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Janice Barry
University of Waterloo, janice.barry@uwaterloo.ca

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Abstract
Ongoing land claim negotiations are creating areas of First Nation authority within and adjacent to many urban centres. Several government agencies and lobby groups have responded to these changes with discussion papers and toolkits, all implicitly or explicitly intended to help municipal and First Nation governments become better "neighbours." Using the theoretical and methodological insights found in critical discourse and interpretive policy analysis, this article examines the prevalence of this "neighbour-to-neighbour" discourse in municipal and other non-Indigenous policy, placing a particular focus on how it is used in land use planning. I explore how these policy documents discursively construct and articulate a distinctly and deeply settler-colonial perspective on the desired relationship between First Nations and municipalities: one that has clear antecedents in liberal-economic notions of property, and that serves to conceal key aspects of Indigenous authority.

Keywords
Indigenous Peoples, urban reserves, municipalities, neighbours, discourse analysis

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Being Neighbourly: Urban Reserves, Treaty Settlement Lands, and the Discursive Construction of Municipal–First Nation Relations

For many North Americans (myself included), the normative values of "being neighbourly" were first introduced through an enduring and well-loved staple of children's television programming. Running from 1968 to 2001 (Internet Movie Database [IMDb], 2014), *Mister Rogers' Neighborhood* spoke about the importance of developing a sense of community and ensuring that all the "neighbours" in this community are treated with respect, dignity, and compassion. Other norms and values that were explored throughout the program included ideas of cooperation and the ability to live within rules and limits (PBS Parents, 2004). Such explorations of the characteristics of being neighbourly is, of course, not limited to children's television. The relationship between neighbours is, in many respects, a fundamental characteristic of urban life; it is a physical relationship that arises when different properties, and different households and organizational entities (including governments) exist in close proximity. Yet, it is also a social—if not political, economic, and legal—relationship that shapes how diverse peoples and organizations live together in our built environments. In this article, I explore one emerging element of urban "neighbourliness": the changing relationship between municipalities and nearby First Nations.[1]

As Canada's population has grown, and as cities have sprawled, the physical separation between urban and First Nation settlements is not as great as it once was—or was designed to be, with Indian Reserves as the cornerstone of a colonial spatial policy that sought to separate First Nation peoples from the social, political, and economic life of Canadian cities (Harris, 2002). Many of these cities have now grown right up to and, in some cases, completely around Indian Reserves. Yet, urban expansion is not the only mechanism through which municipalities and First Nations are brought physically closer together. Ongoing land claim negotiations and the subsequent establishment of treaty settlement lands (Alcantara & Nelles, 2009) and/or "urban reserves" (Tomiak, 2017; Walker, 2008) immediately adjacent to or directly within an urban (or urbanizing) area have placed municipalities in the new and largely unfamiliar situation of needing to collaborate with First Nations on a wide range of land management issues. As this article will show, the idea of "neighbour-to-neighbour" relationships has emerged as a key discourse amongst municipal and other non-Indigenous actors, with land use planning as an important part of this relationship. Planning, as both a field of professional practice and an area of scholarly inquiry, is concerned with "the scientific, aesthetic, and orderly disposition of land, resources, facilities and services" (Canadian Institute of Planners [CIP], 2019, para. 2)—questions that have very much to do with how neighbouring parcels of land, neighbouring parts of a city or town, and/or neighbouring jurisdictional authorities (including Indigenous authorities) sit in relation to one another.

But planning is not just about the arrangement of various land uses; it also seeks to contribute to community well-being, quality of life, and citizen engagement (CIP, 2019). These are the elements of planning theory and practice that have engaged most directly with the ideal of being neighbourly. For

[1] First Nations are one of three recognized Indigenous groups in Canada, Inuit and Métis peoples being the two others. While this article focuses on the specific experiences of First Nations that hold and seek to develop land within urban and urbanizing areas, the term *Indigenous* is occasionally used in an effort to draw out the connections to wider global struggles for sovereignty and self-determination. The word *Aboriginal* is also used when referring to government documents that use this terminology.

example, Sandercock's influential work on multicultural planning (Attili & Sandercock, 2007; Sandercock, 2000; Sandercock & Attili, 2009) asks us to consider how "strangers" might "become neighbours." Not unlike Mister Rogers, Sandercock's call to become better neighbours is underlain by a belief in the power of intercultural relationships, cooperation, learning, and exchange. These are important social and political values, ones that echo through much of the literature on community engagement and collaborative planning, particularly in cross-cultural settings (see, for example, Forester, 2009; Umemoto, 2001). In Sandercock's work, neighbourly behaviour is conceived as a way of being in and responding to planning situations shaped by cultural and socio-economic difference. Neighbourly relations are seen as the opposite of relationships shaped by strangeness, unfamiliarity, and fear; they instead hold open the possibilities of social learning and social capital development.

This article speaks to the tensions that emerge out of the planning profession's potential to facilitate conversations across lines of difference and its foundational role in managing land use across the physical and material lines of property and political jurisdiction. These tensions are particularly pronounced in settler-colonial contexts like Canada, where urban and regional planning has and continues to play a significant role in dispossessing Indigenous Peoples of their lands and governance authorities (Porter, 2010; Porter & Barry, 2016; Ugarte, 2014). The planning profession's ability to create and enforce these lines of property and jurisdiction needs to be understood as a key part of these ongoing colonial processes (Dorries, 2017). In this article, I use the literature on liberal-economic notions of property to open up a new line of questioning about the limitations of using the language of neighbours to craft new governance relationships with First Nation peoples. Notably, the focus of this article is not on how these First Nation–municipal relationships are performed and experienced on the ground, but rather how this way of seeing First Nation–municipal relations as one between neighbours is produced and reproduced in municipal and other related non-Indigenous policy texts. I begin by introducing the policy contexts for negotiating treaty settlement lands in British Columbia and establishing urban reserves in Manitoba, before outlining the conceptual and methodological approach that is used to guide my analysis.

After presenting the key tenets of interpretative policy analysis (Yanow, 1996, 2000) and critical discourse analysis (Chouliaraki & Fairclough, 1999; Fairclough, 2005), I then move to an analysis of the various policy notes and practice guides that have been created to encourage greater First Nation–municipal collaboration. The latter half of the article presents a more critical reading of these documents and questions the usefulness of the neighbour-to-neighbour relationship as a normative guide for creating and sustaining a respectful, dignified, and compassionate relationship with self-determining First Nations. I find that these documents construct and articulate a distinctly and deeply settler-colonial perspective on the desired relationship between First Nations and municipalities, one that has clear antecedents in liberal-economic notions of property and conceals key aspects of Indigenous authority.

Policy Context: The Emergence of New First Nation–Municipal Relations

Indigenous Peoples are not just living in and adjacent to cities, they are also acquiring urban lands—or more aptly *re*-acquiring lands since all Canadian cities sit on the homelands or territories of one or more Indigenous nations. For many First Nations, this process of acquiring urban lands is directly tied to modern treaty-making processes (Alcantara & Nelles, 2009). For example, the lengthy and politically

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fraught British Columbia (BC) treaty process (Woolford, 2005) allows participating First Nations to acquire land on a willing-seller/willing-buyer basis in areas of the province where Crown land is limited due to extensive land privatization (British Columbia Treaty Commission [BCTC], 2018a). In the Prairie Provinces (where there are numerous post-confederation numbered treaties), unfulfilled treaty obligations are leading to the creation of entirely new urban reserves. As discussed below, both processes have the potential to generate new areas of First Nation self-government within or immediately adjacent to existing towns and cities. These changes are intended to allow First Nations to pursue new forms of economic and housing development, using regulatory tools that are completely separate from those that guide planning and development in the adjacent municipalities. The following sub-sections provide additional details on the nature and intent of the negotiation of treaty settlement lands in BC and urban reserves in Manitoba, identifying a common lack of statutory direction on the overall relationship between First Nations and municipalities in both provinces.

Negotiating Treaty Settlement Lands in British Columbia

Officially established in September 1992, the BC Treaty Commission was designed to facilitate a modern treaty-making process between interested First Nations and both the BC and federal governments. There are currently 65 different negotiations underway or recently settled in the province (BCTC, 2018b). All of these negotiations follow a six-stage negotiation process, progressing from the preparation of a simple Statement of Intent to long-term implementation plans. Aboriginal governance, lands, resources, and financial compensation were identified as some of the issues that the parties would likely want to address. Although private property is not up for negotiation, many of the claim areas include large towns and cities, with a large concentration of overlapping land claim areas in both the Lower Mainland (the most densely populated area of BC) and the Capital Regional District on the southern tip of Vancouver Island. Although the intention is for most treaty settlement lands to come from public or *Crown* lands, it is recognized that this may be difficult to achieve in urban areas, and the acquisition of lands that are currently in private ownership on a willing-buyer/willing-seller basis is seen as a "critical" component of the BC treaty process (BCTC, 2018a, para. 12).

Once a treaty is finalized, the First Nation self-governs all of its existing reserves, as well as any additional treaty settlement lands (both former Crown lands and those acquired on the open market). Treaty First Nations will manage these lands completely independently from the laws and regulations that exist under the Indian Act and will have the ability to create their own land use bylaws and collect property taxes. Importantly, these lands will not be subject to the provisions of the Local Government Act, the main statute that governs municipal planning in British Columbia. The Act does allow Treaty First Nations to voluntarily join the Regional District Board, enabling collaboration with other municipalities on regional planning concerns. Many BC First Nations and municipalities have also developed other types of intergovernmental agreements to affirm a desire to work together (Alcantara & Nelles, 2016). Many First Nations may also require some sort of economic arrangement with the adjacent municipality to purchase services (water, sewer, fire protection, etc.) for their urban lands (Alcantara & Nelles, 2016).

Addressing Outstanding Treaty Land Entitlements in Manitoba

Although Manitoba is not engaged in modern treaty negotiations like those currently underway in BC, the ongoing Treaty Land Entitlement (TLE) process is having a similar effect on municipal–First

Nation relations. Since the mid-1990s, the Province of Manitoba, the Government of Canada, and nearly 30 different First Nation bands have been officially involved in a process to address a historic "land debt" (Treaty and Aboriginal Research Centre of Manitoba, 1994, p 1). When the treaties were negotiated in the late 1800s, the population of each First Nation signatory was used to determine the total amount of land to be set apart as Indian Reserves. However, not all First Nations received their full land entitlement (Treaty and Aboriginal Research Centre of Manitoba, 1994) and, between 1994 and 2009, the federal and provincial governments entered into eight individual TLE settlement agreements with affected First Nations. They also signed the 1997 Manitoba Framework Agreement with the 21 First Nations involved in the Treaty Land Entitlement Commission (Aboriginal Affairs and Northern Development Canada [AANDC], 2011).

The net impact of these agreements is that these 29 Entitlement First Nations (EFNs) are collectively entitled to 1.4 million additional acres of reserve land. Of that amount, over 1.1 million will be selected from unoccupied Crown land (AANDC, 2011). The remainder will be purchased on a willing-buyer/willing-seller basis, using funds provided by the Canadian government according to the terms of the settlement agreements. Although most of the lands will be selected from within an EFN's treaty area (meaning that the more northern First Nations will likely be selecting lands far away from major urban areas), provisions do exist for First Nations to select lands outside of their treaty areas if they can demonstrate clear social or economic objectives (Framework Agreement, 1997). Once the lands are selected (for Crown lands) or purchased (for private lands), the parties will then go through the process of formally adding them to the EFN's existing reserve lands. When that process is complete, lands in incorporated areas will be formally removed from the municipal boundaries and will no longer be subject to the provincial Municipal Act and Planning Act. The lands will either be managed under the statuary authority of the Indian Act or according to the First Nation's own Land Code, for those Nations that have extricated themselves from the land-related sections of the Indian Act as per the process laid out in the First Nation Land Management Act.

Like the situation that exists in BC, First Nations who have selected lands that were formerly within or in close proximity to an existing municipality will likely be looking to purchase those services off the municipality. The infrastructure to support these services may already be in place, especially if the land is in an urban area and already has buildings on the site. Indeed, many First Nations in Manitoba very explicitly chose urban reserves that have the potential for commercial development (Ashton et al., 2018). The development of service agreements will often be a key component of the establishment of urban reserves. In 2001, the then Ministry of Aboriginal and Northern Affairs responded to this emerging governance issue by developing *A Reference Manual for Municipal Development and Service Agreements* (Government of Manitoba, 2004). This manual extended well beyond the payment for services and sought to provide guidance on a wide range of First Nation-municipal issues—including planning. One of the most significant issues was how the parties might work together to ensure some level of land use compatibility so that the urban plans and policies of one party would not adversely affect the other.

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Underlying Context for Municipal–First Nation Planning

While both the BC Treaty Process and the Manitoban Treaty Land Entitlement Process clearly present tremendous potential for the formation of new planning relationships between First Nation and municipal governments, there is a noticeable absence of provincial statutes and policy direction. This absence is significant, given that lands (and, as result, land-use planning) are an area of provincial authority according to the Canadian Constitution (with Indian Reserves, national parks, and military lands as some notable exceptions). In incorporated areas, this authority is delegated to municipalities, which do not exist constitutionally and are often referred to as "creatures of the province." Therefore, municipalities cannot exercise any powers other than those that have been expressly granted to them from the provincial government (Levi & Valverde, 2006). This situation means that the provincial statutes governing these spheres of municipal authority are potentially of great importance in terms of understanding how the land-use planning relationship between municipalities and First Nations is conceived and enacted.

In contrast, Indigenous—and, in the context of this article, First Nation—authority neither arises through the Canadian constitution (although there is clear constitutional recognition) nor through a delegation from the Crown. It arises out of the simple fact that Indigenous Peoples existed and continue to exist as sovereign, self-determining nations with rich legal traditions (see, for example, Borrows, 2002) and with political authority that is derived from their respective lands and territory, "from thousands of years of occupying its waterways and forests" (Pasternak, 2014, p. 146). The Crown has consistently failed to recognize these authorities and has imposed its law and asserted its jurisdiction over Indigenous territories (L. Ford, 2010; Pasternak, 2014). And when attempts have been made to recognize Indigenous authority, it has been done within the context of an ongoing structure of settler colonialism that serves to limit and contain Indigenous authority to the structures and parameters laid out by the settler state (Coulthard, 2014).

Urban and regional planning, as the primary structure for defining the use of land and for claiming settler jurisdiction over these decision-making activities, therefore, needs to be critically examined for its role in this ongoing conflict between Indigenous and municipal authority. As noted in previous work (Porter & Barry, 2015, 2016), First Nations are listed in the BC Local Government Act as a potential party to consult during the preparation of an Official Community Plan (BC's primary strategic planning document) and a mandatory party to consult during the preparation of a Regional Growth Strategy. However, these directions are rather imprecise, giving no clear sense as to whether First Nations need to be engaged as a stakeholder or as an adjacent and, indeed, overlapping government since there are likely Aboriginal rights and interests within the municipal area. In Manitoba, Aboriginal and treaty rights, as well as the resultant duty to consult Aboriginal peoples, are part of the Provincial Land Use Policies [PLUPs] that municipal development plans "must be *generally consistent* [emphasis added] with the PLUPs" (Provincial Planning Regulation, 2011, p. 9). However, it is entirely unclear how municipalities are expected to uphold these rights, as there is no direction on the breadth and depth of the intergovernmental relationship with all Aboriginal Peoples, including but not limited to those EFNs engaged in urban reserve development. There is also no direction on the process through which Aboriginal Peoples should be engaged in planning decisions and how this engagement might be designed to create an ongoing relationship between municipal and Aboriginal governments.

The remainder of this paper examines how, facing this lack of strong statutory and formal policy direction, municipalities and other related Crown actors have relied on the idea of a neighbour-to-neighbour relationship and the normative framework of being neighbourly to help them make sense of their changing relationship with nearby First Nations. Perhaps, more significantly, I argue that the focus on being better neighbours is a repurposing of well-worn modes of inter-municipal collaboration and is, therefore, an entirely inappropriate way of framing the relationship with a self-determining First Nation whose authority is not delegated, but arises out of prior occupation of the lands currently known as Canada.

Conceptual and Methodological Approach

My analysis is guided by interpretative and discourse-based approaches to policy analysis (see, for example, Hajer, 2003; Wagenaar, 2012; Yanow, 2000), which explore the role of informal and formal texts for shaping the grounded processes of policy formation and implementation. More specifically, the article takes inspiration from and seeks to apply key concepts from critical discourse analysis (Chouliaraki & Fairclough, 1999; Fairclough, 2005), with a particular focus on the idea of *nodal discourses* and the processes of discursive *recontextualization*. Nodal discourses are a particular "order of discourse" (Chouliaraki & Fairclough, 1999), a kind of discursive shorthand that is able to "articulate and subsume" (Fairclough, Jessop, & Sayer 2004) other ways of being, acting, and representing complex policy problems. In simpler terms, nodal discourses are the elements of a planning or policy document that draw together but also powerfully inform other discursive elements, often taking on an unquestioned "common sense-" like quality.

Whereas nodal discourses describe a particular textual outcome or effect, the processes of discursive recontextualization provide a potential window into how nodal discourses come into being. As critical discourse analysts stress (Chouliaraki & Fairclough, 1999; Fairclough, 2005), policy discourses change and evolve as new ways of being, acting, and representing are introduced to the social field. However, policy texts do not simply reproduce ideas and concepts drawn from elsewhere; they appropriate and transform them to make them more meaningful to the policy sector, scale, and/or structure at hand. Critical discourse analysts conceive of these processes of discursive change as recontextualization. Using these ideas from critical discourse analysis as my conceptual guide, I ask whether, how, and to what degree the neighbour-to-neighbour approach to First Nation–municipal relations that is being advocated in many planning and policy documents has begun to function as a nodal discourse. Perhaps more importantly, I ask whether this way of framing effective First Nation–municipal relations may, in fact, be a recontextualization of well-established ways of conceiving and responding to the conflicts that *between two municipalities* and whether this recontextualization may, in fact, foreclose possibilities for attending to the unique characteristics of First Nation governance.

Given that my interest is in discourse and the overall framing of the relationship, rather than the statutory requirements, I did not discount documents that were produced by influential municipal lobby groups (e.g., the Canadian Federation of Municipalities and the provincial equivalents). For as the growing fields of interpretive policy and critical discourse analysis illustrate, substantive laws and regulations are only one way that policies gain traction and influence. Language and discourse are key to understanding how policy shapes human behaviour. As the interpretive policy analyst Yanow (1996)

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observed, "even purely instrumental [policy] intentions are communicated and perceived through symbolic means" (p. 12). This focus on the ways that policy influences action beyond tangible rules and directions makes the distinction between formal policies produced by governance and the informal guidance developed by lobby groups less important. The discourses presented in these latter documents are just as important in terms of understanding the values, beliefs, and feelings that shape First Nation–municipal relations.

To complete my analysis, I drew on previous case study work on First Nation–municipal relations in British Columbia (Porter & Barry, 2015, 2016), as well as an ongoing research program on similar issues in Manitoba. In both provinces, I started with policy documents, guidance notes, and position papers that were specific to the First Nation–municipal relationship and developed in response to each land claim process. In BC, I looked for documents that were written after the initiation of the BC Treaty Process in 1991 and, in Manitoba, I looked for documents that were written after the first Treaty Land Entitlement Agreement was signed in 1994. In order to identify any potential recontextualization of discourses, my final task was to look at these documents in relation to the policies and statutes that guide land use planning in each respective province. As will become apparent, the corpus of texts that guides this relationship is relatively small, which has allowed for a far more narrative treatment of the relationships between the different policy documents.

Neighbour-to-Neighbour Relations: A New Nodal Discourse

Drawing on insights and experiences from local initiatives across the country, the work of Federation of Canadian Municipalities (FCM) arguably presents the most comprehensive view of how First Nation–municipal relations have been conceived at the national scale. The Federation works to advocate for the needs of municipalities at the federal level and to provide policy advice to its over 2,000 member-municipalities. With the financial support of Indigenous and Northern Affairs Canada (INAC), one of its goals has been to encourage municipalities and First Nations to work together through the development of tools and resources that can be applied across Canada. One of the cornerstones of this work is the *First Nations–Municipal Community Infrastructure Partnership Program Service Agreement Toolkit* (FCM, 2011). Although the document is fundamentally about how neighbouring municipalities and First Nations might achieve certain economic efficiencies through service sharing agreements and joint infrastructure projects, it also hints at the possibilities for a broader planning relationship. The toolkit clearly and consistently positions First Nation–municipal relationships as ways to "bind communities together in a positive way and encourage collaboration and development and help ensure potential conflict is resolved more effectively" (FCM, 2011, p. 13) with the development of a "harmonious co-existence" (FCM, 2011, p. 107) as a clear normative goal. However, beyond the development of some very broad recommendations related to cultivating cross-cultural awareness, attentiveness to differences in each other's administrative structures, and clear communication protocol, there is little indication of how exactly this co-existence is conceived and how it might translate into concrete planning practices. The policy statements and planning guides directed at municipalities in individual provinces are much more instructive in this regard.

In Manitoba, the processes for negotiating this "harmonious co-existence" are more formal and specific than the collaborative relationships envisioned by FCM. Given that the TLE sites will be formally added

to each First Nation's reserve-base, the municipal–First Nation relationship is partially guided by the federal Additions to Reserves Policy (Indian and Northern Affairs Canada, 2003; Indigenous and Northern Affairs Canada, 2016). That policy includes a requirement that the First Nation work with the municipality to develop a separate agreement outlining their mutual expectations and commitments. Since TLE selections are often some distance away from the original reserve and since many First Nations will look to purchase services (e.g., water, sewer, emergency services) from the adjacent municipality, these agreements tend to focus on service delivery. Once the TLE lands are officially designated as a reserve, they will no longer be subject to municipal taxes, which creates a need for the development a new financial arrangement that considers the level of service required and the property taxes that would have been previously levied on the site. The Additions to Reserves Policy also suggests that the content of these negotiations be expanded to include other issues, including the harmonization of municipal planning by-laws and the mechanisms for resolving any disputes between the two parties. Not unlike the FCM toolkit, the Additions to Reserve Policy recommendations are very clearly couched in and justified by a need to develop a good neighbour approach, which is defined as "First Nations and municipalities sitting down together to discuss issues of mutual interest and/or concern in the same way neighbouring municipalities must do in relation to one another" (Indian and Northern Affairs Canada, 2003, p. 16).

Although this particular sentence was dropped from the 2016 revision to the federal Additions to Reserve Policy, it continues to stress the importance of a good neighbour approach (Indigenous and Northern Affairs Canada, 2016, p. 11). This goal is also echoed in the Province of Manitoba's 2001 publication, *A Reference Manual for Municipal Development and Services Agreements*, which notes:

> When an Entitlement First Nation Selects or Acquires land within a Municipality, after the land is set apart as Reserve, the Entitlement First Nation and Municipality will be neighbours, if they are not already neighbours. As with other neighbours, the Entitlement First Nation and Municipality will be continually impacted by the actions of the other party and, as such, will have a continuing need to interact with the other party to resolve their concerns. As such, it is important for the Entitlement First Nation and Municipality to maintain a healthy and respectful relationship with one another. (Manitoba Aboriginal and Northern Affairs, 2001, p. 7)

In all these documents, the neighbour-to-neighbour relationship is clearly defined as something that is analogous to the relationship that already exists between two adjacent municipalities and as a very practical response to the realities of living in close proximity—points that will be critically interrogated in the next section.

Not entirely unlike Manitoba's TLE process, the ongoing BC Treaty Process has prompted various municipal organizations to consider how their members might better engage with First Nations. In fact, the Union of BC Municipalities successfully lobbied to have affected municipalities involved in the treaty process. As per a 2003 Memorandum of Understanding, municipalities have been given the opportunity to participate in treaty negotiations as part of the provincial negotiating team. Many municipalities across BC have also banded together to form their own regional Treaty Advisory Committees, with the recently disbanded Lower Mainland Treaty Advisory Committee (LMTAC)

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arguably being the most active. From 1993 to 2012, LMTAC produced a number of policy position papers and guidance notes that have deployed and further refined municipal understanding of the neighbour-to-neighbour discourse found in the Manitoba and national policy documents.

The LMTAC's own handbook, *Building Relations with First Nations*, which was first released in 2003 and has had three subsequent editions, strikes a very similar tone to the FCM document by stressing the importance of mutual understanding, communication, respect, and trust (LMTAC, 2010). However, LMTAC's articulation of 43 First Principles is much more revealing in terms of its conception of neighbourly relations with adjacent First Nations. The ideal relationship between First Nations and municipalities is seen as one that is based on certainty, both in terms of clearly delineating the exact nature and scope of Aboriginal right and title through the signing of a treaty and in terms of adherence to a common, well-articulated regulatory framework. The Principles express a clear preference for upholding existing statutes and regulation and stress that the "law making authorities granted to First Nations under treaty must be consistent with the law-making authorities exercised by local government" (LMTAC, 2005, p. 13). In doing so, they discursively bind Indigenous authority to something that is analogous to that of a municipality.

These ideas about collaborating, but only within a common and largely pre-existing regulatory framework, are further refined and begin to take on additional meaning when evoked in LMTAC's response to proposed changes to the management of Indian Reserves. For example, when responding to the First Nation Land Management Act (which creates an opportunity for First Nation self-government over reserves lands), LMTAC representatives stress that First Nations should be required to consult adjacent municipalities on their proposed Land Codes through a referral process that parallels the provisions that exist under the Local Government Act. In another policy paper, jointly written with staff from the Greater Vancouver Regional District (GVRD, now Metro Vancouver), LMTAC is very explicit in laying out its vision for well-regulated neighbourly relations, arguing that "good rules make good neighbors" (LMTAC & GVRD, 2000, p. 28). In making this very obvious and direct reference to the old adage of "good fences make good neighbours," the LMTAC is not only making an argument for policy certainty but also quite clearly working to re-enforce the spatial and political boundaries that give rise to municipalities' distinct areas of authority and jurisdiction.

As previous research has shown, almost exactly the same language about the need to work within existing rules and structures is used at the provincial scale (Porter & Barry 2015, 2016). The Union of BC Municipalities (UBCM), who offer policy advice to municipalities at the provincial scale, also assert that First Nation authority should be spatially and politically well-defined, and that it should be exercised within the context of pre-existing statutory direction (UBCM, 2003a, 2003b). Perhaps most significantly, UBCM has taken the position that municipalities should also have the opportunity to comment on a First Nation's plan to develop its treaty settlement lands and that such a plan ought to be "compatible or harmonized with those of local government beside or around the settlement lands" (UBCM, 2004, p. 3).

While the discourses presented in these British Columbia documents are arguably more pointed and well developed than what exists in the Manitoban context, the core ideas are the same. Neighbour-to-neighbour relations are about pursuing more advanced modes of intergovernmental dialogue and

communication, but also about establishing a clear regulatory context for those discussions—including the establishment of clear spatial and political limits. The ideas and policy guidance that are emerging in both provinces also hint at the recontextualization of discourses from other spheres of land use governance. For example, the reference to the old adage about neighbours and fences most certainly links to well-worn ideas about property and the desired relationship between property owners, whereas the processes that are envisioned for facilitating dialogue between First Nation and municipal actors are clearly borrowing from the approaches that are already used between municipalities. The next section further develops these observations about the origins of the neighbour-to-neighbour discourse and its recontextualization of other ways of thinking. It also interrogates the appropriateness as a way of conceiving the urban planning relationships between First Nations and municipalities.

Recontextualization and the Territoriality of Property and Jurisdiction

Before embarking on this line of questioning, it needs to be acknowledged that these policy documents' call for increased dialogue and cooperation between two levels of government that have historically had very little to do with one another is a positive step forward. But what does this idea of a neighbour-to-neighbour relationship evoke and—perhaps more importantly—what does it obscure? Asking these same questions in more theoretical terms, what kinds of discursive relationships are present in these documents and what other discourses are being recontextualized to address the particularities of First Nation–municipal relations? For although the policy-guidance notes that shape First Nation–municipal relations in both BC and Manitoba make frequent references to a need for "improved communication and relationship building" (FCM, 2011, p. 4), it is quite clear that collaboration is not the only discourse that has shaped the normative development of the planning relationships that are beginning to emerge between First Nations and municipalities.

In fact, the conception of neighbourly First Nation–municipal relations that is being advanced in these policy documents bears only a passing resemblance to how neighbourly relations have been discussed in the planning theory literature. As the previous section illustrated, any discussion of First Nation–municipal collaboration is quickly tempered by discussions of the need to ensure and enforce clear rules, as well as clear spatial and jurisdictional boundaries between the two forms of government—a phenomenon that has been referred to as "bounded recognition" (Porter & Barry, 2015). In this way, these planning and policy documents clearly deploy a much more basic notion of neighbours, one that arises out of the etymological origins of the word or the idea of persons dwelling in close proximity with one another (Canadian Oxford Dictionary, 2004). This idea of neighbours as individuals (or groups of individuals) inhabiting spaces that are near to—but distinctly separate from—one another is inextricably linked to Western conceptions of property.

As critical legal geographer Blomley (2016b) observed, there is a distinct "territory" within Western notions of property, one that has particular significance for urban planning and, yet, is a rarely discussed aspect (Blomley, 2016a; Jacobs & Paulsen, 2009; Krueckeberg, 1995). Under the liberal-economic model of property, this territory provides a geographically and temporally bounded system of rights, with the owner being afforded uniform and exclusive rights for as long as they hold the land title. This territoriality, as Blomley (2004) noted, is only an ideal type, with the actual practice of property relations being far more "relational, porous, and ambiguous" (p. 96). In other words, it is the boundaries created

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by property that separate one dwelling space from another, but that also demand some sort of respectful interaction between adjacent property owners. For example, being neighbourly often entails keeping the limbs of your branches trimmed to avoid spilling over onto a neighbour's yard or keeping your stereo turned down to not adversely affect the quiet enjoyment of adjacent properties. Good neighbourly relationships, therefore, seek to affirm existing property rights while also recognizing that there is a certain permeability to those boundaries, which often requires open dialogue and a willingness to adjust behaviour.

Notably, the planning and policy documents that frame and guide the formation of municipal–First Nation relationships do not concern the relationship between individuals, but rather two levels of government. More recent work in critical legal geography has observed a similar territoriality in government relations and has defined jurisdiction as both a "spatial and legal concept" that serves to consolidate and maintain universal power over a defined geography (Pasternak, 2014, p. 152; see also L. Ford, 2010; R. T. Ford, 1999). While these works were responding to the territorialized jurisdiction of the entire settler state, the territorialized approach to jurisdiction can also be applied to local governments, given the well-defined boundaries that separate one municipality from another. Municipal jurisdiction is, of course, far less universal than that of the central state; not only are municipalities "creatures of the province," but in many Canadian provinces (BC and Manitoba included) they are encouraged—and in some instances required—to establish the intergovernmental relationships needed to attend to the inevitable permeability of these territorial boundaries. This permeability has particular implications for land use planning. For just as an individual property owner (or tenant) is compelled to ensure that her actions do not have an undue negative impact on neighbouring property users, neighbouring municipalities are bound to various institutional structures and processes that seek to ensure that their land use plans and urban development proposals do not have undue negative impact on one another.

In British Columbia, for example, municipalities in urban growth areas are required to participate in a Regional District Board. One of its primary functions is to prepare a regional growth strategy that all the member municipalities must attend to when developing their own long-range plans (Bish & Clemens, 2008; see also Porter & Barry, 2016), an approach that is intended to maintain common and shared interests in the sustainability and vitality of the entire region. In Manitoba, there are provisions that allow for the formation of a regional planning district, but this form of intergovernmental collaboration has more to do with the small size and limited planning capacities of many municipalities than the need to develop institutions to address the permeability of jurisdictional boundaries. Municipalities in both provinces do, however, rely on well-worn systems of referring their draft plans to one another to identify and hopefully resolve any potential land use conflicts. In BC, these referrals are encouraged rather than explicitly mandated by the Local Government Act, whereas in Manitoba the local or regional planning authority "must consider . . . the development plans for the areas within the same region as the planning authority, and in particular the development plans for the areas adjacent to the planning area" (Provincial Planning Regulation, 2011, p. 43).

Referrals and regional planning bodies both offer at least partial recognition of the permeability of jurisdictional boundaries and the resultant need to some develop a certain level of awareness of (or even a more direct form of collaboration regarding) adjacent land interests. When the statements and

positions outlined in the previous section are interpreted in the context of these inter-municipal processes, it becomes apparent that calls for a neighbour-to-neighbour relationships are not only a recontextualization and re-scaling of the norms and discourses that guide the relationships between property owners, but also a subsuming of Indigenous governance authority so that it is framed as being akin to and guided by the same priorities of that of a municipality. While these discursive recontextualizations may be sound and justifiable from a regional planning perspective, its appropriateness for the First Nation–municipal relationship needs to be called into serious question. As Porter and Barry (2015) noted, these ways of conceptualizing the planning relationship treat First Nations as an *adjacent* government whose authority ends at the geographic limits of the Indian Reserve or Treaty Settlement Land, as opposed to one that may continue to occupy, have interests in, and exercise customary stewardship responsibilities over the parts of its territory that are now within an incorporated municipality. Perhaps more significantly, and as many First Nation leaders have been actively advocating against (see, for example, King & Pasternak, 2018), these discourses have the potential to reduce the complexity of Indigenous authority to something that exists on the same level as and can be exercised through the delegated authority that exists for municipalities.

Conclusions

By calling attention to the ways in which calls for increased neighbourliness are conceptually tied to property relations, this article sought to expand but also problematize the ways in which these discourses are applied to and circulate within land use planning. Although these calls to become better neighbours are linked to a general push towards increased collaboration and intergovernmental dialogue at the regional scale, the main driver behind these initiatives is not social learning and cooperation envisioned by Sandercock (2000) and others. Rather, the neighbourly relationship is an attempt to enact the far more conventional planning role of managing land use across the physical and material lines of property and political jurisdiction—two concepts that in settler colonial contexts, like Canada, are deeply implicated in ongoing acts of Indigenous dispossession. By focusing on the material, spatial, and jurisdictional realities of neighbourly relations, this article encourages a more nuanced understanding of "neighbourly" behaviour than what currently exists in the planning literature: one that can still hold open the potential for a relationship that is built around the ideals of respect, dignity, and compassion, but that is highly attuned to questions of power and territoriality. Yet, by focusing its exploration of the discursive construction and inherent tensions within the idea of a neighbour-to-neighbour relationship between First Nations and municipalities, the potential contributions of this article extend beyond the field of urban and regional planning and into the wider body of theories and practices related to Indigenous reconciliation at the local scale.

As this article has shown, the neighbour-to-neighbour discourse is present in several policy documents and guidance notes which serve to link together a number of concepts, including a perceived need to improve dialogue and cooperation while also maintaining the political and spatial boundaries laid out by the various levels of the settler state. These discursive tendencies are positioned as an entirely inappropriate recontextualization of a) existing models of municipal-to-municipal collaboration, and b) more general concepts of property and property relations. In making this argument, the article has begun to trace the ways in which the legal and social relations that are derived from property and property rights are mirrored in the relations that arise between different government authorities through the

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delineation of distinct areas of political jurisdiction. Critical legal geographers are most certainly aware of the unifying logic between the "territory of property" (Blomley 1994; 2016b) and the "territory of jurisdiction" (Pasternak, 2014). This article extends this work by connecting the construction and inevitable permeability of these territorialities to the specific challenges that are beginning to arise as First Nations acquire and then seek to develop urban lands.

In terms of these very particular intergovernmental and intercultural relations, this article does not simply note the ways in which notions of neighbourly behaviour, property, and jurisdiction are discursively recontextualized within the context of intergovernmental planning. Rather, it contributes to the growing conversation about Indigenous reconciliation by raising questions about the appropriateness of such discursive constructions, arguing that the neighbour-to-neighbour discourse fails to address key aspects of First Nation–settler relations. This discourse simplifies and actively conceals key aspects of Indigenous authority so that the complex, contested, and multi-dimensional relationships that exist with First Nations are reduced to something that is akin to the relationship that exist between municipalities. Neighbourly relations, therefore, emerge as a recontextualization of a well-established and deeply colonial discursive order. More work clearly needs to be done to construct an alternate way of framing the First Nation–municipal relationship, with recent work on the spirit and contemporary meaning of the treaty relationship and on the possibilities for a co-existence of Indigenous and non-Indigenous legal orders (see, for example, Borrows, 2002; Borrows & Coyle, 2017) as one promising way forward. This potential has not yet penetrated municipal policy. Despite some high-level statements about the desire for a "harmonious co-existence" (FCM, 2011, p. 107) with First Nation governments, municipal and other non-Indigenous actors have failed to create policies and guidance that respect Indigenous authority. By inviting First Nations and municipalities to respond to their newfound relationship through a discourse of neighbourly behaviour, government agencies and lobby groups may, in fact, be presenting entirely the wrong question. They may also be foreclosing opportunities for a more robust and meaningful discussion of the possible co-existence of Indigenous and non-Indigenous governance systems, one where both systems are able to exist and be defined on their own terms.

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