based on four principles: mutual recognition, mutual respect, sharing, and mutual responsibility. Although RCAP's document is now twenty years old, the direction it provides for a new relationship is still widely applicable today, and coincides with the directives and intents of newer documents aimed at providing direction for reconciliation work – namely, the Truth and Reconciliation Commission's 2015 Final Report. The TRC report acknowledges the RCAP report as an important initiative that was not fully implemented, and calls the TRC report a "rare second chance to seize a lost opportunity at reconciliation" (p. 3). While each of these documents informs this section of the literature review and one of the analysis chapters, the

RCAP document has been the overarching framework due to its stronger emphasis on lands and treaty implications.

While noting that “renewal” work must be sensitive to shared histories (RCAP, 1996), Chapter 16 of the RCAP document looks to the future, by presenting a way forward as Aboriginal and Non-Aboriginal people work towards a renewed relationship. There are clear links between the relationship principles suggested by RCAP, the directives within the 2015 TRC report, and the principles manifest within Indigenous law. This next section explains what is envisioned by each of the RCAP principles, and relates these to Indigenous legal principles and findings from other literature.

“Mutual recognition” is the first RCAP principle for a renewed relationship, and it centres on equality, coexistence, and self-government. During treaty signing ceremonies, First Nations were recognized by state commissioners as “autonomous political communities whose standing equalled that of the Settlers” (Asch, 2014, p. 89), and there was no indication that the treaties would change this standing (Asch, 2014). First Nations’ equality is intrinsic to a “nation-to-nation” relationship, and needs not only to be recognized, but enhanced with further economic power and prosperity (RCAP, 1996). Furthermore, as called for by the Truth and Reconciliation Commission of Canada (2015) (call to action No. 47), concepts used to justify European sovereignty over Indigenous peoples must be repudiated, and laws which rely on these concepts must be reformed. Because First Nations are equal to, but autonomous from Canadian nation-state government, First Nations have an inherent right to govern themselves “according to [their] own laws and ways” (RCAP, 1996). This does not mean that First Nations must work separately

from state governments – it means that no matter how closely First Nations partner with others, they will always hold onto their culture and governance (RCAP, 1996). That is to say, they will coexist with others.

On a number of occasions, the concept of “coexistence” between First Nations and state governments has entered the scholarly literature on planning theory and practice (for example see Porter, 2013; Barry & Porter, 2012; Howitt & Lunkapis, 2010; and RCAP, 1996) As Porter (2013) puts it, coexistence speaks to Indigenous and other rights coexisting alongside one another, each constituting "possible cultural expressions of claims in space and place" where "the existence of one does not render the existence of the other obsolete" (p. 291). Where they exist, treaties, “and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and the State” (United Nations, 2008, p. 3).

A relationship of coexistence was implied in the early treaties (RCAP, 1996), and forms an important part of some Indigenous legal traditions. For example, *Inaakonigewin* (the traditional law of Anishinabe peoples) has a principle of non-interference with another’s use of land for specific purposes, and this principle was embraced during the formation of the terms of Treaty One (Craft, 2013). The Two Row Wampum belt (see Figure 1) used to affirm the treaty relationship between the Haudenosaunee and the Dutch is a particularly vivid symbol for coexistence. Made of beads, the belt is mostly white, with two parallel purple rows running lengthwise to symbolize two boats travelling down the river of life together “side by side, never crossing paths, never interfering with each others’ internal matters” (Hill, 2008, p. 30).

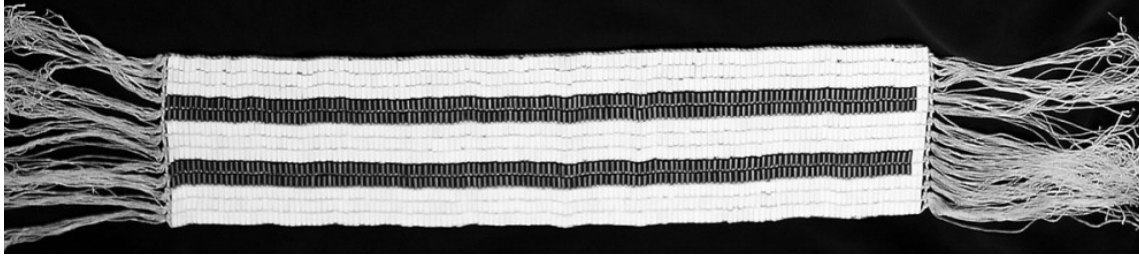


Figure 1. The Two Row Wampum, used to affirm the treaty relationship between the Haudenosaunee and the Dutch. Its lines symbolize two boats traveling down a river, side by side, in a spirit of coexistence but non-interference (Hill, 2008). Image by Nativemedia (Own work) CC BY-SA 4.0

Another symbol for the spirit of coexistence – but in our modern, “post imperial age” (Tully, 1996, p. 17) – is Haida artist Bill Reid’s famous black bronze sculpture, *The Spirit of Haida Gwaii* (Barry & Porter, 2012; Sandercock, 2004; Tully, 1996) (see Figure 2). At nineteen feet long and twelve feet high, the attention-grabbing sculpture is a full canoe of passengers representing diverse characters from Haida mythology (Tully, 1996). Although the characters sit jumbled in the canoe and seem to be “vying for position,” (Barry & Porter, 2012, p. 175) they manage to keep their paddles in unison, and “appear to be heading in the same direction” (Tully, 1996, p. 28). Barry & Porter (2012) see *The Spirit of Haida Gwaii* as a symbol “that the recognition of difference does not mean the end of political unity, provided we develop the appropriate conventions to guide the constitution of a new relationship” (p. 175). Which brings me to RCAP’s second principle for a renewed relationship: “mutual respect”.



Figure 2. Bill Reid's Spirit of Haida Gwaii, symbolic of coexistence in our "post-imperial age" (Tully, 1996, p. 17), wherein the "recognition of difference does not mean the end of political unity" (Barry & Porter, 2012, 175). Image by Boberger (self-made, Photographer: Bengt Oberger) CC-BY-SA-3.0

Mutual respect extends to all people, and other “members of the circle of life [including] animals, plants, waters, and unseen forces” (RCAP, 1996, p. 648). All people “are recognized as warranting respect simply by virtue of their humanity” (p. 649), and RCAP emphasizes the importance of respect towards “people whose languages, cultures and ways differ from our own but who are valued fellow-members of the larger communities to which we all belong” (p. 649). Call to Action No. 57 from the Truth and Reconciliation Commission’s 2015 report holds municipalities to account for facilitating respect for First Nations, by stating that public servants need to be educated on First Nations’ histories, treaties, and rights, and that training in intercultural competency, conflict resolution, human rights, and anti-racism should be provided. Article No. 15 from the United Nations' Declaration on the Rights of Indigenous Peoples (2008) asserts that state governments shall combat prejudice, and likewise, “promote tolerance,

understanding, and good relations among Indigenous peoples and all other segments of society” (p.7). Mutual respect was shown during Treaty One negotiations, in accordance with *Inaakonigewin* legal principles. *Inaakonigewin* supports “starting in a good way”, meaning that groups should harbour no ill feelings towards one another as they begin to work together (Craft, 2013). Waiting for others, and not speaking for others without proper authority (Craft, 2013), are other *Inaakonigewin* principles that support mutually respectful relationships.

RCAP’s third principle for a renewed relationship is “**sharing**”. The principle of sharing is “the basis of all relationships” (RCAP, 1996, p. 652). Sharing in the forms of wealth distribution and gift giving have long been engrained in many First Nations societies, as a way to establish and renew relationships (RCAP, 1996). In *Inaakonigewin*, “proper hosting” by “feasting one’s guest” confirms that there is a relationship, and this is intended to happen periodically on an ongoing basis to reaffirm, and renew the terms of the relationship (Craft, 2013). Giving a gift of tobacco is customary when asking for something of another person in *Inaakonigewin* legal tradition. Gift giving is a way to affirm that a kinship agreement, with reciprocal obligations of care, has been entered into – a concept that is at the root of Anishinabe politics and spirituality (Craft, 2013). Sharing has always had deep importance to First Nations’ internal societal structures, but the principle extends further than that when imagining sharing as part of a renewed relationship between Aboriginal and non-Aboriginal peoples. Treaties – the original “guides” to relationships between Indigenous people and settlers – were agreements to share land with settlers, in exchange for other benefits (RCAP, 1996). Unfortunately, what was originally envisioned as an inter-dependent relationship between First Nations and settlers degenerated into a highly unbalanced relationship in which Canada coercively took from First Nations while begrudgingly

issuing them “handouts” in the form of welfare and other programs that did nothing to support continued self-sufficiency, and instead bred a relationship of First Nations’ dependency on the Crown (RCAP, 1996). In order to rebuild the spirit of sharing into a renewed relationship, the Royal Commission on Aboriginal Peoples recommends **five guidelines**, which I will briefly summarize. First, the basic rights of each party must be recognized. Second, the spirit of sharing should be more commonly recognized in society as a foundation of the Canadian federation and its economy. Third, First Nations should regain access to a reasonable portion of the ancestral lands that were unjustly taken from them. Fourth, the inequity and culture of dependency between First Nations and the settler state needs to be balanced. Fifth, sharing should enhance “people’s capacity to contribute to the whole” (p. 655) by increasing the ability to form economic self-reliance.

“Mutual Responsibility” is the fourth and final RCAP principle for a renewed relationship, and it has two primary components: to act responsibly towards one another, and to act responsibly towards shared land (RCAP, 1996) The “timeless” responsibility to “care for life in all its diversity” is one delegated by the Creator, and is intended to reach backwards seven generations, and forward seven generations (RCAP, 1996). This means that each partner in the relationship has the responsibility “to act with the utmost good faith toward each other with respect to the lands in question” (p. 655). Since before European contact, First Nations commonly established good faith relationships by conducting ceremonies to form “kinship” bonds between nations and individuals (Miller, 2009; Craft, 2013; Asch, 2014) to help identify “who was obligated to show [each other] friendship, hospitality and support” (Miller, 2009, p. 7). Once established, kinship bonds were re-affirmed through ceremonies on an ongoing basis (Miller, 2009). Kinship

ceremonies were carried out during treaty formation which, as Elder Simon Kytwyhat explains (as cited by Cardinal and Hildebrand, in Asch, 2014) “the Indigenous parties unanimously hold that we pledged to enter into the kind of caring relationship that one associates with close family members such as ‘first cousins’” (p. 78).

Summary

This literature review addressed three principal bodies related to the research study: Indigenous peoples and planning; intergovernmental planning in the scholarly literature; and treaty and other relationship principles. The first section demonstrated that land use planning is something Indigenous peoples have always done, and that, as autonomous nations within Canada, First Nations should be treated as *partners* in an “intergovernmental” relationship during collaborative work with federal/provincial state governments and local governments. The second section exposed the modest space occupied by intergovernmental planning studies in the scholarly literature – a reality mirrored by the scarcity of resources available to guide practicing planners in intergovernmental work. While the existing literature provides some useful snippets of information related to intergovernmental planning relationships, none of the existing literature is specific to the Manitoba context. Section three suggested that intergovernmental planning relationships in Manitoba may find guidance in the original “relationship documents” (Craft, 2013, p. 12) – the treaties - in conjunction with modern ideals for a renewed relationship, as imagined by The Royal Commission on Aboriginal Peoples (1996a).

This literature review has exposed substantial gaps in the literature related to intergovernmental planning; this research project seeks to fill a part of this gap. As demonstrated in this and the

previous chapter, local government planners are at the forefront of navigating new relationships with First Nations, but they have few academic or professional resources to draw on to guide this, nor well-articulated practical strategies they might employ to work effectively in an intergovernmental context. To address this gap, my research explores how practitioners are responding to these new relationship challenges by examining their actions in daily practice.

4.0 Methods

Before detailing the methods that were used to collect and analyze the research data, I will briefly reiterate the research project intentions, and the overall research strategy. The literature review exposes the limited space occupied by intergovernmental planning and treaty theory in the scholarly literature. While these topics have begun to be examined in academia, there are still many unexplored areas within this field of study. This research delves into one of these unexplored spaces by studying the practical aspects of intergovernmental planning work from the perspective of practitioners engaged in it as a regular part of their job. It asks what challenges and opportunities they encounter, and what strategies they use while engaged in this type of work. The research also asks the degree to which pre-established historic and contemporary relationship principles play into daily intergovernmental planning practice. To tackle these research questions, it was integral to capture a realistic picture of day-to-day intergovernmental planning practice – and not from an idealistic lens of how this work “should be”. The research asks what intergovernmental planning practice looks like in reality.

John Forester has been a forerunner in the literature on planning practice theory, and I draw inspiration from a method he has used in much of his research and teaching. He refers to this method as gathering “practice stories” from professional planners, which he uses to tease out the details of how planners actually act in their practice, as a way to better understand the true nature of planning practice in all its “messiness” (Forester, 1999, p. 37). Practice stories capture practitioners’ experiences in their own words, and the narrative aspect of these stories is the component that makes findings from this research method so rich. To capture this richness, “practice story” research findings are presented in large blocks of verbatim interview text, and

then analyzed by the researcher. This research is no exception to this style, as exhibited in the findings sections below. While John Forester has been my most frequent reference for this method, several other scholars have also explored and experimented with stories in planning practice and theory development. The next section reviews some of this literature, to explain why I chose to gather “practice stories” as a significant component of my research method framework.

4.1 Why “Practice Stories”?

As Leonie Sandercock (2003) states, “stories can often provide a much richer understanding of the human condition than traditional social sciences” (p. 12). The diverse values of stories and storytelling in planning contexts have been explored by many scholars, such as Sandercock (2003), Throgmorton (1993), Mandelbaum (1991), Watson (2002), Willis (2013), Grant (2009), Bridger (1997), and Forester (2004; 2012; 1999; 1993; 2001). As these scholars and others have found, there are many ways in which stories and storytelling can contribute to planning knowledge in general. Stories can teach planners more about the historical context of the communities in which they will be working (Bridger, 1997). They can facilitate inclusive community consultation in a multi-cultural setting (Sandercock, 2003; Dale, 1999). They can add a persuasive edge to traditionally bland policy work (Sandercock, 2003; Throgmorton, 1993). Importantly, for this research, practitioners learn about planning practice from stories.

As Schön (1983) explains, planning practitioners learn a great deal when they “reflect in action” in the face of the “uncertainty, instability, uniqueness and value conflicts” (p. 50) of practice situations that fall outside the scope of what they have learned in technical training. In fact,

practitioners' degree of professional competency is a reflection of their ability to both "reflect in action" (as they are working), and to "reflect on action" (reflect on their actions afterwards) (Schön, 1983; Fischler, 2012). In addition to learning by "reflecting in action" and "reflecting on action", Forester (1999) argues that practitioners have the capacity to reflect and learn about the complexities of practice in the absence of first-hand experience, by listening to each other's stories. Just as people learn from their friends' stories (Willis, 2013), practitioners learn from each other's stories (Forester, 1999). By drawing a comparison to the ways we learn from friends, Forester (1999) points to five important reasons we can learn from practice stories: 1) stories are designed to matter to the listener; 2) listening to stories facilitates reflection on personal values; 3) stories "do justice to complexity", and avoid "simplistic cure-alls" (p. 33); 4) hearing stories helps people deliberate; and 5) stories showcase the ever-present (but regularly ignored) political, emotional, and passionate sides of practice.

Those who listen to stories are not the only ones who benefit from them; the storyteller also learns in the process of the telling. When practitioners tell stories, they are not simply relaying facts, they are crafting their stories in a way that reveals their true priorities, their values, and the essence of the problems they face (Forester, 1993). As Bruner (1986) puts it, narrative is the way "ordinary people make sense of their experiences" (p. 130). Aberley (2000) calls upon planners to draw inspiration from the philosophy of some First Nations he has worked with: that one's "work should be the collection of stories that will one day make you a respected elder" (p. 25), which suggests that the possibility of future story telling may encourage practitioners to conduct their work in a way they can be proud of.

The insightful benefits of practice stories are not limited to planning practice; they also hold great potential to contribute to scholarly knowledge. Forester (1999) describes practice stories as “windows into the world of planning possibilities” (p. 244). By collecting stories about real experiences, Forester circumvented idealistic discussions about the way planning “should be”, and found out the way planning really is. “Academic undiscussables” (Forester, 1993) – topics such as politics, emotion, and passion – more easily enter the conversation with the practice story method, revealing the essentially “messy” nature of planning (Forester, 1999, p.37; Schön, 1983).

If one considers the examination of practice stories as a type of “mini” case study (which makes sense, based on Gray’s, 2009, definition of a case study as “a research design focusing on one person or sample”, p. 574), then Flyvbjerg’s (2006) analysis of case studies’ role in human learning can be equally applied to practice stories. The only way for people to become “*true human experts*” (p. 222), he says, is to develop the type of context-dependent knowledge and experience that is only afforded by case learning. Those whose knowledge stems only from analytical rationality – that is “the kind of knowledge that forms the basis of text books and computers” (p. 222) – shall be forever confined to the ranks of “beginners...in the learning process” (p. 222). As a kind of case study, practice stories hold the potential to facilitate the development of expert knowledge.

In a cross-cultural planning context, stories and storytelling hold special value, as they bring about an opportunity to learn about each other through the telling of stories (Sandercock, 2003). When there has been a history of conflict, storytelling can aid in mediation, and conflict-

resolution. A Haida Gwaii economic development initiative began with conflict, but through patient discovery, an effective consensus building tool was employed: “using narrative to unearth issues unapproachable in a solely rational manner” (Dale, 1999, p. 942). Similarly, Sandercock (2003) references Dunstan & Sarkissian (1994), who indicate that telling the story of one’s history is the first step towards renewal in the face of historic conflict. Poff (2006) has collected stories during research with Indigenous communities, as a way to honour oral traditions, and bring researchers “back in touch with research participants as fellow human beings who have feelings, morals, and expectations of their own” (pg. 28).

Practice stories have many possible benefits to research, but at the same time, there is “danger” in using stories to gather information (King, 2003). This “danger” lies in the reality that there are two sides to every story, and a storyteller can easily relay their stories to favour certain aspects, and omit important pieces that do not serve their purposes. Indeed, stories are inherently biased. For a watchful researcher, though, the motivations and biases that inevitably feed into stories can often be identified and examined, adding richness to interpretations of the narratives. When the “dangerous” realities of stories are accepted as inevitability and used as an insightful lens during data analysis, the benefits of using stories – ranging from the practical to the professional to the personal – far outweigh their possible risks.

This research seeks to capitalize on all of the possible benefits of stories in research, as discussed above, but in particular, the research uses stories for their potential to uncover the realities and nuances of daily planning practice in an intergovernmental context. By having practitioners share stories about their experiences related to intergovernmental planning practice, the research grasps

complexities related to emotion, power, politics, and other influences that may not be as fully captured by a different method of research inquiry.

4.2 Methods of Data Collection

This qualitative research study examines planning practitioners' experiences working in intergovernmental planning between First Nations and local governments, and seeks to shed light on the challenges and opportunities associated with this kind of planning, and the strategies practitioners use to navigate the relationship. Data has been collected using semi-structured interviews in two phases, each intended to elicit slightly different insights into the research questions.

Semi-structured interviews were the chosen research method due to their flexibility (see Appendices A and B for sample interview schedules). As Gray (2009) explains, semi-structured interviews allow for questions on the interview schedule to be adapted or skipped, and for new questions to be asked to support any useful but unexpected directions the conversation may take. Semi-structured interview schedules can include essential questions, optional questions, extra questions, throwaway questions, and probing questions (Berg, 2001). The interview schedules were adapted to address the specific knowledge of individual participants. While the first phase interviews followed a more traditional semi-structured interview format, the second phase interviews were specialized to encourage participants to tell their "practice stories".

The "practice story" method advanced by John Forester was adapted somewhat for the purposes of this research. Forester typically facilitates open-ended interview responses when gathering

practice stories, which is beneficial in that it increases flexibility and gives participants the freedom to express their stories on their own terms. However, I chose to use semi-structured interviews for the research due to a number of factors. Semi-structured interviews are also quite flexible, and were likely more effective at directly addressing my research questions. As a first-time interviewer, having some structure to the interviews provided a level of comfort and guidance as I carried out the interviews. Lulls in the dialogue were more easily filled with questions than by improvised prompts, which is a skill I would likely need to develop with practice. However, I also had the freedom to adapt the interview schedule as I went, either by spending more time on certain questions than planned, by adding short questions based on unexpected topics that arose, or by skipping questions that did not fit the direction of the interview. Another way in which my approach differed from Forester's is that I used phone interviews rather than the in-person interviews Forester uses. My reflections on the way I used "practice stories" for this research are overviewed in detail in a later section.

Participant Selection And Interview Phasing

Participants for the research were selected based on their knowledge of the intergovernmental planning relationship in Manitoba. Participants included planners working at both provincial and local scales, and people with experience working on Treaty Land Entitlement for First Nations in Manitoba. I drew on the networks of my supervisory committee members to identify and make contact with initial interviewees, and then asked the initial interviewees to identify further possible participants. Some of the people I approached for the interview declined to participate, but put me into contact with more suitable participants. This was similar to the "snowball sampling" method, but because all people I approached had publicly available contact

information, I did not go through the extra step of having existing contacts send initial requests to the people they suggested. Instead, I contacted all participants directly by email, using their public contact information. In accordance with my approved ethics application, all prospective participants were sent background information, a cover letter, an introductory email, and the University of Manitoba Faculty of Graduate Studies consent form, which was to be completed prior to each interview. It is important to note that research involving Indigenous peoples very often requires certain cultural protocol in addition to the participation requests standard in other types of research involving human beings. In my unique research circumstances, I had a prior relationship with each of the First Nation interviewees, one of which was a rather extensive working relationship. This changed the nature of my interaction with these participants, as opposed to how I would have handled interviews with First Nations people I had not previously met.

Each interview was carried out over the phone by calling participants at whichever phone number they provided. In person interviews were not feasible for this research due to geographical constraints, but would normally be preferable for this kind of research – particularly for interviews with First Nations people. Phone interviews can be successfully used with some First Nations people, as long as they agree to this format. However, phone interviews do preclude opportunities for passing tobacco, shaking hands, feasting and engaging in other culturally specific protocols that may be required when making a request of a First Nations person. Because I had a pre-existing, face-to-face, relationship with each of the First Nation participants I interviewed, the use of phone interviews was more acceptable than it would have been had I not met the participants beforehand and built a personal rapport. I used Skype

(without video) to save on long-distance costs, and because a number of convenient apps are available for recording Skype calls. I used Ecamm Recorder to record the interviews as .mov files, and then used the app's file conversion function to duplicate the audio files as .mp3s and .aiffs, each of which are file formats supported by the transcription software I used.

The interviews were similar to each other in a number of ways. Each spanned approximately one hour, and was conducted quite conversationally, following a semi-structured interview schedule. At the beginning of each interview, I would start by asking if the participant was comfortable and ready to begin. If they were interested in having a bit of unrelated conversation before beginning the interview, I welcomed it. Before turning my audio recorder on, I would first ask the participants if they were ready for me to do so. Once the recording had started, but before asking any of the interview questions, I would deliver a preamble, which reviewed some background information, including the purpose of the study, what I wanted to learn from them, confidentiality measures, and their right to end the interview or refuse to answer questions. While each interview was designed around my overarching research questions, I conducted two different types of interviews, in order to elicit two types of information related to my research questions.

The first set of interviews, called "Phase one", was intended to shed light on the province-wide intergovernmental planning picture at a broad level, while the second phase was intended to expose the realities of intergovernmental planning at the practical, local level. Phase One of the interviews succeeded in exposing common challenges, opportunities, and realities of intergovernmental planning on a broad scale. Interviewees included people whose work

experience provided them with knowledge of the intergovernmental planning relationship in Manitoba. Some had work experience for the Province of Manitoba in a planning capacity, while others had work experience in the realm of provincial Treaty Land Entitlement. These two “sub types” of Phase One interviews followed essentially the same interview schedule, but yielded substantially different results, as discussed further in the analysis section. As intended, the interviewees with Treaty Land Entitlement work experience provided insight into some of the realities of this kind of work from a First Nation’s perspective. All interviewees in Phase One were asked to share their insights on the relationship based on their knowledge, perspectives, analyses, and to a degree, their experiences. Phase One interviews were less focused on participants’ practical experiences with intergovernmental planning, and more focused on their general knowledge of the relationship at a provincial scale. The findings from Phase One helped me to narrow the scope of questions and probes for Phase Two of the interviews, which focused on the finer detail of the relationship in practice. Although my intention was to only garner general information, not practice stories, from the Phase One interviews, some yielded such interesting narratives related to practice that I have incorporated excerpts from some of these interviews into the practice story segment of the analysis chapters.

Phase Two targeted planning practitioners with direct experience working with First Nations at a local level, and was intended to elicit “practice stories” from these planners, in order to gain an understanding of how the intergovernmental planning relationship looks in practice. As explained in detail earlier in this chapter, “practice stories” have the capacity to bypass idealistic interpretations of how this kind of work “should be” and explores the way it really is. During this phase, the interviews exposed challenges and opportunities associated with this work, and the

strategies practitioners used to navigate challenges and pursue opportunities. I had initially intended for the interviews in this phase to be targeted specifically towards planners working for municipalities in Manitoba. However, as I quickly learned, many of Manitoba's municipalities do not conduct their own planning functions; rather, the Province of Manitoba has taken on planning duties for many municipalities within the Province. For this reason, I ended up interviewing some planners with work experience for municipalities, and some with work experience for the Province of Manitoba, but at a local scale. To enhance participant confidentiality, I have not differentiated between these two types of participants in my analysis section, although it is worth noting here.

An Introduction To The Participants

The following section introduces the participants in this research, by briefly summarizing their professional experiences and roles in intergovernmental planning. Please note that the participants have been assigned pseudonyms to uphold confidentiality.

Peter Horne: Peter Horne has worked as a planner at a provincial level for a number of decades. While not directly involved in planning with First Nations, he holds substantial knowledge on the provincial planning context, including a general understanding of the relationship implications of Treaty Land Entitlement and Additions to Reserves, stemming from his years of experience and involvement in the Manitoba planning field.

Albert Long: Albert Long works on Treaty Land Entitlement in Manitoba both at a broad, provincial scale, and for his own First Nation. He has a background in First Nations administration.

Tom Davidson: Tom Davidson has a long and varied career history. He currently operates a planning consulting firm, through which he has experience working on Urban Reserve development. He was planning director for a major city in Manitoba, a position in which he gained experience working with First Nations on urban development initiatives.

Hannah Peters: Hannah Peters is a relatively recent planning masters graduate. Now employed in civil service as a planner, she works directly with First Nations on joint projects. Although the First Nations she works with do not necessarily have *urban* reserves, her work has required substantial intergovernmental relationship building.

William Nash: William Nash works on Treaty Land Entitlement in Manitoba both at a broad, provincial scale, and for his own First Nation. He is a regional expert on First Nations land and resource management, and is also involved in that type of work at the national scale.

Brandon Ingles: Brandon Ingles has worked as a planner in Manitoba, both in the private sector and the public sector at a municipal level. These positions have afforded him the opportunity to work collaboratively with First Nations as both a paid consultant, and as an intergovernmental partner.

4.3 Methods of Data Analysis

In a way, the interviews themselves marked the first step in my data analysis. As a “people person” I appreciate having conversations with people as a way of learning and sharing. After conducting an interview, I would normally wait a day or two before transcribing the interview, to allow myself time to reflect on the conversation in terms of what stood out as being particularly emotional subjects, the most surprising pieces of the interview, and so on. Transcribing the interviews was the first formal step of analysis. This stage allowed me to revisit the interviews without the pressure of maintaining a social interaction. During transcription, I often noticed important elements of what was said that had not stood out during the interview itself. Express Scribe was useful software for analyzing the results as I transcribed, because it allowed me to rewind the interview and listen again. Hearing the interviews in the participants’ voices made them more “real”, and enhanced my understanding of their views.

Once the interviews were typed up, and pseudonyms assigned, I sent the interview transcripts to their corresponding interviewees, inviting them to edit the transcripts for clarity, accuracy, or to manage sensitive information. Participants were given three weeks to review their interview transcription and my research consent form explicitly stated that I would proceed with analysis at the end of the three weeks. This served dual purposes. It fulfilled my ethical requirement to protect the participants from the potential harm that could result if sensitive information was exposed and/ or if their identities were discovered. It also served as an opportunity for “member checking”, whereby participants verify the accuracy of the findings, and thus contribute to the validity of the study (Creswell, 2003). Where provided, edited transcriptions were used for analysis in place of raw transcriptions.

After the edited transcripts were either received or the allotted three-week timeframe for submitting edited transcripts had lapsed, I began reviewing the transcriptions to identify broad themes and preliminary codes. Interview transcripts were reviewed and segmented into useable pieces. Microsoft Excel was used to analyze the results, via a spreadsheet with multiple pages. Each segmented interview was inserted into its own spreadsheet page, and each interview segment was reviewed and placed under one or more of seven different theme categories: “challenges”, “opportunities”, “strategies”, “mutual recognition”, “mutual respect”, “sharing”, and “mutual responsibility”. Once each broad theme category contained all related segments from each interview, the interview segments under each broad theme were further analyzed to identify recurring “codes” that were present across two or more of the interviews.

The stories that were collected during interviews were analyzed somewhat differently, in that a narrative analysis approach was used. Rather than simply focus on the content of what was said, the stories were analyzed in search of deeper meaning, and questions that went beyond the interviews’ mere text, such as “what do these stories teach us about what’s possible to do? What skills, preparation and judgment seem necessary to do good work? What is the role of emotion, power, virtue, etc.?” (Forester, Peters, & Hittleman, n.d.). Although the analysis method was different for the stories, they still contributed to a deeper understanding of the broad theme categories. Once codes had been established, they were “triangulated” by checking the codes I had identified against findings from existing literature (Creswell, 2003). Notes were made at this point, to indicate which existing literature supported my findings, which contradicted them, and which suggested the need for further exploration.

4.4 Ethics

My approved ethics protocol put forth a number of methods to ensure the research abided by the principles of free, prior and informed participant consent (see Appendix C: Ethics Approval Certificate). Upon approaching participants, they were sent a package including background information on the study, along with my contact information in case they wanted further information. At the end of the background information package was the consent form, to be signed by participants to indicate their understanding of the research, and their consent to participate (see Appendices D and E). In some cases, I provided further background material before receiving the completed consent form. For example, I had preliminary phone calls with some participants to discuss the study purposes, procedures, and dissemination methods. In other cases, I provided further information or clarification via email. Following the interviews, participants were given the opportunity to review their raw transcriptions and make changes where they felt they had disclosed sensitive information, or where they wanted to clarify a point that had been made. I assigned pseudonyms to participants to protect their identity to a degree. However, as I explained to each participant, in Manitoba's relatively small community of planners – particularly when it comes to intergovernmental planning – it is possible that their identity could be guessed by someone familiar with the Manitoba context. Ensuring that participants were comfortable with their transcripts entering the public realm was the main reason for offering them the opportunity to review and edit their transcripts.

The data for this research was collected using two phases of semi-structured phone interviews, each intended to garner slightly different information, and each targeting a different type of interviewee. Phase one interviews targeted people working at the provincial scale on matters

related to intergovernmental planning, and included planners representing the local government perspective, and staff who work on Treaty Land Entitlement for Manitoban First Nations. These interviewees were asked to provide contextual information on the provincial intergovernmental planning relationship, based on their broader knowledge of the subject. Phase two interviews targeted local government planning practitioners working on intergovernmental planning matters at the front line level, as a regular component of their day-to-day work. These participants were asked to share their stories about actual experiences they had encountered while on the job. It turned out that the interviewees I had selected to provide broad contextual information were also able to speak to their own practical experiences, so there was less distinction between the two types of interviews than I had originally imagined. A total of six interviews were carried out, each of which used a semi-structured interview schedule, ran about 60 minutes and was conducted over the phone.

4.5 Biases and Limitations

It is important that I acknowledge two pertinent pieces of my personal background that may be conceived as “biases” that I bring to this research. Firstly, I have several years of work experience in a local government planning department, so I approached this research project with a level of personal understanding about the nature of local government planning practice.

Secondly, I am a Canadian settler of European ancestry, and for the first twenty years of my life, I was relatively unaware of First Nations issues and history beyond the basic, colonially skewed teachings I received within the mainstream school curriculum. As an undergraduate student at Vancouver Island University in the late 2000s, I enrolled in an elective course on “the history of First Nations in Canada since Confederation”, and have since continued to expose myself to

opportunities for furthering my understanding of First Nations issues and history, through courses, reading, conversations, and, of course, this thesis. While I am still on a continuous path in my learning, I approached this research as an “ally” to First Nations, or, as my internal committee member, Ian Wight, put it, as an “empathetic friend”.

Like all research, this project has its limitations. A number of these limitations are related to my adapted use of the “practice story” research method, which is not commonly used in graduate research or taught in research methods classes. In the absence of other forms of guidance, my use of this method was primarily informed by the writings of John Forester whose use of the method differed from mine in some ways. Because I moved back to my home province of British Columbia before completing my thesis, I was forced to carry out phone interviews rather than in-person interviews, which would have been preferable for research like this, in which participants are asked to reflect on their work and to feel comfortable sharing stories. In hindsight, I would have asked all of my participants to share practice stories, instead of tailoring the Phase One interviews to be more general. I had not anticipated the degree of practical insights stemming from personal experience that nearly all of the participants were able to share. Additionally, I used semi-structured interviews to gather practice stories, rather than Forester’s method of using unstructured interviews. My method worked well at first, but once I had developed a degree of comfort with the interview process and my questions, I could have conducted unstructured interviews and possibly garnered even richer data. While the study used a sample of just six interviewees, each of the participants had extensive knowledge relevant to the study, and was selected based on their ability to provide high-quality information.

5.0 Getting to “Symbiosis”: Confronting Challenges, Embracing

Opportunities

This chapter explores the opportunities and challenges brought about by intergovernmental planning practice in Manitoba, as expressed by interview participants. Practitioners’ perspectives on, and experiences with, intergovernmental planning share many similarities, as suggested by my research findings. However, some notable differences are also evident. Differences in perspectives are particularly noticeable between the interviewees who are “planners by trade” and those interviewees who work on Treaty Land Entitlement (TLE) for Manitoban First Nations. The “planners by trade” make their faith in planning principles quite clear, namely, the principles of collaboration and process as ways to achieve mutually beneficial outcomes. These interviews tend to have an air of sympathy towards First Nations on their quest to develop lands, and it is clear that many of the participants are quite passionate about the issue of intergovernmental planning. However, planning with First Nations accounts for just a part of their work, and has little, if any, application to their personal lives. Participants representing Treaty Land Entitlement First Nations analyze the relationship through a somewhat different lens. Unlike the “planners by trade”, these interviewees are engaged in working towards new reserve establishment as a principal component of their jobs. These participants also have personal connections to the issues, because not only do they work in the realm of Treaty Land Entitlement, they are also members of First Nations in the midst of attempting to convert entitlement lands to reserve. These interviewees show frustration at the procedural barriers First Nations must overcome to achieve their end goal of economic development on reserve lands.

Practitioners engaged in intergovernmental planning relationships are indeed faced with challenges and complexity on the job, and these challenges can stand in the way of achieving the mutually beneficial opportunities these relationships promise. As suggested by my interviews, both parties engaged in the relationship recognize these opportunities, and are working to overcome the challenges in the absence of sufficient supports.

5.1 Opportunities

The challenges associated with the intergovernmental planning relationship are many, and comprise a substantially longer segment of this chapter than “opportunities”. However, the opportunities associated with the relationship carry considerable weight, and have great potential to facilitate positive change. Many of the opportunities have already begun to manifest, even in the face of challenges, which holds promise that some of the existing challenges will simultaneously begin to break down.

"Symbiosis": Mutual Benefit

Albert Long, who has work experience with Treaty Land Entitlement implementation, points to some of the goals local governments and First Nations share: to achieve prosperity, economy, and business investment (“Albert Long”, personal communication, September 22, 2015). Urban reserves can facilitate regional economic development—a mutual benefit that Brandon Ingles (a planner with both public and private sector experience working with First Nations) believes is more easily seized in the presence of a positive pre-existing intergovernmental relationship (“Brandon Ingles”, personal communication, January 6, 2016). There is a commercially developed urban reserve in Manitoba that is cited as an example of a regional employer, with

businesses on the reserve employing not just First Nation members, but people residing within the surrounding municipality as well (“Long”, personal communication, September 22, 2015; “Ingles”, personal communication, January 2016). As long-time Manitoba planner, Peter Horne (personal communication, September 1, 2015), explains, urban reserves can also support regional businesses by supplying leasable space. In addition to creating and supporting jobs, urban reserves have the potential to stimulate further development opportunities in adjacent areas – an opportunity that could particularly benefit Manitoba local governments experiencing decline (“Long”, personal communication, September 22, 2015). Ingles speaks to the possibility of commercial development on reserve lands acting as a “catalyst” for adjacent residential development on local government lands, and emphasizes that jointly developing compatible land uses such as this would be smoother with a pre-existing positive intergovernmental relationship.

Infrastructure sharing and partnerships are other mutually beneficial opportunities stemming from positive intergovernmental planning relationships. Despite their many issues, service agreements are a form of infrastructure partnership already being used, and with many associated opportunities for mutual benefit. In many cases, service agreements involve a local government providing service to a First Nation; however, there may also be cases where First Nations provide services to local governments (“Horne”, personal communication, September 1, 2015). William Nash (who also has work experience with Treaty Land Entitlement implementation) sees the possibility of First Nations developing renewable energy generators, such as solar farms, on reserve lands, as a self-sufficient form of service provision (“William Nash”, personal communication, November 23, 2015). In addition to infrastructure and service sharing, there are also opportunities for infrastructure partnership. Long explains that upper level government

funding is available for both First Nations and local governments to develop infrastructure, but often the funding will only be open to one party or the other. This presents opportunities to partner on infrastructure development by combining available funds. Nash cites an example of a partnership opportunity that would see expansion of infrastructure across a bridge, in order to service both municipal and First Nations lands located on the other side. Similarly, Ingles cites a British Columbia example in which a municipality was looking to expand infrastructure, and the most cost effective route for the service line would intersect a First Nation reserve. The two parties were able to reach a mutually beneficial agreement in which the municipality would use the shorter route, while the First Nation would have the opportunity to tie into the service.

First Nations Autonomy/ Reconciliation

As discussed in Chapter 3, the year 2015 saw the release of the Truth and Reconciliation Commission's final report – a document that tackles the damaging legacy of residential schools and sets forth a framework for reconciliation (Truth and Reconciliation Commission of Canada, 2015a). Intergovernmental planning has the potential to support the broader goal of reconciliation – an outcome that is beneficial not just to First Nations, but to all Canadians. As the TRC report states, “reconciliation is not an Aboriginal problem; it is a Canadian one.” (Truth and Reconciliation Commission of Canada, 2015, p. VI) In the context of the TRC report, “reconciliation” means “establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country” (Truth and Reconciliation Commission of Canada, 2015, p. 6). Nash points to urban reserves as an opportunity to “reconcile First Nations with the general public” (“Nash”, personal communication, November 23, 2015). He applauds British Columbia for having pride in their First Nations people, in part by making Coast

Salish art visible in public spaces, and sees urban reserve development as an opportunity to facilitate the same kind of pride in Manitoba. Tom Davidson (a planning consultant with past experience as planning director) cites an example of a Manitoba city within which there is an urban reserve, but which surprisingly few residents are aware of, because the development fits in “seamlessly with the urban environment” (“Tom Davidson”, personal communication, October 29, 2015). This is positive in the sense that it could help to break down the unfounded perception held by many members of the general public that urban reserves can reduce the property value of adjacent properties (“Horne”, personal communication, September 1, 2015). However, it is also indicative of an opportunity to celebrate urban reserves as a “success model” – which Nash calls for – by integrating elements of First Nations culture that are visible, positive, and supportive of reconciliation efforts.

Urban reserves, as a stand alone, have the potential to support reconciliation, but there are also reconciliation opportunities associated with the intergovernmental planning relationship between First Nations and local governments. Ingles gives an example of an instance where First Nations cultural activities interrupted an intergovernmental planning process at a key point in the project timeline. Instead of responding with frustration, he describes the experience as “refreshing,” in the sense that there can be more important things in life than conducting business as usual. This points to an opportunity for local governments to learn from First Nations’ customs, where appropriate. Some First Nations, including those on the Nanwakolas Council (Barry, 2012), have taken it upon themselves to learn “the language” of settler state government systems in order to work together more effectively. To truly work towards the “mutually respectful relationship” called for by the Truth and Reconciliation Commission of Canada (2015, p. 6), efforts to

understand the other party need to be reciprocal. This type of exchange may be facilitated by jointly developing “guiding principles” for local governments and First Nations to follow when working together (“Nash”, personal communication, November 23, 2015). Nash sees the potential for these principles to be informed by First Nations’ own traditional guiding principles, where appropriate.

In addition to supporting reconciliation, intergovernmental planning, and urban reserve creation can also support First Nations’ reassertion of sovereignty. The term “intergovernmental” already helps to assert First Nations’ position as governing nations operating with Canadian governments, and broader understandings of this reality among planners can be expected to grow as the term and concepts around it are increasingly taught in planning schools. As schools shift their focus to include First Nations, and as First Nations increasingly take on lands and planning initiatives, the number of First Nations planners can be expected to increase. As Horne and Davidson explain, new urban reserves allow First Nations to take advantage of their rights, while Barron & Garcea (1999) argue that urban reserves can also strengthen First Nations’ self-government. It would be prudent, in terms of strengthening self-government, for First Nations planners to carry out any planning of new reserve lands. An increase in First Nations planners would be congruent with the population trend that projects the First Nations population increasing more quickly than other ethnic group in Manitoba (Manitoba Aboriginal and Northern Affairs, n.d.-a) – a trend which Peter Horne (personal communication, September 1, 2015) cites as a good reason to begin forming positive working relationships now.

The opportunities associated with intergovernmental planning have significant potential to benefit both First Nations and local governments. Regional economic development opportunities can benefit both parties, while partnering on infrastructure is an opportunity for each party to put their resources to more efficient use. Urban reserves that arise in part from intergovernmental relations have the potential to support reconciliation through mutually respectful relationships and strengthening First Nations' self-government. Unfortunately, these opportunities are not always easy to seize, as a number of challenges act as barriers to achieving mutually beneficial opportunities.

5.2 Challenges

Despite the promising opportunities presented by intergovernmental planning relationships between First Nations and local governments in Manitoba, there are some significant challenges associated with the relationship as well. Some of the challenges stem from the reality that these relationships are relatively new, and the practitioners involved in them have to ascend a rather steep learning curve to do the work, historically in the absence of sufficient organizational and senior governments support. Other challenges are rooted in the onerous systems and processes imposed on local governments and First Nations by senior governments and the associated politics.

Limiting/ Onerous Processes

As Long emphasized, First Nations have been subjected to outside control for 140 years, and continue to be bound by the onerous provisions of the *Indian Act* (see Section 2.1). This leads First Nations to be highly sensitive to new layers of control and bureaucracy imposed through

the local governments with whom they must engage during Treaty Land Entitlement work. When conflict arises between First Nations and local governments, resolution can be difficult to achieve, due to insufficient or inadequate mechanisms. Mountjoy (1999) found that Saskatchewan First Nations and municipalities had few dispute mechanisms at their disposal, and would thus often find themselves in court. Albert Long attests that this issue has also arisen in Manitoba, and, he suggests, it may be exacerbated because some local governments and lawyers seem to have an interest in dragging these cases out. Legal challenges and bureaucratic frameworks can affect First Nations land claim processes by adding costs, creating time-delays, and generating frustration and friction.

Until the recently elected Liberal government came into power, there has been little hope that the TLE/ ATR processes would be “modernized” (“William Nash”, personal communication, November 23, 2015), which William Nash insists is essential. Based on planner, Tom Davidson’s, analysis, the past two Federal governments have been willing to put more money towards a court battle aimed at stopping a particular urban reserve from being created, than would have been necessary to facilitate a meaningful planning process for the lands in question. Hannah Peters (a planner who works with rural First Nations in Manitoba) also sees issues with the Federal processes, but holds hope that the new Federal government will make improvements to the systems in place (“Hannah Peters”, personal communication, November 9, 2015).

Service Agreements

Service Agreements typically detail the terms by which local governments will provide services such as sewer, water, and roads to a First Nation reserve, although there may be a few cases in

which First Nations supply services to a local government (“Horne”, personal communication, September 1, 2015). These agreements can take a long time to finalize, and they must be based on the proposed reserve land use, to ensure service capacity (“Ingles”, personal communication, January 6, 2016). First Nations may prefer to explore development options once the lands have become a reserve, as the crucial first step of changing the land’s status is involved enough without the added workload of development planning (“Long”, personal communication, September 22, 2015; “Nash”, personal communication, November 23, 2015). However, local governments often wish to begin service agreement negotiations prior to reserve creation (“Long”, personal communication, September 22, 2015; “Nash”, personal communication, November 23, 2015). Long explains that, in some cases, local governments may push for service agreements even though they have no services to offer the First Nation.

Service agreements are often the most involved component of the urban reserve creation process that First Nations and local governments find themselves working through together. Thus, service agreements can also be the point at which local governments have the most power to affect the urban reserve creation process. From Long and Nash’s perspectives, local governments tend to use service agreements as leverage to maintain control over the land uses on new reserves, and to push for payments in lieu of tax that exceed the cost of the services required for new reserves. When conflicts arise during service agreement negotiations, First Nations and local governments often find themselves engaged in lengthy court cases to resolve the issues (“Long”, personal communication, September 22, 2015).

Power Imbalance

As discussed in the previous section, service agreements tend to be the most common first point of contact between local governments and First Nations establishing new urban reserves. They can also be the most marked example of local governments having the power to derail First Nations' progress on reserve creation. Nash and Long's experiences with Treaty Land Entitlement work have led them to conclude that local governments use their powers to control what First Nations can do with reserve lands, and in some cases even hamper reserve creation. This runs counter to First Nations' objective to regain sovereignty over their lands, and imposes an additional layer of outside power over them – a reality that, Long explains, has confronted First Nations for too long and which many are fighting to overcome. He indicates that some First Nations lose patience with drawn-out negotiation processes, and succumb to the local government's wants in the interest of developing something on their lands in a timely manner. From Long's perspective, local governments consider their relationship with First Nations "good" when First Nations fulfill their desired tax compensation, service payments, and on-reserve land use.

It is possible that a relative lack of human and financial resources impacts First Nations' work with local governments. Both local governments and First Nations can grapple with tight financial resources, and both are often dependent on finances coming from senior governments (Mountjoy, 1999). While this can be limiting for both parties, the ongoing history of colonialism suggests that First Nations may be disproportionately impacted. For example, if a First Nation wishes to produce land use plans for their new reserves, they must fund these independently, as the TLE Framework Agreement does not allocate any funding towards land use planning for

reserves (“Long”, personal communication, September 22, 2015). Human resources are also limited in First Nations, as Ingles explains. From his perspective, although First Nations’ staff are usually highly skilled individuals, they are often so overstretched in terms of their responsibilities that they have to push other responsibilities aside to attend to the most urgent matters. Limited resources are obviously a burden on First Nations, and may also be taxing on their relationships with local governments, whose resources and firmly established organizational structures can leave First Nations feeling a sense of insecurity and “intimidation” (“Long”, personal communication, September 22, 2015).

Lack of Understanding of One Another

At the heart of many challenges associated with the intergovernmental planning relationship between First Nations and local governments lies a lack of understanding of one another. In a sense, the two parties are coming from “different worlds” (“Long”, personal communication, September 22, 2015), and insufficient resources are available to bridge this divide. As Peters and Long explain, both sides can feel a sense of insecurity when it comes to this work. For First Nations, these feelings can come about when they sit down to work with local governments, who are relatively well-resourced, and organized with unfamiliar structures (“Long”, personal communication, September 22, 2015). First Nations’ lack of understanding of local government processes and approval structures can be a substantial challenge with this type of work. Davidson cites an example where a First Nation needed municipal approvals for a component of their urban reserve, but due in part to their lack of familiarity with municipal procedures and planning processes, the proposal was on the brink of being turned down. Part of the issue with the project, Davidson says, was the lack of public engagement by the First Nation with surrounding property

owners – an oversight he attributes to the First Nation’s lack of familiarity with planning processes.

Lack of familiarity, uncertainty, and insecurity are not challenges unique to First Nations. As Peters explains, local government planners may shy away from working with First Nations for fear of offending them by unintentionally being “politically incorrect” or saying something insensitive. She also finds that working with First Nations requires planners to take a step back and abandon their preconceived notions of how planning “should be” – a working style planners may not have been prepared for in planning school, unless they graduated very recently. Peters and Horne note the increasing focus many university planning programs have begun placing on planning with First Nations (University of British Columbia, n.d.; University of Manitoba, n.d.), but this has only become a trend in recent years, meaning many planners currently in the workforce received their post-secondary education before First Nations-related matters became a central focus of curricula.

Ongoing professional development events, such as the Manitoba Professional Planners Institute conference have recently begun to focus more on intergovernmental planning, with an increased number of First Nation speakers hosting sessions at recent conferences (Manitoba Professional Planners Institute, 2015, 2016). In spite of these efforts, Peters still calls attention to a conspicuous lack of diversity in their attendees and speakers. While at the institutional level the planning profession is placing increasing value on the relational and technical implications of working with First Nations, support for this work within individual organizations appears to be less consistent. Local government planners wishing to build their knowledge of First Nations in

order to work with them more effectively are often left to pursue this on their own initiative, as demonstrated by Peters, and as will be explained further in a subsequent section. Those that take the personal initiative to gain this knowledge can be limited in doing so if they lack the support of their organization (“Peters”, personal communication, November 9, 2015). Additionally, the knowledge and information they require in order to work together effectively is often local knowledge unavailable online or in books, making it difficult to acquire (“Peters”, personal communication, November 9, 2015).

Peters finds that much of the requisite knowledge for planners to work effectively with First Nations can only be acquired by asking questions about their history and culture – topics that can often be sensitive in nature. Depending on the First Nation in question, and the level of trust between parties, First Nations may or may not be open to answering these types of questions (“Peters”, personal communication, November 9, 2015). Sometimes local government planners have to accommodate cultural differences in unexpected ways. For example, Ingles cites an example where a collaborative planning project’s timeline needed to be altered to accommodate urgent cultural matters within the First Nation community – an occurrence that Brandon’s organization had not expected, but which led them to adapt their practice on subsequent projects. This is an example where understanding was built through experience, but the relationship may have been strained in the process.

Political Realities

Local governments and First Nations are both bound by one substantial commonality in how they operate: both are driven by politics. Politics challenge the intergovernmental planning

relationship in a variety of ways, but at the most overt level they relate to election cycles. With many First Nations operating on a two-year election cycle and municipalities operating on a four-year election cycle, several different political bodies may influence collaborative projects taking place over a longer timeframe (“Peters”, personal communication, November 9, 2015; “Ingles”, personal communication, January 6, 2016). Elected official changeover coupled with staff change over can be disruptive to collaborative projects, and in some cases this can entirely change the nature of the projects.

New political bodies in local governments can either be a blessing or a curse to First Nations working towards urban reserve creation. Some politicians run for office with an agenda to collaborate with First Nations (“Long”, personal communication, September 22, 2015), while others either do not support First Nations or are undereducated on the issues. As Nash explains, First Nations may find themselves “re-educating” new politicians or “convincing” them to support First Nation initiatives, despite having made substantial progress under the previous administration. Local government politicians are not the only ones who may be ignorant of important First Nations issues – local government staff can be undereducated as well. Davidson explains how, when his city’s council had adopted a policy to welcome First Nations people in the city, some of the other municipal staff questioned why a similar policy was not in place for other cultural groups, which exemplified a lack of understanding about First Nations’ special standing in Canada. To help resolve this type of misunderstanding, Davidson’s organization began holding educational seminars on First Nations’ issues. Davidson recommends that local governments provide cultural training and information sessions on urban reserves to educate city officials, which echoes call to action No. 57 from the Truth and Reconciliation Commission of

Canada's 2015 Final Report, and Article 15 of the United Nations' 2008 Declaration on the Rights of Indigenous Peoples. While these types of initiatives are encouraging, it is important that they be carried out in ways that recognize the vast cultural diversity of First Nations in Manitoba, and that they avoid generalizing and perpetuating stereotypes.

Perhaps the least educated group of all is the general public. While they are not directly involved in intergovernmental processes, their voices can hold substantial sway with politicians vying for votes, and ultimately the power rests in them to elect the politicians. Long recalls a politician whose agenda was to collaborate with First Nations and improve relationships. Because of this agenda, the politician was called a “traitor” by the electorate and was subsequently voted out. Horne, Nash, and Long each refer to ignorant public perceptions’ influence on politics as being a major issue in this work. Politics and public perceptions are particularly problematic when it comes to urban reserve establishment. Nash argues that politics and public perception should – ideally – be absent from urban reserve creation, and that the process should be entirely technical in nature. The desire to see politics completely removed from urban reserve processes is understandable, because, as Nash and Long each explain, the politics encumbering urban reserve creation are largely coming from a place of widespread ignorance about entitlement First Nations’ rights to land claims, and land development goals. New reserve creation, like any democratic planning process, is bound to involve a degree of politics, which makes the idea of a completely technical process unrealistic. However, politics that cater to ignorant publics should certainly have no place in the process.

For local government planners, a supportive organization is critical for building relationships with First Nations, but this support is not always present (“Peters”, personal communication, November 9, 2015). While some jurisdictions have adopted supportive policies under progressive political bodies (“Davidson”, personal communication, October 29, 2015), others have not followed suit. Interviewees are somewhat divided on the role of policy in supporting intergovernmental relations, with Peters and Davidson citing supportive policies as being a foundation for them to work from. Peters feels as though it would be a positive step for the Province to introduce legislation that would require engagement between First Nations and local governments. On the other hand, Ingles’ organization does not have a policy framework to support intergovernmental engagement, and he criticizes the idea of introducing one. He likens policies for working with First Nations to “trying to regulate personalities and personal beliefs”, and prefers the idea of this work happening “organically”, arising from political will rather than formalized policy – something that has worked well over several election cycles in his jurisdiction.

Intergovernmental planning work presents significant opportunities for both First Nations and local governments, but a number of challenges stand in the way of achieving the opportunities. For practitioners engaged in this work, these challenges and opportunities bring about unique possibilities and situations that they may or may not be appropriately resourced or empowered to respond to. As practitioners encounter these challenges and opportunities, they must draw from their existing practice tool kit, and adapt as they work, to find appropriate strategies for this work. The next chapter explores how practitioners respond to intergovernmental planning by highlighting their stories about experiences with this work, and then goes on to analyze how

current planning practice addresses the intentions within pre-established relationship principles for First Nations and non-First Nations.

6.0 Intergovernmental Planning Strategies: Learning from Practice Stories

In this chapter, I present interviewees' verbatim "practice stories", which have been segmented and then analyzed for the practical lessons that can be gleaned from them. Particularly, these "practice stories" have been analyzed to reveal the strategies and tools practitioners use to navigate the complex realities of intergovernmental planning work. This section begins with three stories from "planners by trade", and ends with a story from an interviewee engaged in Treaty Land Entitlement work for Manitoban First Nations. The final story provides insightful contrast to the initial ones, by illuminating how planning norms and the status quo impact intergovernmental relationships for First Nations – possibly without planners taking notice. The First Nation story is intentionally placed at the end of the chapter to round out and provide an important counterpoint to the "planner by trade" perspectives. These practice stories shed light on the differences between the two perspectives, and demonstrate the value that story sharing may have in supporting mutual understanding of one another's issues, interests, and ideals.

6.1 Hannah Peters' Reflections

During the interview with Hannah Peters [pseudonym], it became obvious early on that she is a special kind of planner: one who has a genuine personal interest in going about this work as sensitively as possible, within the scope of her resources. Although the First Nations she has worked with do not necessarily have *urban* reserves (as she works on more rural issues), her stories hold lessons about strategies that can likely facilitate urban intergovernmental relationship building as well – such as entering into the relationship with humility, honesty, an open mind, and a listening ear.

Being genuine includes recognizing what your limitations are. I work with a First Nation community very closely and have over the last 6 years in this position. When I first started, I had a number of years experience working as a professional planner, but not necessarily experience working with First Nations communities as closely as I am now. I think one of the most important things was to establish an honest relationship. Sometimes this meant putting less emphasis on professionalism and more emphasis on trying to find out what you don't know about the community. For me it was a learning experience. I was being completely honest and saying 'I know very little about your community, this is what I know, can you tell me more?' And from my experience - I've worked with a handful of First Nation communities - they want to tell their story. For them, that's really a big part of moving forward. And, you know, I've witnessed where professionals come in as experts and kind of disregard that foundational information – that community information - but I definitely think that's really important. ("Hannah Peters", personal communication, November 9, 2015)

This short reflective piece from Hannah reveals a number of strategies she has used in practice to navigate intergovernmental planning with First Nations. Honesty about her level of understanding about the community was cited as an extremely important foundation for building the relationship. Listening to the First Nation's "story" was another key strategy for her work, both to build her limited knowledge of the community, and to help the First Nation "move forward". By contrast, she points to the ineffective "know-it-all" strategy employed by some professionals that work with First Nations, in which that fundamental local community knowledge goes unexplored in favour of prescribed "expert" knowledge. But, as she discusses in the next clip, acquiring the requisite knowledge is not always easy for planners, who struggle to find appropriate resources and garner organizational support for further education.

The lack of knowledge and education that planners have when it comes to First Nation issues is definitely a challenge. And that's not easy knowledge to acquire either. I mean, you can read books on Aboriginal issues, and there's lots of them. But there's more intimate knowledge about what's going on in your local context that you can only acquire from talking to people and asking hard questions, and that requires the planner to feel comfortable asking those questions, and the community to feel open to answering them. There's a lot of Aboriginal traditions in terms of knowledge, oral history, customs and traditions that I think are important for a planner to understand to support that relationship. Even after five or six years of working with one First Nation community in particular, I still don't feel like I understand all those traditions and customs. And so that requires ongoing education. You know, you have to work in a place that supports building

that education, right? That's definitely a challenge for planners. You need to work in an environment that supports that learning for sure. ("Hannah Peters", personal communication, November 9, 2015)

In the first interview clip, Hannah emphasizes the fundamental importance of building an understanding of a First Nation's local historic and cultural context as an early step in working together, as each First Nation is unique. In the clip above, she details several barriers that planners can face when attempting to build knowledge on a First Nation's unique context. Based on Hannah's assessment, one of the most substantial challenges a planner can face when attempting to build local knowledge is a lack of organizational support for ongoing education – a theme that has come up several times in this research. A second major barrier that planners may face is a lack of willingness on the First Nations' part to open up about their unique traditions, history, and circumstances – teachings that often require a face-to-face explanation from individuals from the community, and cannot be grasped in full by reading books. Even in Hannah's experience of working with a First Nation that has been open to answering her "hard questions" about their local context, she still feels as though she has not learned enough after six years. This begs a question: how much local knowledge is enough to support an outsider in building a positive relationship with a First Nation? It seems the answer to that question may depend upon the community with which a planner is working, and the degree to which these issues are politicized.

I do have colleagues that have worked with First Nations communities that do not always lend to having that open dialogue [about hard questions] so I think you kind of have to take a step back and observe. Do not necessarily go in as an expert but just kind of take everything in and allow for an iterative process. It's interesting because planning is such a technical field, but those social, soft skills are also required as a planner. In certain jurisdictions those skills are really under-valued, but I think for planning with Aboriginal communities, those skills are the foundation of moving a [collaborative] project forward. ("Hannah Peters", personal communication, November 9, 2015)

Here Hannah suggests that some First Nations are not as open to sharing their local knowledge and answering “hard questions” as others. Now, this is based on her colleagues’ experiences, not her own (which have been significantly positive and conducive to open communication). It could be that Hannah’s personal working style of using “soft skills” from the beginning of the relationship’s development was more conducive to building trust and open communication than that of some colleagues. Although she does not say this, it is possible that her less successful colleagues employed that “expert attitude” she warned against bringing to collaborative work with First Nations. After all, she stresses that, although “soft skills” are foundational to this work, many jurisdictions “under value” them, making it very difficult for practicing planners to develop the skills and tools needed in this kind of work. Here again, Hannah points to the importance of organizational support for the educational advancement needed for relationship building. In the absence of formal organizational support, planners are left to navigate relationships with First Nations based on either the rigid, status quo planning frameworks that have become internalized in the mainstream planning profession, or – in the case of exceptionally dedicated planners like Hannah – education and undertakings brought about by personal initiative. While Hannah expressed at a different point in the interview that she feels as though she has organizational support for her work, she also says there is “a lot more [the organization] could be doing”.

When I first started working for my organization, I remember coming to this community and, you know, the Chief and a Band Council member kind of rolled their eyes because I was probably the fifth person that was assigned to this file, right? And I get why they’re frustrated. In many organizations there’s a lot of turnover, and that’s challenging when you’re a First Nation that’s dealing with an issue facing their community. When governments are getting re-elected every four years, or there’s a change in government, and there’s even a change in the civil servants that they work with, that’s very frustrating. I guess to their surprise, I’ve stuck it out for over 5 years, and remained committed to the file, and really tried to push the boundaries within my own scope to work closely with them and to meet some of their needs. I think over the years, we’ve built a good

relationship. I definitely think there's a lot more that needs to happen and there's a lot more that my organization could be doing, but in my limited area of control, we've made a lot of strides. ("Hannah Peters", personal communication, November 9, 2015)

Here Hannah again demonstrates her deep personal commitment to her work, and to building a strong relationship with the First Nation. She shows that she comes at the work with a substantial level of empathy towards First Nations in light of the challenges they face, both in terms of the unidentified issue facing the community, and the struggle of maintaining an effective working relationship in the face of ongoing staff and political changeover within Hannah's organization. In addition to holding the community's issues close to her heart, Hannah has also helped by electing to stay at her job for six years – much "to [the First Nation's] surprise", and much to the benefit of the intergovernmental relationship. In her words, she "remained committed to the file and really tried to push the boundaries within [her] own scope to work closely with them and meet some of their needs" – this in the face of inadequate organizational support. Having empathy and a supportive moral framework are personal tendencies that have benefitted Hannah's relationship with the First Nation. But this does not necessarily constitute a tangible strategy that other planners could readily employ for this kind of work. Empathy and personal commitment to the issues cannot be "taught", yet meaningful, ongoing education on First Nations history and issues may lead the uneducated to a place of empathy and commitment, which is an excellent foundation for building a good relationship. Universities, professional organizations, and employers – while many are taking steps towards this – could play a much larger role in supporting this education, and thus reduce the burden that currently rests on individual planners to seek out this knowledge on their own personal initiative.

This next segment demonstrates the intimidation that planners can face when embarking on intergovernmental planning relationships, particularly when they feel inadequately equipped to be “politically correct”.

There’s a lot of fear and a lot of politicism around working with Aboriginal communities, including smaller things like the need to be politically correct, and wondering ‘what is the right term in this context?’ All those things can be very intimidating to a professional planner. I’ve been fortunate because I’ve worked with First Nations communities that have been very open and know that, if I’m politically incorrect, it’s not my intention. I’ve been able to develop a relationship where I feel comfortable asking hard questions. I think that’s important, but that opportunity is not always there. I think it really depends on the specific community you’re working with. (“Hannah Peters”, personal communication, November 9, 2015)

In Hannah’s case, she has been “fortunate” that the First Nations with whom she has worked have been open to advising her on how to be politically correct, and have held back from feeling offended if she unintentionally says the wrong thing. Her strategy has been to ask “hard questions”, and her use of this strategy has been facilitated by the open and trusting relationship they have fostered during her time working in the community. For a planner stepping into a brand new relationship with a First Nation, and who may not have a great deal of experience with intergovernmental work, a strategy to “ask hard questions” could easily be construed as offensive in the absence of an established open relationship – a point that Hannah strongly emphasized. This is where intimidation can become stifling to planners with little prior training on, or experience, working with First Nations – and rightfully so, because entering a new relationship with a first impression of offending people cannot do any good in fostering harmonious relations. This example, too, exposes the impact that a lack of education and resources can have on planners’ ability to effectively respond to the relationship by engaging practical strategies that are based on a sound foundation of knowledge, rather than guesswork or

simply being “fortunate” that their First Nation partners are willing to be patient while they learn from scratch.

6.2 Brandon Ingles’ Stories

Brandon Ingles [pseudonym] currently works in the municipal planning sector, but prior to his existing position, he worked as a consultant. The first story he shared reflected on his experience of working with First Nations as a consultant. While it is important to keep in mind that the story does not speak to the local government context, the lessons from his story are widely applicable.

First Nations – at least the ones that I’ve had the pleasure of working with or for – have... how do I say it... I guess a different value set than some of the non-First Nations clients I have worked for. If you’re working for a development company, for example, timelines and being on top of things and getting back and all those sorts of things...the projects revolve around critical deadlines. Whereas with some of the First Nations situations that I’ve had... I don’t want to say timelines aren’t important to them, but it seems as though their priorities were on other things that were more culturally significant. I remember one project I was working on where we were approaching a critical milestone and deadline, and we just could not coordinate with the First Nation to get things in place, because first, there was a hunting season that was going on, and that was much more important to them, and then there was a death in the community. Those things were all encompassing for the community for a period of a few weeks, which threw the timelines of the project off. But it was much more important to them that the project be delayed than for them to sacrifice anything else. With some of the non-First Nation clients I’ve had, things would have just kept on rolling. So I found that to be a bit of a cultural difference, and actually, on some points, quite refreshing that there are things that are much more culturally and socially important to them. I have also found that the money, the cost or the effort didn’t seem to be a significant factor in [some First Nations clients’] decision-making. For example, we were doing research, mapping and documenting some cultural and environmental assets for a community. It was much more important to them that the job was done correctly rather than done quickly or in the cheapest manner. And that was something else I found quite refreshing - that trying to inventory cultural assets was the primary importance over everything else. (“Brandon Ingles”, personal communication, January 6, 2016)

Here Brandon demonstrates how some of the cultural differences can have an impact on planning work with First Nations. He points out the differences between First Nations clients’ priorities and those of non-First Nations clients, and he gives an example of a time where the mismatch of

priorities “threw off” the timeline of a project. Clearly, the strategies and systems his firm was accustomed to using when working with non-First Nations clients were not effective while working with this particular First Nation, whose cultural priorities demanded a more fluid timeline than was planned for. In the face of a missed deadline, it could be expected that Brandon would have reacted with frustration, but instead he responded with substantial understanding, referring to First Nations’ cultural and social priorities as “refreshing” compared to the organizational culture he was accustomed to, in which next to nothing would take precedence over a project’s demands. This segment of the story illustrates the need for planners to adapt systems that may have become second nature to them, when working with First Nations. It also demonstrates one strategy that can be used in the face of an interruption due to cultural differences: to observe the experience with understanding, an open mind, and to take it as an opportunity for cross-cultural learning.

While Brandon had already exposed a few practical lessons through the story above, I wanted to know more about the ways in which he had adapted his practice when working with First Nations, after experiencing the effects of cultural differences. This is how he responded.

We approached First Nations clients and the work for First Nations clients differently than others. When you’re working in consulting, timeline and budget are always a concern because you have your own bills to pay and all that kind of stuff, and you need to balance the amount of projects that you take on. But I think what changed – at least in my mind – was coming to the terms of agreement when we were first setting up a project with a [First Nation] client – essentially, what exactly are you doing and how are you going to go about doing it? The question of identifying that was different. There was a different approach. (“Brandon Ingles”, personal communication, January 6, 2016)

Here we see that the nature of consulting work is heavily dictated by timelines and budgets – two elements that are both necessary for planning consultants to establish in order to have business certainty, but that are particularly vulnerable to unforeseen events. To respond to this, Brandon

was able to work within an established system (the initial terms of agreement) in order to negotiate an approach that would meet the needs of both the consultants, and the First Nation clients. While developing a mutually feasible agreement is likely the same goal that the firm would have for all of their clients, their previous experiences of working with First Nations had taught them the unique circumstances they might expect in a First Nations context that would be useful to incorporate into the terms of agreement.

Brandon's next story relates to an in-progress project he is involved in, in which the municipality he works for is beginning to build a relationship with a First Nation who is in the planning phase of establishing a commercially-developed urban reserve adjacent to Brandon's municipality.

The relationship that both Chief and Council as well as Mayor and Council have been building over the past few years has been going in a very positive direction. We know that the First Nation has plans and ideas that they would like to develop on their property. I don't know what exactly it is – I don't know if they know exactly what it would be – but they have some ideas. They would like to partner with the municipality for services, like water, sewer, that kind of thing. And it could be an incredibly symbiotic relationship with the municipality because from a planning perspective we can see that whatever they want to do could be a catalyst for development in the entire area. Now nothing has come to fruition yet, there are no plans in place, but I'm very encouraged by the relationship building that both parties have been doing over the past few years. We are slowly starting to get into more discussions and more meetings on things like municipal servicing agreements and master plans and that sort of thing. There's a whole planning, engineering, and architecture exercise that will have to be done, but the positive relationship and the willingness to come to the table on both sides has been incredibly encouraging. (“Brandon Ingles”, personal communication, January 6, 2016)

This interview clip provides an example of intergovernmental relationship building occurring proactively, in advance of a project's commencement. In this case, the municipality seems to be watching as the First Nation imagines their development plans, while trusting that the eventual development will be an asset to the region. This proactive relationship building requires the First Nation and municipality to use specific strategies.

The Mayor and the Chief have been meeting and having lunches and coffee and whatnot on more of a regular basis instead of just a once a year ‘how are you doing’ type of thing. There are more quality discussions going on. And I think that doing a development or an urban reserve or something like that is usually the end result of what starts off as building a solid relationship between communities. So that good work, that tough work, of building a relationship is happening right now and you can see that it’s going in a very positive direction. And that has occurred [even] with changes in the Band Council and changes on the municipal council. So it’s encouraging to see that [the relationship is] still moving in a positive direction despite that there are different players around the table. It tells me that there’s a broader respect between the communities. (“Brandon Ingles”, personal communication, January 6, 2016)

Here, Brandon explains that the relationship building work is taking place at the political level, and it is unclear the degree to which municipal planning staff play a role in this process. When Brandon explained that the two parties have been meeting more regularly than before, and that this has carried on smoothly despite political turn over, it suggested the possibility that this continuation was supported by a policy framework, such as a provision to hold these meetings on a pre-established schedule. However, these strategies currently arise purely from political will, and individuals’ intentions.

We don’t have any [relationship building policies] and I don’t think that the [other municipality involved] would have anything either. I doubt there would be any policies in place because a policy usually has to be adopted as a bylaw and trying to legislate something within the social realm is incredibly hard to do. You’re trying to regulate personalities and personal beliefs and that never goes over well. I think it works better when it comes from a more organic place. There are always general policies in our master plans that say, you know, ‘we should work with our neighbouring municipalities and communities’ but there are just general statements like that. You’d probably find those general statements across Canada. Whether different communities truly do work together or not is a whole other thing. (“Brandon Ingles”, personal communication, January 6, 2016)

Brandon is resistant to the idea of bringing in policy that would bind practitioners to a set of strategies for relationship building. He likens policy for relationship building with “trying to regulate personalities and personal beliefs” – something he says “never goes over well”. Even

broad general policy to support working with neighbouring communities may be ineffective, he argues, by questioning if those types of statements are truly implemented in practice.

Instead of attempting to regulate the relationship, Brandon would prefer to see positive relationships come from an “organic place”, which is understandable because this strategy has worked so well within his jurisdiction, where a positive intergovernmental relationship has continued to develop organically, despite political changeover. When compared to findings from other interviews, though, it is apparent that Brandon’s jurisdiction has been somewhat lucky compared to others. For example, Nash (personal communication, November 23, 2015) has witnessed First Nations needing to “re-educate” and “convince” new local government councils about their development plans – something that can be very frustrating, especially when previous political parties were well-versed on the issues and supportive of the work. Peters felt as though her organization was supportive of her attempts at fostering a positive intergovernmental relationship, but thought they could have taken on more of a leadership role. Davidson was perhaps the most explicit about the benefit organizational policy provided to his relationship building endeavours by directly citing an organizational policy as the reason he was able to hire a First Nations staff member to deal with Aboriginal economic development and cultural issues, and to introduce a First Nations development program. His organization also supported him to learn about urban reserves from another jurisdiction and subsequently develop guidelines for upper management to use when dealing with urban reserve developments in the city. It seems there is a substantial discrepancy between Brandon’s interpretation of supportive policy, and some of the positive potential this kind of policy may have, based on other respondents’ claims.

Brandon says that regulating relationship building is a form of regulating personal beliefs. By similar logic, one could argue that any policy is a form of regulating personal beliefs in that no policy will align with the personal beliefs of every person. Dismissing relationship policy due to the possibility it may clash with personal beliefs could be problematic in this instance, as it was made quite clear by other participants that the personal beliefs of many are having substantial impacts on First Nations' ability to work effectively with local governments. While relationship-building policy may not be well received by everyone it would affect, it is important to consider that it may have the potential to steer these kinds of relationships in a positive direction, even in uncertain political climates.

6.3 Tom Davidson's Story

When asked to share a story about his experience working on collaborative planning projects with First Nations, Tom Davidson [pseudonym] chose to share the following story, which took place during his position as a Planning Director. His story begins with his description of a policy framework adopted by City Council, aimed at welcoming First Nations people to the city, and City staff's reaction to the policy.

The former mayor led City Council to adopt a policy which was all about making the City more welcoming to First Nations people - including those who were born and raised in the City, and those moving from reserves. It was adopted unanimously by City Council. When that policy was put in place, as Director, I hired a First Nations fellow I met, Richard Miller [pseudonym]. I hired him to be my right-hand person, to deal with Aboriginal economic development and cultural issues. We introduced an Aboriginal scholarship and service award, which I think still exists in the city. But I know when I was doing it I had some people in my department who were wondering, 'why are we doing all this for Aboriginal people?' You know, 'what about my kids?' 'My ancestors had a hard time coming here' - you've heard the whole story. The simple answer was 'well, if City Council wanted to create a policy to help Ukrainians in the city, or Mennonites, then our job as administrators would be to implement it - implement things that are consistent with the policy. But right now, we've got this policy, (which I am personally totally in favour of), and that's why we are doing this.' There was a lot of

resistance... maybe it's exaggerating to say 'a lot' but there was resistance within the administration to doing things that would open the door more to Aboriginal peoples. ("Tom Davidson", personal communication, October 29, 2015)

Tom's tone throughout this first part of the story demonstrates that he is an ally to First Nations, with or without a policy basis. Not only does he say that he is "personally totally in favour" of the policy that would see First Nations people more welcome in the city, he shows his passion for the issue when, recalling his exasperation, he has to reel himself back from "exaggerating" the lack of support he felt the administration had shown for the policy. Tom's personal investment in supporting First Nations helped the City to effectively engage in projects with First Nations; however, it is clear that supportive policy gave him wider latitude to take measures that would benefit relations between First Nations and the city. At least two measures he took as Director flowed from the policy to make First Nations people welcome in the city: hiring a First Nations person to focus on Aboriginal economic development and cultural issues, and creating an Aboriginal scholarship and service award.

Tom's next anecdote demonstrates some of the strategies that were employed in order to embark on the City's first intergovernmental negotiation for the establishment of an urban reserve.

We were approached by a First Nation who wanted to establish an urban reserve, and I was part of discussions at a very senior level around 'what are these things [urban reserves]?' The City had no experience with them so I went and visited Saskatoon, and met the planning people there. I was very impressed with what I saw, what I heard, and what I learned. I worked on providing guidelines with the CAO and other directors at the City to accommodate urban reserves. I was directly involved with negotiations with the First Nation who were interested in buying surplus lands from the City. They were planning on using the land for industrial and commercial purposes, which is quite consistent with the zoning and the intents of the City. We settled on the general terms and conditions. They knew that if they were going to build something there they would have to abide by all City bylaws and we had just introduced a no-smoking bylaw. They would have to pay a grant in lieu of property taxes - all that stuff was sorted out, including the price of the land. They agreed to pay at least fair market value, if not a little more. ("Tom Davidson", personal communication, October 29, 2015)

Tom's organization had very little experience in this type of work, but they employed what seemed to be a highly effective strategy in order to build an understanding: visiting and learning from a jurisdiction already engaged in the work.

As Tom carried on with this part of the story, he began to expose some of the nuances of municipal planning practice that, despite their subtlety, can cumulatively have a great impact on intergovernmental work. He quickly summarized the outcomes of the pre-deal negotiations between the city and the First Nation. The purpose of this was to provide background context for the next part of the story, but a read between the lines may expose an underlying assumption held by many municipalities about the nature of First Nations-municipality agreements. Each of the negotiated conditions catered to the municipality, and while the tone with which this was explained suggested that both parties were amicable to the arrangement, the transience of the explanation could be interpreted to suggest an assumption on the municipality's part that their interests hold priority – namely, the expectation that the new reserve would abide by city bylaws and be consistent with pre-existing land uses. This assumption was brought up as a major problem by interviewees representing Treaty Land Entitlement First Nations, whose interests and needs do not always align with local governments', often leading to substantial contention.

In addition to a possible assumption held by the municipality, Tom's story also exposed other, more procedural, nuances of planning practice that can impact the intergovernmental planning relationship.

I worked through the [urban reserve] report that was going to go to City Council, with Richard Miller [pseudonym], and I had to rely on the Real Estate branch of our department, who was going to take the lead on the report. When you are Director of

Planning you have so many things on the go. What I do, and what I've done in my past positions too, is I look at the next revised version of the report or letter, and I focus on whether or not the things I asked to be changed have been changed. ("Tom Davidson", personal communication, October 29, 2015)

Here he says, "I had to rely on the Real Estate branch of our department, who was going to take the lead on the report". His use of the word "rely" demonstrates the fundamental importance of his real estate team. As someone with "so many things on the go", he only reviewed those components of the report for which he had previously requested changes, in order to increase efficiency. He did not feel the need to read the entire report because he trusted his team to carry out the work in the interest of accomplishing the common goal of forming an agreement with the First Nation. Without saying it directly, he demonstrates the codependent nature of his work team, and that trust amongst team members is paramount.

So I signed the report, it went into the system, it was going to be dealt with by the Property and Development Committee that Tuesday or Wednesday. This happened on a Friday. Richard Miller [pseudonym], who is a type A personality – I'm proudly Type A too, and he's even more Type A than me – he notices that the real estate guy changed the recommendation. Instead of saying 'we recommend it' because it's a fair price etc., it said, 'we recommend that we accept their offer, and they have five days to turn around to meet all of our conditions'. Five days. This was Friday afternoon. ("Tom Davidson", personal communication, October 29, 2015)

Without Richard's attention to detail, this change to the recommendation could have easily slipped past Tom under his normal report review method. But even with the change being caught, the project was put at risk of collapsing. This shows that, even with supportive policy and empathetic staff like Tom and Richard, established planning norms and discourses have the possibility to work against intergovernmental relationships. In this case, Tom suspected the terminology in the altered recommendation was more restrictive than normal, and he set out to understand why.

So I phoned the guy who was the author of the report (mind you I signed the report, so it really was my report) and I said 'why did you do that without telling me? It was not in

any other version of the report'. He said 'well it's standard real estate terminology'. Well, I've done enough transactions in real estate to know that's total BS. I said 'Ok, you've got two things you have to do. Number one, you didn't even say 5 business days. You said 5 days. So you're going to start working – this weekend – and you'd better make sure that the First Nation has enough heads up, enough time, to review all of those conditions, and that they are in a position to accept it. And after you've done that, I want you to provide me with examples of reports you have written related to real estate where you've given people 5 days, not even 5 business days.' He did make it on the first thing, and they were able to meet the deadlines and the conditions. But he never could provide me with the examples, it was just the BS that he was giving me. ("Tom Davidson", personal communication, October 29, 2015)

As Tom explained, the first thing he asked of the staff person was for them to ensure that the First Nation was prepared for the short transaction timeframe – something he insisted take place over the weekend. Tom's priority was to ensure the real estate deal was not compromised by the altered recommendation. His second request, for examples of equivalent real estate reports, demonstrates Tom's desire to understand where the recommendation fit within the realm of real estate terminology, to understand if it really was "standard". Other examples of similar real estate reports were never produced, but Tom's own experience working with these kinds of reports gave him substantial confidence that the recommendation was unusual. From Tom's perspective, it seemed as though some form of external motivation drove the staff person to change the recommendation, to intentionally make the transaction conditions more difficult for the First Nation to achieve. While Tom never directly asked the staff person what their motivation for changing the recommendation had been, he has developed his own theories.

Now why would somebody do that? The City is structured in a way that uses Community Committees. And just the way deals are done... I mean, I kind of think he might have been doing the bidding of the mayor, or a senior politician who didn't want to do business with the First Nation, or maybe didn't like reserves, or maybe they had another industrial developer who wanted the land, or who really knows. Right? You can't really say for sure what the motives were. But it happened. And I never had that happen on any other major file. As Director, I treated all developers equally whether it was a large development firm who was best friends with the mayor or whether it was First Nations that wanted to invest in our city. And I think that's what professional public servants should be doing. I don't

think it happened in this instance at all. (“Tom Davidson”, personal communication, October 29, 2015)

Tom’s top speculation was that a politician had meddled and applied pressure to the real estate staff to change the recommendation in order to quash the deal. Political pressure, it seems, is a reality facing practitioners in a municipal setting, but not one that Tom feels should stop professional public servants from fulfilling their duty to “treat all developers equally”. The fact that Tom needed to emphasize equity during his work with this organization suggests that the organization was operating inequitably, and the practical measures Tom took during this experience could be interpreted as an attempt at counteracting systemic racism. Tom demonstrates that his perceived professional responsibility goes far beyond just responsibility to his organization. His actions and words demonstrate that he sees his career as an opportunity to fulfill much broader social responsibilities, such as building equity for marginalized groups, and facilitating reconciliation with First Nations.

Tom’s story, though primarily focused on a single incident, reveals much about the nature of intergovernmental planning from a variety of perspectives, ranging from practical methods, to emotional influences, to political persuasion. It also demonstrates strategies that he used to navigate the complexities of the newly formed relationship between his organization and their soon-to-be neighbouring First Nation.

6.4 Albert Long’s Story

The previous three stories demonstrate “planner by trade” perspectives on intergovernmental planning in Manitoba, while the following story provides somewhat of a contrast to the initial three stories, by providing insight on intergovernmental planning relationships in Manitoba from

a First Nation perspective. Albert Long's [pseudonym] story demonstrates some of the strategies and tools available to municipalities, and the way in which these are used in favour of certain types of developments (or developers) but not others.

The City provided benefits to an international [retail] organization to attract them to the city. Just to come here and develop. They made millions of dollars in infrastructure upgrades and expanded the road to allow more traffic to get into the development. I even understand that they were given some exemption on property tax. Just to bring them to the city. I watched this happen while at the same time watching First Nations wait for TLE lands to be converted to reserve for 15 years...which might just end up being a gas station at the end of the day. Something that First Nations are still looking at and still fighting for. As I was watching the [major retail] development I saw how the city just bent over backwards and provided all these incentives for them to come there. So, let's say for example a First Nation wants to do something similar. They would be hit with the City saying things like "we want you to pay 100% tax, we want you to pay this upfront, we want you to follow these rules, we want you to..." you know, saying this to the most impoverished people in this country. ("Albert Long", personal communication, September 22, 2015)

This story reveals that municipalities have a number of tools at their disposal that they may use to either encourage or discourage development. In the example given here, the City's clear aim was to encourage the international organization to establish a business in their jurisdiction, and they pulled two tools from their resource bank in order to incentivize the development: tax exemptions and infrastructure upgrades. The same kinds of tools can also be leveraged to deter development when used oppositely – that is, municipalities can place onerous demands on developers, such as full tax payments, upfront funding, and compliance with established regulations in order to discourage them. By Albert's interpretation, municipalities have been known to manipulate these tools to dissuade development when handling development proposals coming from First Nations, and his frustration with this double standard is palpable.

To analyse this story through the lens of planning practice, I would like to go back to one of the points that Tom Davidson made during his practice story – that planners have a duty to treat all

developers equally. Albert's story exemplifies that all developers are not treated equally in reality, but this begs the question of who, or what, is to blame for this? Planners whose philosophies align with Tom's are constrained as to the strategies they may employ within the political and economic structures under which they must function. While tools and strategies exist that could benefit First Nations' developments, and thus the intergovernmental relationship, these may be out of reach for municipal planners. Instead of being directed by planning principles, it seems these tools may be inequitably distributed based - at least in part - on politics fuelled by ignorant public perceptions.

The way they approach an international multi-million dollar corporation –where most of their profits won't even stay here in our land – versus how they treat First Nations... And I'll tell you this much, over 90% of that dollar [spent on an urban reserve] will stay in Manitoba and Canada. So to me that's not an alien economy, that's a part of the Manitoba economy. [There is a First Nation in Manitoba] that employs 400 people on their reserve, and probably over half are non-First Nation, non-band members, non-residents of the First Nation communities. They pay out millions in salaries, to local contractors, to suppliers and so on. So how is that a bad thing? Real investment for Canada is investment in First Nations because all of it stays here. You know what I mean? I guess one of the things that I'm still baffled by is where people learn that we're enemies. Because if it's literally at the dinner table, then that's pretty sad. (“Albert Long”, personal communication, September 22, 2015)

Here, Albert works to delegitimize supporting an international corporate developer over a local First Nation developer, by detailing the regional economic benefits facilitated by commercially developed urban reserves. In the absence of a good economic reason for discriminating against First Nations' development, Albert is “baffled” as to why they would be treated so differently than some other developers. He considers this an indication that such municipalities see First Nations as “enemies”, and he cannot deduce a reason for this attitude, other than the possibility that it is learned “at the dinner table” – that is, the attitude may simply be engrained into the value systems of non-First Nations families. If this “sad” possibility is true, it would do a lot to

explain the vast ignorant public perceptions around urban reserves which – as a number of interviewees revealed – is a substantial decision making driver within the vote-driven realm of local government politics.

This chapter reveals some of the tools and strategies planners use to navigate intergovernmental planning relationships, and some of the nuances that can affect planners as they respond to this form of planning practice. Albert Long's story demonstrates that local government tools and strategies can be employed in ways that perpetuate inequality, and serves as a reminder that actions and strategies can be perceived differently depending on who is observing, and how they are affected. The next chapter begins to analyze the degree to which the current realities of intergovernmental planning practice support the relational guidance within documents related to the broader goal of reconciling the relationship between First Nations and non-First Nations.

7.0 Current Practice and Established Relationship Principles

This chapter looks at the research data through the lens of established relationship principles, including both the principles laid out in the original treaties and those established by the Royal Commission on Aboriginal Peoples (RCAP) in Part Three of their 1996 publication “Looking Forward, Looking Back”. The intention of this chapter is to address one of my research questions, which asks: are current practices in any way reflective of principles for a renewed relationship between settlers and First Nations? I attempted to tackle this question in my interviews by including a question in each about the resources available to guide practitioners through intergovernmental planning relationships. I kept the question broad, and did not specifically ask about relationship principles, as I wanted to find out if these resources were on practitioners’ minds without being prompted. The responses to the question indicate that the RCAP and treaty principles do not seem to explicitly inform the work of the people I interviewed, and do not come to mind as a resource for practitioners. However, the results do reveal ways in which these relationship principles either enter, or are prevented from entering, the intergovernmental planning relationship – despite this not being directly informed by the specific principles I use to frame my analysis.

In the absence of a direct link between current practice and the relationship principles put forth by RCAP and treaties, I analyse the results by extracting points that reflect these relationship principles, despite it being unintentional. The purpose of this is to begin to understand the degree to which intergovernmental planning practice is currently working to implement these principles (intentionally or not), and to explore the possibility of these principles acting as a resource to inform intergovernmental planning practice in the future. Section 3.3 of the literature review

examines what each of RCAP's four broad relationship principles means, how treaty principles align with them, and how intergovernmental planning examples from existing literature support them. For the purpose of this section, I use the same four headings, and analyse the degree to which the findings from the research data supports each of the relationship principles.

7.1 Mutual Recognition

As explained in greater detail in Section 3.2, the principle of Mutual Recognition centres on recognition of equality, coexistence, and self-government (Royal Commission on Aboriginal Peoples, 1996a). Each of the interviewees identified underlying practices and realities that either demonstrated recognition, a lack thereof, or barriers standing in the way of recognition.

The most notable discrepancy in interview content related to mutual recognition fell between the interviewees representing TLE First Nations, and the planners by trade. Peter Horne (personal communication, September 1, 2015) effectively summarized where the planning profession is situated on the path to mutual recognition when he stated “it has just been in the last number of years that there has been recognition [in the planning profession] that this relationship is a reality of the way life has to be, and that [planners and First Nations] have to cooperate and work together” (“Horne”, personal communication, September 1, 2015). Hannah Peters (personal communication, November 9, 2015) echoed this when she spoke to the recent inclusion of more content on planning with First Nations at the Manitoba Professional Planners Institute's annual conference – a transition she has noted only in recent years. While professional planners are just beginning to recognize the realities of First Nations' integral position in the land use planning realm, First Nations are becoming exasperated after years of fighting for recognition and seeing

very few results. William Nash (personal communication, November 23, 2015) explains that working collaboratively on urban reserve establishment should be a “no-brainer by now” (“Nash”, personal communication, November 23, 2015); however, he continues to witness First Nations needing to “re-educate” and “convince” (“Nash”, personal communication, November 23, 2015) newly elected local government political bodies about this kind of work, in order to rebuild recognition. This stumbling block may be linked to one of the over-arching challenges that has been revealed through this research: that local governments seem reluctant to give up their control over lands selected for reserve development, and they use the legal tools available to them to maintain a level of control, resulting in an additional layer of bureaucracy facing First Nations already subjected to complex Federal and Provincial legislation (“Nash”, personal communication, November 23, 2015; “Long”, personal communication, September 22, 2015). This reality undermines recognition principles of non-interference with each other’s internal affairs, and use of land, and – perhaps most harmfully – this weakens First Nations’ political autonomy and equality.

Albert Long (personal communication, September 22, 2015) has experienced frustration when witnessing the inequality with which some municipalities treat First Nations developments compared to private developments. He cited an example in which the city provided a private developer with incentives to develop within their jurisdiction, and contrasted this with the burdensome demands he has witnessed municipalities placing on First Nations developing entitlement lands. Tom Davidson provided another example that demonstrates this inequality of treatment. He explained that a municipal staff person had interfered with a municipality’s efforts to work with a First Nation to establish an urban reserve within city limits – something he

believed might have been intentional on the staff person's part, since he had never seen happen with another developer. In this example, a lack of recognition existed at the municipal staff level. However, as acknowledged by several of the interviewees, including William Nash, recognition is growing among local government staff and politicians – but, unfortunately, the general public is far behind on the road to mutual recognition, and this has impacted the intergovernmental relationship.

While Federal land developments for post offices or RCMP stations tend to go unnoticed by the public, urban reserves tend to garner overwhelming public attention. William explained that 300 people attended a meeting related to a possible urban reserve, in addition to radio shows being held, and newspaper articles being written. These attitudes feed into the intergovernmental relationship when a public that largely fails to recognize First Nations votes out politicians who do recognize the need to collaborate with First Nations as autonomous but equal partners. While some local government staff still fall short of properly recognizing First Nations, this is shifting, and my interviewees demonstrated their own movement towards greater recognition in a number of ways.

Peter Horne explained that, overall, local governments have made progress towards recognizing that “First Nations have the right to develop urban reserves”. And planners’ recognition of this does not necessarily stop at the point that this is a legal right; there are also signs of planners having personal investment in being allies to First Nations in the reserve creation process. For example, Tom exclaimed “ I just think it’s a great idea to see First Nations, that are a big part of the city already, to be given an opportunity to develop land as reserve so they can take advantage

of some of their rights”. Not only does he exhibit his recognition that urban reserve development stems from First Nations’ rights, he shows a genuine personal interest in seeing these developments happen. Tom also demonstrated his recognition of the historic injustices First Nations have faced, when he described an instance where he had defended First Nations getting “special treatment” against an ignorant tycoon – an experience he likened to “banging your head against the wall”. When Brandon explained the nature of First Nations’ jurisdiction over reserve lands, he described First Nations as “Nations unto themselves” – a statement that could be interpreted as demonstrating substantial recognition of First Nations’ self-government, and standing as a partner in a nation-to-nation relationship.

In order for planners to enhance their recognition of First Nations’ standing, and thus fulfill the relationship principle of “Mutual Recognition”, they need to be given the opportunity to learn about it. As Hannah points out, this is not easy knowledge to obtain in the political environments in which planners often work, and unsupportive organizations and political bodies can stand in the way of planners’ recognition. As noted by most of the interviewees, the relationship is improving, and this is likely due to the momentum with which mutual recognition is increasing among local governments and planners.

7.2 Mutual Respect

Mutual Respect recognizes that people of all cultures warrant respect “simply by virtue of their humanity” (RCAP, 1996, p. 649), and respect must extend not just to humans, but to “other members of the circle of life...” as well. Treaty One relationship principles related to mutual

respect include the principle of “starting in a good way”, waiting for others, and not speaking for others without proper authority.

A treaty principle tied to Mutual Respect is the idea that working together should “start in a good way” with neither group harbouring any ill feelings towards the other. Unfortunately, in the case of intergovernmental planning in Manitoba, local governments and First Nations are often embarking on these new relationships without a firm basis of trust towards each other, as indicated by many of the interview participants. Hannah Peters explained that First Nations might come to the table not willing to trust the other party [i.e.- a local government] right away, because “they have a history that suggests they can’t trust the government”. Their trust towards local governments, specifically, may be tarnished by experiences like Albert Long’s where, he says, “they appear to be truthful and honest to your face, and then the next thing you know, you see signs up in their constituencies saying ‘Native land claims coming! Come have your voices heard!’”

First Nations are not the only party feeling a lack of trust. From William Nash’s perspective, local governments’ attitude towards urban reserve development “reeks of fear” although he cannot deduce a legitimate reason for their fears. Peter Horne indicates that “municipalities recognize that they need to have a more open and trusting relationship with the First Nations that they deal with on a regular basis”, suggesting that at present they are not completely open and trusting in their relations, although this is improving. Interviewees put forth a number of ways in which local governments can build, and are building, a better relationship with First Nations, to support “starting in a good way” (Craft, 2013, p. 76).

Brandon Ingles sees the creation of an urban reserve as the end result of positive relationship building between local governments and First Nations. In his jurisdiction, he sees the “tough work” of relationship building taking place now, through regular meetings and open communication between the local governments and First Nation involved in the urban reserve project. Hannah Peters echoes this by supporting the notion that local governments should be proactive in their relationship building efforts with First Nations, and should not wait for a project to inform the relationship. The importance of this becomes apparent when considering that the two parties are often coming from a place of not trusting one another. Hannah Peters considers building trust a priority that planners must be committed to – even if their First Nation partners do not seem to be – and they must recognize that building trust takes time. The concept of allowing time for building trust could be seen as supporting the *Inaakonigewin* principle of waiting for others before beginning, and ensuring the right people are at the table. In the case of building trust, rather than simply waiting for those people to be physically present before beginning, it is also a matter of waiting for them to be emotionally ready before beginning.

Time also factored into Brandon Ingles’ experience working with First Nations, when the timelines of the project were interrupted by cultural events that the First Nation needed to prioritize over the project. After this experience, Brandon adapted his practices in an attempt to accommodate these types of occurrences when working with First Nations – an action that both supports the principle of waiting for others and demonstrates a respect for First Nations’ cultures. Hannah stressed the importance of listening to First Nations’ stories, both as a matter of respect, and as a way to gain insight into the local knowledge necessary to do good work with a First

Nation. She contrasted this practice with a method employed by some planners, who step into the community as “experts” and disregard “community information”. The “expert” mentality contradicts the *Inaakonigewin* principle of “not speaking for others without proper authority” (Craft, 2013, p.74).

7.3 Sharing

Sharing is a major relationship principle, both in Treaties, and as part of RCAP’s principles for a renewed relationship. Sharing was a major concept in treaties – namely, it was intended that treaties were agreements for lands to be shared between settlers and First Nations, an intention that was not properly fulfilled. RCAP emphasizes that sharing must start from a basis of equality between parties, meaning that First Nations must regain access to a reasonable portion of their ancestral lands, and that sharing should increase their ability to form economic self-reliance. While the interview results revealed some promising directions in terms of sharing, they also revealed some obstacles to forming the equal basis needed to properly fulfill the principle of sharing. These impediments were mainly expressed by the interviewees representing TLE First Nations.

The perception that local governments do not want to give up control over lands in their jurisdiction was discussed as an impediment to mutual recognition, and this is also a major impediment to sharing. As Albert Long expressed, this attitude results in First Nations being “once again controlled by an outside party, and [First Nations] have lived under that for 140 years”. He further demonstrates frustration towards local governments for seeking control over lands that are First Nations’ ancestral lands, saying “it’s not like [Manitoba First Nations] are

selecting lands in China, or British Columbia or America”. William Nash questions how state governments will reconcile with First Nations in light of the natural resource exploitation they have facilitated on First Nations’ ancestral lands, and the economic benefits this has provided to non-First Nations people. In terms of TLE lands, First Nations “want lands that are economically viable” to bring them closer to economic self-reliance. The realm of economic development is where the principle of sharing seems to be gaining the most traction in the existing intergovernmental planning relationship.

As most interviewees indicated, intergovernmental relationships offer both local governments and First Nations the opportunity to pursue the shared goal of economic prosperity by working together and sharing resources. Many participants cited sharing infrastructure, jointly funding mutual interest projects, and sharing in the economic benefits that flow from development, as major opportunities in the intergovernmental planning relationship. While these shared economic development opportunities were the most substantial finding related to sharing, some smaller points were made which indicated other aspects of sharing in the relationship. For example, William Nash discussed the possibility of jointly developing guiding principles for intergovernmental relationships, based in part on sharing First Nations’ cultural principles. The adaptations Brandon Ingles made to his practice in light of cultural differences that affected his work with First Nations, and the subsequent appreciation he gained for First Nations’ cultures, are indicative of another form of cultural sharing that could support intergovernmental relations. In support of a First Nation that was working towards developing land within a municipality, Tom Davidson shared his knowledge of municipal approval structures, to help the First Nation navigate the process. Brandon Ingles cited regular informal “coffee and lunch meetings” between

First Nation and municipal representatives as being successful actions towards improving the relationship between the two parties. This could be seen as supporting the *Inaakonigewin* relationship principle of “feasting one’s guest” (Craft, 2013), which traditionally confirmed that there was a relationship between the two parties, and was carried out on an ongoing basis to reaffirm the relationship.

William Nash cites urban reserve creation as an opportunity to support shared reconciliation between First Nations and non-First Nations, based in part on what he has witnessed in British Columbia. First Nations’ art and culture is more visible in British Columbia than in Manitoba, he says, and he notices that there is a distinct sense of pride surrounding First Nations’ cultures within the province – something that can facilitate “healing together”. A similar model of sharing First Nations’ cultures with the general public by making them broadly visible, and subsequently sharing in the healing and reconciliation process is something he believes urban reserves can help to facilitate in Manitoba.

7.4 Mutual Responsibility

In accordance with RCAP’s principles, the principle of mutual responsibility requires that the parties act responsibly towards each other, and towards shared land. In traditional *Inaakonigewin* law (which was utilized during Treaty One formation) this mutual responsibility was ensured by conducting ceremonies that linked parties together in what was likened to “kinship” relationships, where they would have “the kind of caring relationship that one associates with first cousins” (Elder Simon Kytwyhat as cited by Cardinal & Hildebrand, in Asch, 2014). Based on my research results, it seems as though the intrinsic concept of mutual responsibility has

given way to a conception of responsibility which has far reaching implications in our modern world: the concept of legal responsibility.

Both local governments and First Nations are stretched in terms of their responsibilities and organizational capacity – a reality that makes it appealing to simply carry out the bare minimum of what is required of them by law when it comes to dealings with one another. Due in part to the fact that Crown governments – not local governments – are signatories to treaties with First Nations, local governments have an unclear legal responsibility when it comes to building relationships with First Nations. This responsibility was further clouded in 2012, when a BC Court of Appeal ruling deemed that municipalities do not owe First Nations a duty to consult (*Neskonlith Indian Band v. Salmon Arm (City)*, 2012), while Crown governments do. Research participants supported this theory by citing the enhanced responsibility many of them believe the Provincial and Federal governments should be taking to facilitate renewed relationships with First Nations, and the role they feel this would play in bolstering their own ability to carry out relationship building work at the local level.

Despite local governments' unclear legal responsibility, and lack of support from upper level governments, my research findings indicate that some organizations and individual planners are taking on a level of personal responsibility to facilitate better relations with First Nations. It seems as though, at the organizational level, this may be due in part to the practicality of collaboration, and the greater ease with which this can occur in instances where a positive relationship exists. For individual planners though, it became clear that commonly accepted planning principles and ethics factor heavily into the principles they bring to their work with

First Nations, and these may be significantly congruent with established principles for a renewed relationship with First Nations.

7.5 Exploring the Link Between Planning Principles and Relationship Principles

While the planners interviewed did not cite the rather specific relationship principles with which I have conducted this segment of my analysis, it was clear that they did approach their work with First Nations under another set of principles: professional planning principles. Each of the participants cited “collaborative planning”, “planning principles”, or “community engagement tools” as being integral to their work with First Nations, and it seems these tools have been effective in helping planners begin to develop relationships with First Nations based on mutual recognition, mutual respect, sharing, and mutual responsibility. A full examination of the degree to which professional planning principles overlap with principles for renewed relationships between First Nations and settlers/state governments is outside the scope of this research, but it warrants mention and possibly further research. My findings reveal some of the successes individual planners have had with building relationships at the personal level, using planning principles as their guides. However, my findings also suggest that the planners who are doing this often do not receive sufficient supports from their organizations to support the work. Another possible area to explore with future research is how to ingrain intergovernmental planning relationship principles at an organizational level, to ensure that positive relationships persevere over time, and not just for as long as committed planners stay on staff.

8.0 Conclusions and Reflections

8.1 Conclusions

First Nations and the Crown have shared in a relationship for many generations. The original treaties were intended to guide the relationship between the two parties (Craft, 2013), and contemporary documents such as the Royal Commission on Aboriginal Peoples' 1996 publication suggest renewing the tarnished relationships should take place based on principles of equality, sharing, respect, recognition, and responsibility. Despite having this sage guidance in place, the relationship between First Nations and the settler state degenerated to being characterized by misalignment, inequity, and oppression. This dismal shared history is now at a turning point where First Nations are gaining increasing recognition at all levels of settler society, from the individual level to the Canadian Federal government level. Naturally, this shift is being felt strongly in the land-use planning field, where First Nations' land reclamation activities are forcing a new "intergovernmental planning" relationship between local governments and First Nations where one may not have existed before. This research tackled four main research questions related to this new reality, with a focus on the province of Manitoba: What types of challenges are practitioners faced with? What opportunities arise through this type of planning? What strategies are practitioners using to navigate challenges and complexity? And are current practices in any way reflective of relationship principles set forth in treaties, and modern visions of a renewed relationship between settlers and First Nations? Semi-structured interviews with planning practitioners and staff working on Treaty Land Entitlement for Manitoban First Nations were used for the research, a method that was successful in addressing the research questions.

The first research question: what types of challenges are practitioners faced with? This question yielded substantial results as, unfortunately, the intergovernmental planning relationship in Manitoba is still faced with numerous challenges that prevent the parties from fully embracing mutually beneficial opportunities associated with the relationship. Although regulatory, political, and organizational realities are shifting to better support intergovernmental relationships, these structures continue to act as substantial barriers to the relationship. In absence of sufficient organizational, educational, and upper level government supports for working together, practitioners are left to navigate these new relationships in large part through trial and error. Unfortunately, local governments and First Nations often wind up in court to try to resolve issues, as the two parties attempt to protect their individual interests while working within the confines of complex legal frameworks.

While the structural challenges imposed on intergovernmental relationships between First Nations and local governments are burdensome to both parties, First Nations may be disproportionately affected due to an apparent power imbalance between First Nations and local governments. At a basic level, local governments tend to have more substantial organizational resources than First Nations, which can leave First Nations feeling uncertain and unfamiliar during their dealings with local governments. Meanwhile, local governments tend to exhibit confidence in their powers. It seems many have grown quite accustomed to their powers over the lands within their jurisdictions, and may struggle with giving up that power to First Nations entitled to land claims. It has been noted that some local governments use service agreements with First Nations to maintain control over land use on new urban reserves, and to achieve full payment in lieu of tax for the lands. Because service agreement hold ups can substantially delay

urban reserve development, local governments are often successful in exercising power here, as First Nations tend to succumb to these demands in the interest of moving forward with development.

At the heart of many challenges with intergovernmental relationships lies a lack of understanding of one another. At the staff level, these challenges can be felt as practitioners attempt to work within different political and legal structures than they are used to. For local government staff in particular, intergovernmental work can also bring forth the challenge of learning about unfamiliar cultures and histories, and responding in sensitive ways. Unfortunately, it seems that sensitivity to First Nations' cultures, histories, and rights is lacking in many people, and, most notably, members of the general public. Ignorant public attitudes can negatively impact intergovernmental planning relationships by swaying politicians vying for votes, and ultimately, by affecting election outcomes. These types of conflict may be indicative of different value systems at play.

The second research question is: what opportunities arise through this type of planning? Regional economic development and partnering on infrastructure are two widely recognized mutually beneficial opportunities associated with intergovernmental planning relationships brought about by urban reserve establishment. Self-sufficient economic development is normally the principal goal of First Nations seeking to establish new urban reserves, but, when established adjacent to local government jurisdictions, the economic benefits from urban reserves spill into the surrounding area as well. Urban reserves can provide employment opportunities, business spaces, and development stimulus that benefit both First Nations and their neighbouring local

governments. Likewise, partnering on infrastructure is an opportunity for the two parties to pool resources and more efficiently service reserve and local government lands.

The broader goal of reconciliation is also identified as an opportunity flowing from urban reserve development, and the intergovernmental planning relationship these necessitate. By regaining access to land, and by developing these as commercial spaces used by First Nations and non-First Nations people alike, First Nations have the opportunity to not only work towards economic self-sufficiency, but to showcase their culture and facilitate opportunities for mutual healing with the general public. The opportunity for reconciliation is less tangible than the others, and just one of the participants cites it (“Nash”, personal communication, November 23, 2015). However, the concept that urban reserves could contribute to reconciliation, as called for by the Truth and Reconciliation Commission of Canada (2015), is powerful, and may warrant further exploration than this research study offers, as expanded upon in Section 8.2.

The third research question asks: what strategies are practitioners using to navigate challenges and complexity? Strategies for intergovernmental planning are driven by a number of influences, with the planning principles of collaborative planning, community consultation, early engagement, and impartiality being particularly informative to planners’ intergovernmental planning work. Although planners may have learned about these strategies in a non-First Nation context, they are found to be quite effective while working with First Nations. Some participants even claim that these “soft skills” are more important than ever when working with First Nations. Because planning with First Nations is different than what many planners are used to, it requires planners to utilize different strategies than they normally would.

At a basic level, intergovernmental planning requires planners to shift certain attitudes and behaviours to adapt to the new context. It is very important that building relationships begins early on, in advance of a project that could force the relationship, to ensure there is time to build trust and understanding between the parties. Some found it helpful to approach the work with an open mind, and to abandon preconceived notions about how the process should proceed. Fundamentally, though, working effectively with First Nations requires planners to approach the work with a genuine personal commitment to building a relationship. This means planners should be dedicated to the relationship, empathetic towards First Nations, and educated on the issues.

Acquiring the requisite knowledge to work effectively with First Nations is not always easy for planners, though, and especially those who received their formal education before the recent introduction of First Nation-focused content in many university programs. Organizational support for relationship building is not always sufficient, leaving individual planners in a position where they are largely responsible to fend for themselves as they embark on this work. Many are finding ways of navigating these new relationships even in absence of formal organizational supports, by learning from experience – both their own experiences, and those of their peers – and adapting their practice accordingly. While many have made progress using this “trial and error” method, it can also be taxing on the relationship, particularly when the “trial” results in an “error”. Although peer-to-peer learning has supported the development of planners’ strategies for practicing this kind of work, this sharing has been highly informal, with no comprehensive resources to share the lessons learned more broadly.

Planners have a significant role to play in building relationships with First Nations, but they are also limited in the strategies they can employ, due to the political, regulatory and bureaucratic structures within which they must work. Indeed, formal organizational support can act as a jumping off point for invested planners who would like to further work towards building an intergovernmental relationship, and likewise, a lack of support can restrict this work. While there is slight disagreement on the role policy should play in support of building relationships, the majority suggest that supportive policy empowers planners to go farther with their efforts to build relationships with First Nations. Despite the strong influence politics have on planning, planners must not let this prevent them from their duty to treat all developers equally, including First Nations. To effectively work in an intergovernmental context, planners must learn to be politically savvy.

The fourth research question asks: are current practices in any way reflective of relationship principles set forth in treaties, and modern visions of a renewed relationship between settlers and First Nations? These were explored as a possible resource for planning practitioners, in the absence of other forms of guidance for the intergovernmental planning relationships. It became clear early on that these principles do not explicitly inform planners' work, but many of the principles and tactics they do use seem to align with the principles, although apparently this is unintentional. Although the relationship principles I used to frame the analysis did not seem to inform planners' work, it was clear that the work is informed by professional planning principles including community engagement, collaboration, and professional ethics.

The principle of mutual recognition requires that relationships come from a basis of equality, coexistence, and recognition of First Nations' self-government (Royal Commission on Aboriginal Peoples, 1996a). First Nations have long been fighting for recognition, and while appropriate recognition is strongly lacking among many members of the general public, it is gradually building among planners. Individual planners seem to be acting as allies to First Nations, and many demonstrate recognition of their First Nations' special rights, although they have few educational resources or organizational supports to draw on in order to build their knowledge of these realities. Despite the positive shift towards greater recognition, First Nations still find they are treated less than equal to other developers, in that municipalities pick and choose which developments to incentivize, and which to discourage, with First Nations often feeling discouraged during their efforts to develop urban reserves within municipalities.

The principle of mutual respect is most strongly impacted by a lack of trust between local governments and First Nations, which limits their ability to “[start] in a good way” (Craft, 2013, p. 12) on intergovernmental planning projects. Building trust is increasingly being seen as an important undertaking, and some local governments and First Nations are taking proactive informal measures to build trust, positive relationships, understanding, and respect in advance of projects that require them to work together. Planners also demonstrate that they have respect for First Nations' cultures, histories, stories, and governments, despite the difficulty they may have in acquiring knowledge on these topics, and guidance on how to approach them with sensitivity.

The principle of sharing is broadly defined by the Royal Commission on Aboriginal Peoples (1996a), but perhaps the most significant “sharing” related principle from treaties was the

intention that First Nations and settlers would share land with one another (Craft, 2013).

Jurisdictionally speaking, this simply has not happened, with First Nation reserves being clearly defined spaces, distinct and separate from lands in state government and local government jurisdictions. Local governments have been known to demonstrate protectiveness over lands within their jurisdiction by utilizing the powers available to them to affect land uses on urban reserves. However, informal movements are afoot in some local government jurisdictions to make cities more welcoming to First Nations people, and First Nations are developing certain urban reserves as regional centres, open for all to visit. Local governments and First Nations are also sharing in the pursuit of mutual goals, such as economic development and infrastructure expansion. Sharing applicable knowledge, developing shared guiding principles for intergovernmental relationships, and sharing in the reconciliation process are further opportunities to fulfill the relationship principle of sharing.

The principle of mutual responsibility is often viewed as stemming from a deep-seated care for one another – likened to a kinship relationship in *Inaakonigewin* (law) (Craft, 2013) – but this is not how the principle manifests in current intergovernmental planning practice. Instead, the term “responsibility” generally relates to legal responsibility in the contemporary psyche, with the two parties focusing on their responsibility to carry out what is required of them by Federal and Provincial law. Because each party tends to be stretched for time and resources, they may be reluctant to go beyond the bare minimum of legal responsibility. Legal responsibility to carry out relationship-building activities with First Nations is most clearly held by the Provincial and Federal governments, which further clouds local governments’ legal role in this work. Despite being busy and having an unclear legal responsibility to build relationships with First Nations,

many local governments still take on this work in the interest of more smoothly pursuing mutually beneficial opportunities, or, on the part of individual planners and politicians, out of a personal interest in being allies to First Nations.

8.2 Directions for Future Research and Planning Education

This research has exposed a number of possible areas to develop within planning education, and opportunities for future research to help build an understanding of the ways in which this work can contribute to reconciliation. Practice stories were a highly effective research method for this study (as discussed in Section 8.3), and it is possible that practice stories could help to build understanding among parties involved in this work, if shared with one another in appropriate ways. Future research could examine the usefulness of intergovernmental practice story sharing as a tool to improve relationships and, thus, to help facilitate reconciliation.

Reconciliation may also be facilitated by urban reserves themselves. Nash alludes to the possibility of incorporating artwork into urban reserves, as a way to celebrate First Nations culture, and build understanding among First Nations and non-First Nations peoples. Indeed, there are further research opportunities associated with this idea – specifically, the roles urban/landscape design can play in supporting reconciliation, possibly by celebrating First Nations culture, educating the general public about treaties and their implicit relationship guidance, and acting as sites for “healing together” (“Nash”, personal communication, November 23, 2015). The last area for future research that I wish to suggest is the possibility of sharing First Nations’ customary worldviews, land management philosophies, governance structures, and leadership styles with local government planners, and integrating these into intergovernmental frameworks

in mutually agreed upon ways. Such research may draw inspiration from frameworks such as Integral Theory via the Quadrant Model, as suggested by Simcoe (2015).

In addition to areas for future research, this thesis also suggests opportunities for bolstering planning education. It is imperative that planners have a comprehensive understanding of First Nation history, First Nation rights, and what it means to work on land issues within treaty territory. Planners need to approach their work with a strong understanding of the implicated field in which they are working, and an intrinsic knowledge of the interplay between western planning, land politics, and First Nations. Planners must view their work as an important component of the path towards reconciliation in accordance with the calls to action put forth by the Truth and Reconciliation Commission of Canada (2015). Planning education must ensure that new planners approach their education, and subsequent careers, through a lens that inherently recognizes where various planning activities sit within the realm of relevant First Nation issues and broader reconciliation goals. None of these issues should be ‘news’ to planners, and they should not need to be researched off the side of one’s desk during a rare free moment; they need to be prominently integrated into mainstream planning discourse within education, professional development organizations, and the organizational cultures of governments and private sector businesses.

Getting there will require change, and, likely, the use of different educational tools than may presently be in use. This research suggests at least one possible educational tool to help with this shift: practice stories. Indeed, there may be opportunities for the use of practice stories within postsecondary education, as a way to teach students about the realities faced by practitioners.

While universities will often invite professionals to speak to students, these forums are not necessarily designed to facilitate the telling of practice stories. There may be value in bringing practice stories to the classroom – particularly in First Nation contexts, given the large role storytelling plays in many First Nation cultures (Poff, 2006; Sandercock, 2003; King, 2003). In the next section, I reflect on my experiences with using practice stories for this research project.

8.2 Reflections on Practice Stories

To finish off, I would like to reflect on the effectiveness of using “practice stories” for the research study. On a personal level, I quite enjoyed using this method, as I am someone who greatly enjoys hearing stories, and telling stories. I found the interview process felt familiar, as though I was simply having a conversation on an interesting topic. The findings are quite easy to relate to, and presenting the findings in verbatim text blocks allows readers to consider the researcher’s interpretations, but to also find their own meanings in the same passages.

This method was very effective for the research, and succeeded in producing the outcomes suggested by Forester that I was aiming to achieve. Indeed, the practice stories I collected for this research were successful in exposing the complexities of planning practice in an intergovernmental planning context. The practice story interviews seemed to facilitate discussion of the roles of politics, emotions, power, and personalities, whereas the interviews that were not designed to collect practice stories tended to leave these topics out. Another notable difference between the two types of interviews was the role of comments related to “the way things should be”. Each type of interview garnered the expression of ideals on how this type of work could be

improved, but the practice story interviews tended to better substantiate these ideals by providing context for them.

Stories' ability to contextualize seemed to work well when participants spoke on contentious topics, and unresolved issues. Being able to explain the circumstances that led to an issue seemed to put interviewees at ease - to discuss sensitive issues without fear of inappropriately generalizing, or having the issue taken out of context – something that was very beneficial to this research, which deals with many sensitive and politically charged topics. Due to the flexible nature of stories, the research method allowed participants to explain instances which did not have a resolution or conclusion, but which still held many valuable lessons. For example, interviewees could explain cases where they had made assumptions, but not firm conclusions, and were able to provide the background information and context to demonstrate why they had arrived at the thought. More prescriptive research methods may not have resulted in discussion of unresolved, but still insightful, situations, and would not have allowed participants the opportunity to reflect on their practice as thoroughly.

The process of “reflecting on action” (Schön, 1983; Fischler, 2012) was beneficial to participants, with one participant noting that the interview process had helped him prepare for an upcoming meeting. As Forester (1999) also notes, the collection of practice stories also creates opportunity for practitioners to learn from each other's stories. An intention of this research was to address the lack of appropriate practical strategies that planners can draw upon as they engage in intergovernmental planning work. The practice stories that were gathered revealed a number of strategies that are working quite well, and others that planners should not attempt to use

during this work. The insights from these stories may serve as a practical resource for professional planners seeking direction with this work. On a personal level, I am already imagining the ways in which my findings from this research will guide me as I go forward in my own planning career. I look forward to sharing ideas for intergovernmental relationship building with future employers, and to approaching my work as a “reflective practitioner” who both reflects “in” action, and “on” action (Schön 1983; Fischler, 2012). I now understand many of the far-reaching benefits of practice stories, and imagine myself listening for these stories, and the lessons within them, in my future workplaces.

The practice story research method was an excellent choice for this research project, due to its ability to facilitate discussion of contentious topics in context, and to truly expose the real nature of intergovernmental planning practice as it currently plays out. Based on the successes of this research, I would recommend other researchers consider using practice stories for studies that examine relationships, contentious issues between parties, and, of course, professional practice itself. For researchers, like myself, who will have careers in the field being studied, there are rich professional learning opportunities associated with this method that go beyond the academic realm. Since taking on this research, I have come to realize that practice stories are everywhere, and the opportunities to learn from them are abundant – if they are listened to in the right ways.

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Appendices

Appendix A: Sample Interview Schedule – Practitioners

Interview Schedule: Local Government Planning Practitioners

PROFESSIONAL BACKGROUND

(10 minutes)

1. To get started, can you please give me a brief overview your professional background?
 - a. How long have you been working for [X Local Government]?
 - b. What did you do before you started working here?
 - c. Where did you go to school?
 - d. Can you give a brief overview of some of the main parts of your job?
2. When did [X Local Government] start working with [X First Nation]?
3. Can you give me a brief overview of your role in working with [X First Nation]?
 - a. What kind of support were you given when you first started doing this kind of work?
 - b. Which resources did you pull form to help you?
 - c. What concepts/ principles do you bring to this work?

PRACTICE STORIES

(30 minutes)

1. Can you tell me about a situation that best represents your current relationship with [X First Nation]?
 - a. What events/ policies led to this situation
 - b. What did you do after?
 - c. What was your specific role in this event?
 - d. Thank you, that was a lot of useful information. Now, can you please summarize the key components of the story you just told me?
2. Can you tell me about a situation that best represented your relationship with [X First Nation] when you first started?
 - a. What events/ policies led to this situation
 - b. What did you do after?
 - c. What was your specific role in this event?
 - d. Thank you, that was a lot of useful information. Now, can you please summarize the key components of the story you just told me?
3. How would you explain what changed between then and now?
 - a. What things were you doing that made a difference to the health of the relationship?
 - b. What chain of events led to the current state of the relationship?
4. Could you tell me about a time that you really felt like you could imagine the possibilities of where this relationship could go?
 - a. What happened?
5. All relationships have their challenges. Can you tell me about a situation that best characterizes some of the challenges you face while doing this kind of work?
 - a. What have you done to manage these challenges?
6. Where do you see yourself going next with this work?

- a. How do you get there?

REFLECTION
(20 minutes)

1. If you could change the way you handled anything with this work, what is it, and how would you have handled it differently?
2. Given your experiences, what would you tell a brand new planner who is embarking on this kind of work?
 - a. What skills are needed?
 - b. What resources would you direct them to, to be better equipped to handle this kind of work?
3. Is there anything else you would like to add?

Appendix B: Sample Interview Schedule – Provincial Scale

Interview Schedule: Key Informants with Provincial-Scale Knowledge

1. To get started, can you please give me a brief overview of your professional background?
 - a. How long have you been working for [X Organization]?
 - b. What did you do before you started working here?
 - c. Where did you go to school?
 - d. Can you give a brief overview of some of the main parts of your job?
2. Which part(s) of your current and past work have given you the best sense of the planning relationship between First Nations and local governments in Manitoba?
 - a. What was your role?
 - b. How did you work together?
 - c. To what degree are you involved in intergovernmental planning in your current position?
3. How would you describe the planning relationship between First Nations and local governments in Manitoba?
 - a. Why do you say that?
 - b. Can you give an example?
4. What changes in the relationship have you noticed over the years?
 - a. How has it changed?
 - b. Why do you think that is?
5. From your perspective, what are some of the most significant challenges with the relationship?
 - a. Can you give any examples?
6. What are some of the biggest opportunities associated with the relationship?
 - a. Are any being realized? If so, how?
7. What kinds of strategies are planners using to navigate these relationships?
 - a. Can you give examples?
8. What principles, guidelines, and other resources are available to planners to help them navigate these relationships?
 - a. Are these resources being used?
 - b. What kinds of resources are needed to help local government planners with this kind of work?
9. My research involves two phases of interviews. During the second phase, I will interview planning practitioners who are working in “intergovernmental planning” at the local government level, and I will ask them to share stories about their experiences with this type of work during their daily practice. Do you know of any planners who might be appropriate interviewees?
 - a. If so, would you be open to contacting them on my behalf with information about the research project?

Appendix C: Ethics Approval Certificate



UNIVERSITY
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Research Ethics and Compliance
Office of the Vice-President (Research and International)

Human Ethics
208-194 Dafoe Road
Winnipeg, MB
Canada R3T 2N2
Phone +204-474-7122
Fax +204-269-7173

APPROVAL CERTIFICATE

July 17, 2015

TO: Madeleine Koch (Advisor J. Barry)
Principal Investigator

FROM: Susan Frohlick, Chair
Joint-Faculty Research Ethics Board (JFREB)

Re: Protocol #J2015:071
"Manitoba Relationship Stories: When First Nations and Municipalities Plan Together"

Please be advised that your above-referenced protocol has received human ethics approval by the **Joint-Faculty Research Ethics Board**, which is organized and operates according to the Tri-Council Policy Statement (2). **This approval is valid for one year only.**

Any significant changes of the protocol and/or informed consent form should be reported to the Human Ethics Secretariat in advance of implementation of such changes.

Please note:

- If you have funds pending human ethics approval, please mail/e-mail/fax (261-0325) a copy of this Approval (identifying the related UM Project Number) to the Research Grants Officer in ORS in order to initiate fund setup. (How to find your UM Project Number: <http://umanitoba.ca/research/ors/mrt-faq.html#pr0>)
- if you have received multi-year funding for this research, responsibility lies with you to apply for and obtain Renewal Approval at the expiry of the initial one-year approval; otherwise the account will be locked.

The Research Quality Management Office may request to review research documentation from this project to demonstrate compliance with this approved protocol and the University of Manitoba *Ethics of Research Involving Humans*.

The Research Ethics Board requests a final report for your study (available at: http://umanitoba.ca/research/orec/ethics/human_ethics_REB_forms_guidelines.html) **in order to be in compliance with Tri-Council Guidelines.**

Appendix D: Background Information and Consent Form – Practitioners



UNIVERSITY
OF MANITOBA

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

Faculty of Architecture

Statement of Informed Consent

Research Project Study: *'Manitoba Relationship Stories: When First Nations and Municipalities Plan Together'*

Principal Investigator: Madeleine Koch, Graduate Student, Master of City Planning,
Faculty of Architecture, University of Manitoba

Advisory Committee: **Supervisor** – Janice Barry, Assistant Professor, Department of
City Planning, Faculty of Architecture, University of Manitoba

Internal Advisor – Ian Wight, Senior Scholar, Department of City
Planning, Faculty of Architecture, University of Manitoba

External Advisor – Aimée Craft, Assistant Professor, Faculty of
Law, University of Manitoba

Introduction

You are invited to take part in a research study. This information package is intended to provide you with all of the necessary information about the study, to ensure that, if you consent to participate, you are doing so with all of the pertinent information. The package explains what is involved in the research and what would be expected of you as a participant. If you would like more information, please feel free to contact me at [REDACTED]

If you choose to participate, please complete the “Statement of Consent” at the end of this document. It is recommended that you keep a copy of this package, including the Statement of Consent, for your records.

Summary of Project

As First Nations establish new reserves in urban areas, it increases opportunities for collaborative land use planning relationships between First Nations and their new neighbours: municipalities. At present, very little scholarly research has been published on the topic of “intergovernmental planning” between First Nations and municipalities, and very limited resources exist to guide practitioners through what can be complex and challenging relationships. This research attempts to “take the pulse” of intergovernmental planning arising from urban reserve creation, by exploring the challenges, opportunities, and realities of this type of work from the perspective of involved staff people in Manitoba. Data will be collected in two phases. The first phase involves conducting semi-structured interviews with Province of Manitoba staff and representatives of organizations involved in Treaty Land Entitlement, as these people will be able to provide broad insight into Manitoba’s intergovernmental planning context. The second phase of

interviews will involve collecting “practice stories” from municipal planning staff, in order to deeply understand the realities of this work in daily practice. Data will be analyzed using thematic coding. Part of the analysis will involve comparing the realities of intergovernmental planning in Manitoba with principles for a renewed relationship between settlers and First Nations, as called for by organizations such as the Royal Commission on Aboriginal Peoples, and literature on treaty relations.

Purpose of the Study

The purpose of the proposed research is to better understand the realities, challenges and opportunities of First Nation-municipal intergovernmental planning, by exploring the perspectives and stories of those with knowledge and/ or experience on intergovernmental planning in Manitoba, arising from urban reserves.

This research asks: How do practitioners make sense of these relationships? What strategies are practitioners using to navigate challenges and complexity? Are current practices in any way reflective of principles for a renewed relationship between settlers and First Nations? What types of challenges are practitioners faced with? What opportunities arise through this type of planning?

This research project is a requirement of the two-year Master of City Planning program at the University of Manitoba.

Study procedures

If you participate in this study, it would involve carrying out an approximately 60 minute phone interview with me, during which you would be asked a series of questions related to your experience with intergovernmental planning in your daily practice. Interview questions are designed to encourage you to tell stories about experiences you have had in your daily practice that demonstrate the challenges, opportunities, and realities of this type of work. You may be asked to identify other potential participants for the research, and to contact them on my behalf, in accordance with confidentiality procedures. You can refuse to answer any questions, and may end the interview at any time. With your permission, the interview will be audio recorded, and transcribed. I will send you a copy of the transcription shortly after the interview, and edit them for clarity, and/ or to address any potentially sensitive information. Please note that, if after three weeks I have not received an edited transcript, I will assume participants are satisfied with the content of the transcripts, and use the data for analysis. Reminder emails will be sent prior to the three week deadline. Where edited transcripts are returned, these will be used to analyze the findings, and the original transcripts will be destroyed.

Participant risks, benefits, costs

Risk

Because the community of practitioners involved in intergovernmental planning, urban reserves, and Treaty Land Entitlement is relatively small, there is a chance that someone who is familiar with Manitoba’s urban reserve context could make an accurate guess about who was interviewed. Assigning pseudonyms to individuals, their associated organizations, and communities will enhance confidentiality. Pseudonyms will begin being used during interview transcription.

Please note that, where specific communities are discussed, some potentially identifying characteristics of the communities will need to be maintained in the final document, to ensure that the findings are contextualized and therefore relatable to other similar contexts. These characteristics will be discussed in

as general a manner as possible. For example, a community's size could be described as being "between 20 and 50 square kilometres in size", as this could be applicable to a number of Manitoba communities with urban reserves, but also provides essential context for the findings.

Following the interviews, participants will be sent the interview transcripts, and invited to edit them for clarity, and/ or to address potentially sensitive information. This is a way to mitigate against any potential harm that could arise if the interviewee's identity was discovered, as it allows participants to decide whether any of their statements are inappropriate for the public domain, after having time to reflect and review. All sensitive data, including consent forms and interview recordings/ transcripts, will be stored in a password protected file on my computer, and/ or in a locked drawer.

Benefit

Interviewees will personally benefit from the proposed research, as it provides an opportunity for them to reflect on their work, professional accomplishments, and expertise. This process can be both gratifying, and useful in identifying the strengths and weaknesses of ones professional practice.

Academically, the proposed research will fill a number of gaps in the literature. Intergovernmental planning has been under-studied in the literature, particularly municipal- First Nation intergovernmental planning.

Practically, the proposed research will shed light on best practices and common challenges in an area of the planning field that is increasing in prevalence, but for which there are very few resources to guide practitioners.

Audiotaping & confidentiality

With participant permission, the interviews will be audio recorded and then transcribed. Audiotaping is particularly important to the second phase of interviews, as those interviews will seek to collect stories in participants' own words. Transcripts will be sent back to participants for their review, to give them the opportunity to edit these for clarity and/ or to address any potentially sensitive information. I will assign pseudonyms to individuals, organizations, and communities during the transcription stage, and these pseudonyms will be used throughout the remainder of the research project.

Interview data and consent forms will be stored in a password protected file on my computer and/ or in a locked drawer. These confidential items will not be shared with anyone except individual participants, who will be given the chance to review their own interview transcripts, and under very rare circumstances, the data may need to be shared with my primary supervisor. All audio tapings, interview transcripts, and consent forms will be destroyed no more than two years after the final submission of this Major Degree Project.

Feedback & debriefing

Upon completion of the interviews, I will provide participants with a copy of their own interview transcript, giving them the opportunity to verify the information and remove or modify any comments that they feel could be sensitive. I will send this to participants via email no more than three weeks after the interview has been completed. I will give participants three weeks to email the revised transcripts back to me. If revised transcripts are not received within three weeks, I will

assume that participants are satisfied with the content of the transcripts, and proceed to use the data for analysis. Reminder emails will be sent out prior to the three week deadline. Where revised transcripts are received, only these will be used for data analysis. Once the Major Project Degree has been completed, I will provide each participant with a digital copy of the final thesis document.

Dissemination of results

Study results will be disseminated through my Master of City Planning Major Degree Project, a hard copy held at the Architecture/Fine Arts library at the University of Manitoba, a digital copy online through University of Manitoba's M Space, and my oral defense. Participants will also be offered a digital copy of the Major Degree Project via email, once the project has been approved. There is a chance that the study findings will be used to produce articles or conference papers.

Voluntary participation/Withdrawal from study

Your decision to take part in this study is voluntary. You are able to refuse participation or to withdraw from the research study at any time. If you decide to participate, you have the right to refuse to answer any question or to refuse participation in any activity, at any time.

Contact information

Student researcher:

Madeleine Koch
Graduate Student, Department of City Planning, Faculty of Architecture, University of
Manitoba
Phone: [REDACTED]
Email: [REDACTED]

Research supervisor:

Janice Barry
Assistant Professor, Department of City Planning, Faculty of Architecture, University of
Manitoba
Phone: [REDACTED]
Email: [REDACTED]

Statement of consent

Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researchers, sponsors, or involved institutions from their legal and professional responsibilities. You are free to withdraw from the study at any time, and /or refrain from answering any questions you prefer to omit, without prejudice or consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

This research has been approved by the Joint-Faculty Research Ethics Board (JFREB) If you have any concerns or complaints about this project you may contact any of the above-named persons or the Human Ethics Coordinator (HEC) at [REDACTED] or by email at [REDACTED]. A copy of this consent form has been given to you to keep for your records and reference.

If you agree to each of the following, please place a check mark in the corresponding box. If you do not agree, leave the box blank:

I have read or it has been read to me the details of this consent form.

My questions have been addressed.

I, _____ (print name), agree to participate in this study.

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 (which may include quotations) from this project published or presented in a manner that does not reveal my identity.

Do you wish to receive a summary of the findings? Yes No

How do you wish to receive the summary? E-mail Surface mail

Address: _____

Participant's Signature _____ Date _____

Researcher's Signature _____ Date _____

Appendix E: Background Information “Study Procedures” – Provincial*

*The background information and consent forms sent to prospective participants were identical, except for the “study procedures” section. This was adapted depending on whether the prospective participant was being targeted for a “practice story” interview, or an interview to shed light on the provincial context. This appendix includes the “study procedures” included in the background information package for participants targeted for provincial scale interviews.

Study procedures

If you participate in this study, it would involve carrying out an approximately 60 minute interview with me, during which you would be asked a series of questions related to your experience and/ or knowledge of the intergovernmental planning context in Manitoba. Interviews may be conducted over the phone or in person, but in either case it will be important that they are carried out in a location where you feel comfortable discussing aspects of your professional knowledge that may be sensitive. We can discuss and decide upon interview locations together. You may be asked to identify other potential participants for the research, and to make initial contact with them on my behalf, to respect their privacy. You can refuse to answer any questions, and may end the interview at any time. With your permission, the interview will be audio recorded, and transcribed. I will send you a copy of the transcription shortly after the interview, and edit them for clarity, and/ or to address any potentially sensitive information. Please note that, if after three weeks I have not received an edited transcript, I will assume participants are satisfied with the content of the transcripts, and use the data for analysis. Reminder emails will be sent prior to the three week deadline. Where edited transcripts are returned, these will be used to analyze the findings, and the original transcripts will be destroyed.