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Strengthening the ties that bind? An analysis of aboriginal–municipal inter-governmental agreements in British Columbia

Abstract: Despite a rich and well-developed literature on Canadian federalism, multilevel governance, and aboriginal–settler relations, scholars have tended to ignore the variety of inter-governmental agreements that have emerged between aboriginal and municipal governments in Canada. This article examines ninety-three such agreements to construct a typology of aboriginal–municipal inter-governmental partnerships in British Columbia. It finds that over time there has been a shift from mundane, service-provision agreements towards more collaborative, cooperative and sometimes decolonizing, horizontal and multilevel governance partnerships. As a result, the authors suggest that scholars study these agreements to further explain and understand the evolution of aboriginal–settler relations and multilevel governance in Canada.

Sommaire : Malgré une documentation abondante et très approfondie sur le fédéralisme canadien, le système de gouvernance multi-niveaux, et les relations entre les Autochtones et les colons, les universitaires ont eu tendance à ignorer la variété des ententes intergouvernementales qui ont vu le jour entre les gouvernements autochtones et les administrations municipales au Canada. Le présent article examine quatre-vingt-treize ententes afin d'établir une typologie des partenariats intergouvernementaux entre les Autochtones et les administrations municipales en Colombie-Britannique. Il met en évidence qu'au fil du temps, on a assisté à un changement d'orientation, en passant d'ententes prosaïques de prestation de services à des partenariats de gouvernance horizontaux et multi-niveaux impliquant davantage de collaboration, de coopération et parfois de la décolonisation. Par conséquent, les auteurs proposent aux universitaires d'étudier ces ententes afin de mieux expliquer et comprendre l'évolution des relations entre Autochtones et colons et le système de gouvernance multi-niveaux au Canada.

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In recent years, the Canadian federation has undergone a fundamental transformation. Whereas scholars have tended to focus on the evolving and complex relationship between the federal and provincial governments of Canada, the recent emergence of ''new'' inter-governmental actors – such as territorial governments, municipalities, aboriginal groups and other non-state actors – has transformed the Canadian federation and required a shift in focus to multilevel governance. As a result, a large and well-developed literature has emerged to document the important role now played by aboriginal peoples within the federation (Abele and Prince 2003; Papillon 2008; Wilson 2008).

Although this literature has greatly enriched our understandings of aboriginal–settler relations and multilevel governance in Canada, surprisingly, scholars have ignored the variety of inter-governmental agreements that are being negotiated between First Nation governments and municipal governments in Canada. Yet, these agreements are important because they can have a powerful effect on aboriginal and non-aboriginal peoples living on reserves and in municipal settings. It is in the interests of these governments, for instance, to zone geographically adjacent lands in similar ways. For example, not coordinating the location of residential areas could lead to aboriginal residential areas being located next to municipal industrial sites. These agreements are also important because they provide scholars with a new set of cases for analysing and theorizing about the evolving colonial/post-colonial relationship between aboriginal and non-aboriginal peoples in Canada (Coulthard 2007; Murphy 2005: 23; Papillon 2007: 422). In short, we know very little about these agreements, how they fit within Canada's evolving system of multilevel governance, and to what extent these relationships are transforming the aboriginal–settler colonial relationship.

In light of these considerations, this article seeks to answer the following questions: Are aboriginal and municipal governments in Canada engaging in inter-governmental relations? If so, what is the content and intensity of those relations? Finally, what are the implications of our preliminary findings for research on aboriginal politics and multilevel governance in Canada? To answer these questions, we analysed all publicly available aboriginal–municipal inter-governmental agreements in British Columbia, a sample of ninety-three agreements. We focused on these agreements because they were the only ones that were publicly available. As well, initial evidence suggests that the typology we developed from these agreements is transferable to other provincial jurisdictions. By shedding light on this previously ignored aspect of aboriginal politics and Canadian multilevel governance, we hope to spur others to look at First Nations–municipal inter-governmental relations as a source for theory about the evolution of aboriginal–settler relations in Canada and perhaps other settler societies such as Australia, the United States, and New Zealand.

Background considerations

Traditionally, scholars of aboriginal politics and federalism have conceptualized the Canadian federation in terms of the hierarchical relationships that exist between federal and provincial governments. However, recent research suggests that Canada, as well as other federal states, can no longer be thought of strictly in these terms (Benz 2003; Hooghe and Marks 2003: 234; Solomon 2006). Instead, commentators argue that the Canadian federation can be more usefully conceptualized as an evolving system of multilevel governance (Bakvis, Baier and Brown 2009: 244; Papillon 2008). According to B. Guy Peters and Jon Pierre, multilevel governance refers to "negotiated, non-hierarchical exchanges between institutions at the transnational, national, regional and local levels" (2001: 131). These exchanges occur not only between federal and sub-national governments but also "directly between, say, the transnational and regional levels, thus bypassing the state level" (132). Thus, no longer is the national government the pre-eminent level of analysis. Instead, scholars must also focus on the variety of vertical and horizontal relationships emerging among state and non-state actors at the local, regional, provincial, national, and supra-national levels (Bache 2008: 21; Christopoulos 2006; Hooghe and Marks 2004).

Reflecting these trends in scholarship and practice, students of aboriginal politics and Canadian federalism have spent considerable time describing and theorizing about aboriginal–Crown inter-governmental relations in Canada (Cairns 2000; Canada, Royal Commission on Aboriginal Peoples 1996; Flanagan 2008). Francis Abele and Michael Prince (2003: 137–38), for instance, suggest that a typology of ten aboriginal–Canadian intergovernmental styles, corresponding to two broad approaches, exists in Canada. Under Canadian federalism approaches, they list classical federalism, cooperative federalism, judicial federalism, province-building federalism, and quasi-federalism. Under the aboriginal approaches, they list aboriginal federalism (e.g., the Iroquois Confederacy), aboriginal summits (e.g., aboriginal leaders involved in meetings of first ministers), community of interest federalism (cooperation among urban aboriginal leaders and groups), three-cornered federalism (collaborative relations between federal, provincial/territorial, and aboriginal organizations), and treaty federalism.

These categories are not only descriptive but also contain strong normative overtones, especially the Canadian approaches that are frequently painted as colonial (Ladner 2005; Macklem 2001; Turner 2006). Patricia Monture-Angus (2000), for instance, argues that the Canadian legal system (i.e., judicial federalism) is problematic because it privileges Canadian laws over aboriginal ones. Patrick Macklem (2001) believes that the Canadian Constitution as it is currently constructed unfairly harms aboriginal peoples and prevents them from receiving distributive justice. Taiaiake Alfred (2008) and Abele and Prince (2003: 150–51) criticize the Canadian state for forcing

aboriginal peoples to negotiate for the transfer of their traditional lands in inter-governmental arenas that privilege the Canadian state.

Relationship-building agreements are the second most common type found within this study, largely due to their flexibility

In response, scholars suggest that existing models of inter-governmental relations need to be modified and new models developed to decolonize the relationship between aboriginal and non-aboriginal peoples in Canada. In practice, this means finding creative ways to force a reluctant Canadian state to recognize more effectively the validity, legitimacy, sovereignty and equality of aboriginal peoples in a variety of federal–provincial–territorial–aboriginal arenas (see Abele and Prince 2006; Alcantara and Kent 2009; Irlbacher-Fox 2009). John Borrows (2002), for example, suggests that the Canadian legal system should be reformed so that Canadian judges prioritize, or at least better incorporate, aboriginal laws and jurisprudence in disputes involving aboriginal peoples. Kiera Ladner (2005) argues that inter-governmental disputes over natural resources like the Atlantic fishery must recognize that aboriginal peoples have pre-existing constitutional orders that directly challenge the division of powers in the Canadian Constitution. Paul Nadasdy (2003), Tony Penikett (2006), and others (Alfred 2005; Irlbacher-Fox 2009) suggest that comprehensive land claims and self-government negotiation processes need to be modified to better respect and reflect the protocols, world views, and preferences of aboriginal participants.

Despite this rich literature on the scope of aboriginal–Crown relations in Canada, it is incomplete. For example, Abele and Prince's (2003) seemingly comprehensive description of aboriginal–Canadian styles of federalism ignores the existence of a variety of aboriginal–municipal inter-governmental partnerships at the local level.[1] Martin Papillon's (2008) survey of aboriginal multilevel governance also fails to discuss these relationships and instead focuses solely on ''the dynamics of aboriginal, federal, provincial, and territorial relations.'' This lacuna is surprising because aboriginal–municipal inter-governmental relations have significant theoretical and practical implications. On the theoretical side, these inter-governmental relations provide an unexplored set of cases for confirming or modifying current scholarly understandings of Canada's colonial/post-colonial relationship with its aboriginal peoples. On the practical side, inter-governmental relationships between neighbouring aboriginal and municipal governments may significantly affect the quality of life in both communities.

In the next sections of this article, we describe and analyse ninety-three aboriginal–municipal inter-governmental agreements. From these agreements

we construct a typology of aboriginal–municipal inter-governmental partnerships and discuss the implications of our findings, before concluding with some thoughts about avenues for future research.

Types of partnerships

The partnerships surveyed in this article can be classified into four categories according to the goals and the characteristics of the agreements. The categories are 1) relationship-building, 2) decolonization, 3) capacity-building, and 4) jurisdictional negotiation. While the goals of these different types of agreements can be quite different, they can be ordered based on the specificity of their policy purposes and areas of mutual concern. On the low end, for instance, relationship-building agreements are fairly general statements that seek to improve municipal/regional relationships with First Nations, while jurisdictional negotiation agreements always have a specific territory or jurisdictional issue at their heart. The relative specificity – which relates to the focus of agreements on specific issues rather than the general structure of relationships – and the characteristics of each of the four agreement types are addressed in turn below. Table 1 illustrates the number and proportion of agreements of each type analysed here.

Relationship-building agreements are the second most common type found within this study, largely due to their flexibility. These agreements are typically structured to *announce* the intention of First Nations and municipal/regional authorities to engage in more formal relationships in the future and outline the process by which these partnerships will be established. These documents often reference the importance of mutual recognition and respect as a basis for the partnership and contain commitments to transparency and communication. These agreements are very common because they can run the gamut from quite vague to quite specific in outlining the processes of partnership-building and collaborative policy areas. While almost all relationship agreements announce the intention of the parties to cooperate, some of these agreements can be relatively vague on the details of how long-term inter-governmental partnerships will be created or sustained. Alternatively, they can also be quite specific in terms of areas of mutual concern and partnership creation. As a result, this form of agreement

Table 1. *Number of Agreements, by Type (1990–2009)*

Type	*Number*	*Proportion*
Relationship-building	35	0.376344
Decolonization	11	0.118279
Capacity-building	1	0.010753
Jurisdictional negotiation	46	0.494623

works in a wide variety of contexts where First Nations and municipal/regional actors want to establish cooperative working relationships in advance of more formalized cooperation.

An example of this type of agreement is the memorandum of understanding (MOU) signed by the five governments of the Ktunaxa Nation and eleven neighbouring local governments.[2] The MOU commits the parties to "develop strong, committed and fair working relationships between their respective governments by ensuring respectful and open communication" on all issues of mutual interest. Areas of mutual interest may include, "but are not limited to, planning for services, providing economic development opportunities, land use planning and developing infrastructure." This MOU is an important development in aboriginal–local inter-governmental relations in the area because each party recognizes "that the interests of all persons living in the communities are best served by working together in a spirit of cooperation" (Ktunaxa Nation Council 2005: 1–2).

Decolonization agreements are a variant of the broader relationship-building type. In addition to the goal of establishing long-term cooperative relationships between local/regional and First Nations authorities, decolonization agreements go further by explicitly recognizing that the First Nation signatories historically occupied the lands that are now under the administration of municipal and/or regional authorities. In an effort to restore First Nations' influence in these lands, decolonization agreements represent a commitment to build equal and respectful relationships between local/regional and First Nations authorities. These agreements often mark a break from the colonial past by acknowledging that there has been a "resurgence in [First Nation] population and culture and a continued assertion of their lawful and inherent rights" (Westbank First Nation 1999: 1) and that their involvement and interest in the administration of parts of their historical territory should be reasserted. As well, these agreements may outline specific areas of cooperation and coordination and/or may announce that the intention of many of these partnerships is to establish a foundation of mutual understanding for building more integrated inter-governmental relationships.

The inter-governmental agreement between the Westbank First Nation and the Regional District of Central Okanagan is a good illustration of a decolonization agreement. This agreement, signed on 19 January 1999, recognized that "the Okanagan people of Westbank have lived in the Okanagan territory since time immemorial" and that the first non-native people came to the area "now some 150 years" ago. As well, "the descendants of the first settlers and newcomers now insist that their governments, in keeping with the judgements of the courts, deal justly, honourably and fairly with the Okanagan and other native peoples, on the basis of equality." Finally, the parties declared that they intend "to pursue a lasting relationship based upon mutual respect and honour, in respect and recognition." Although this

relationship is one that will develop over time, the parties agreed that they would begin their relationship with biannual meetings between the chief and Council of Westbank First Nation and the chairperson and directors of the Regional District of Central Okanagan to discuss and act on issues of mutual concern (Westbank First Nation 1999).

In contrast to the previous types of agreements, capacity-building agreements are rare in this sample and represent a very different type of arrangement; such agreements commit local or regional authorities to help First Nations establish and develop their governing structures. These partnerships can be connected to the goal of developing the capacity of First Nations to complete and implement formal self-government and land-claims agreements or may simply involve city officials helping First Nations to improve their existing governing practices, policies, and structures. In contrast to the previous two types of agreement that emphasize two-way coordination and dialogue, these agreements create knowledge-transfer arrangements. This is not to say that the process of capacity-building will not result in a longer-term relationship between parties. Rather, these partnerships recognize that these types of relationships require a certain degree of autonomy on the part of each participant. The central purpose of a capacity-building agreement is to create the capacity for autonomy in nascent First Nations governments. As a result, the roles and responsibilities of each party are carefully specified, although most of these are related to administrative structures rather than to areas of mutual policy concern.

A good example of a capacity-building agreement is the ''Ditidaht/Pacheedaht Proposed Partnership between the Ditidaht Nation and Ladysmith: Developing Capacity for Self-Government.'' This agreement committed the Town of Ladysmith to help the Ditidaht First Nations to ''develop their own system of government,'' including governance structures, policies, and procedures. Ladysmith administration staff also agreed to help ''identify their [Ditidaht Nation] human resource needs'' and provide training ''in the form of supervised practical experience in addition to university or college courses.'' Finally, municipal staff members would ''spend time with Band members at Ditidaht on an ongoing basis'' with the goal of enabling ''the Ditidaht to have an initial level of self-government in operation within three years'' (Ditidaht First Nations n.d.: 1–2).

Jurisdictional negotiation agreements are the most common and most specific of the four types. This type encompasses all agreements that involve the *transfer* of responsibilities for service, infrastructure, resources and/or territory that lie within the jurisdiction of one party to the other and any agreements that result in *shared jurisdiction* in those areas. At their simplest, these agreements can take the form of a contract to buy services (such as snow removal or trash collection) from a municipality or land leases. More complex are those that transfer responsibility for the administration of

natural resources, such as negotiations for access and water rights for sources located in one party's jurisdiction. These agreements can take the form of legal contracts, treaties, or legislation and typically enumerate precisely the rights and obligations of each party, address issues of compensation, and outline limits and exceptions. Unlike some of the previous types, one of the aims of jurisdictional negotiation agreements is to act as a reference document to govern the relationship of First Nations and municipal/regional governments (and other levels of governments or actors, such as utilities, where relevant) as the end product of negotiations in which all the details of these relationships have been formally deliberated.

Cooperative intensity is a measure of the strength of the commitment of the parties to a partnership

An example of a fairly basic jurisdictional agreement is the fire protection agreement signed by the City of Kamloops and the Kamloops Indian Band on 1 April 2008. This three-year renewable agreement committed the Kamloops Indian Band to pay the City of Kamloops an annual fee (the 2008 fee was $436,654.42) and any over-time/enforcement costs in exchange for fire protection services, equivalent to those offered in the city, for 1,410 properties on the Indian reserve. The agreement also committed the Kamloops Indian Band to pass a fire prevention bylaw that "substantially incorporates the provisions of the City Fire Prevention By-Law" and applicable sections from relevant provincial legislation (Kamloops Indian Band 2008: 3–5). A more complex jurisdictional agreement would be one similar to the memorandum of understanding between the Katzie First Nation and District of Maple Ridge. This MOU evolved out of a non-replaceable forest license that the B.C. Ministry of Forests offered to the Katzie First Nation. The forest license was for a tract of land located within the municipal boundaries of the District of Maple Ridge and the traditional territories of the Katzie First Nation and Kwantlen First Nation. The purpose of the MOU was to "confirm the intent of the parties to co-operatively facilitate acquiring and maintaining local decision making authority in order to maintain or enhance the cultural, environmental, and social opportunities" on the land. Furthermore, the memorandum was to help "begin a process which is intended to lead to the formation of a coalition which will provide good stewardship through effective and sustainable management of the proposed Blue Mountain Community Forest" (Katzie First Nation and District of Maple Ridge 2007: 1–2). For all intents and purposes, this MOU committed the affected parties to create a joint governance structure over a tract of land to which each party had some sort of jurisdictional or territorial claim. As a first step, the parties

agreed to form The Blue Mountain Stewardship Technical Team, made up of individuals from each of the parties, to implement the agreement.

These four categories circumscribe the entire range of agreements we examined. Although we have ordered the categories according to the specificity of their areas of mutual concern, we do not argue that there is a progressive linear relationship between them. We would not expect, for example, participants in a decolonization agreement to necessarily ever complete a jurisdictional negotiation agreement. In fact, regions may have a variety of different types of agreements simultaneously. This ordering is based on the *substance* of the partnership and gives us some information about the (evolving) character of the relationship between municipal/regional authorities and First Nations. Unfortunately, some issues are beyond the purview of this article. For instance, how deep does this burgeoning cooperation go? Which agreements represent a real commitment to developing partnerships and which are empty promises? A real assessment of the potential of these relationships requires in-depth research of the evolution and negotiation of each agreement and an understanding of the local political context. This article does not explore each case in such depth and focuses only on the content of ninety-three agreements. As such, we cannot answer these questions yet. Nonetheless, our article can contribute to the construction of hypotheses about the relationship between agreement types and intensities, and it can serve as a starting point for more detailed empirical research and time-series analysis.

Evaluating the intensity of First Nations–local/regional relationships

With these broad limitations in mind, a picture of the intensity of each cooperative relationship can be established. Cooperative intensity is a measure of the strength of the commitment of the parties to a partnership. The term ''cooperative intensity'' is most often used in the context of horizontal intergovernmental relationships (see Nelles 2009a, 2009b; Perkmann 2003) and is therefore suited to analysing the strength of local and regional relationships with First Nations governments. In the broadest terms, intensity is a function of the degree of authority and resources sacrificed by each party to collective control in the interest of long-term integration. Alternatively, it is the degree to which the partnership itself has gained autonomy from the participating members (Perkmann 2003). By these criteria, a partnership that results in the creation of an intermediary organization with independent authority – such as a joint planning council or a transportation authority – is more intense than an agreement that establishes a commitment to communicate. In the former case, partners must sacrifice a higher degree of control over policy in a given area than in the latter, in which participants agree only to share

information. Of course, many permutations exist on the spectrum between (and beyond) these two examples.

These findings suggest a shift in relations between First Nations and proximate local governments towards a more cooperative, collaborative, and perhaps decolonized inter-governmental relationship based on principles of mutual respect and interest

A variety of methods for measuring cooperative intensity of relationships between governments have been developed, most notably within the literature on partnerships in cross-border metropolitan regions (see Nelles 2009a; Perkmann 2003; and Sohn, Reitel and Walther 2009). While these models differ in their measurement methods, most include some measure of institutional integration. Most broadly, institutional integration can be defined as the degree of control sacrificed over the outcome(s) of the partnership, the degree to which agreements bind them into certain courses of action.[3] In other words, intensity measures the extent to which the substance of these agreements becomes institutions or constraining ''rules of the game.'' In addition to measures of integration, cooperative intensity is also a function of the degree to which they are legally binding on participants and the expected duration of the partnerships. This general framework can be adapted to First Nations–local/regional government relationships.

Timing refers to the formal duration of the partnership. Those that have limited time frames (such as *ad hoc* inter-governmental relations) have lower intensities than those that result in associations or corporations. In the context of First Nation–local/regional authority cooperation, timing refers to the expected duration of the agreements. This can either be unstated and indefinite, or limited. In some cases, agreements have limited durations, after which point there is an option for renewal or renegotiation. Limited agreements are considered less intense than indefinite ones because a negotiated duration builds in guaranteed renegotiation points. In essence, imposing a limit on the partnership establishes an ''escape route'' that either party can use to cease or renegotiate cooperation and may indicate weaker commitment to the agreement as it is currently structured. While there may be very practical reasons to re-evaluate the terms of cooperation, this signals that the agreement and the partnership itself are not flexible to accommodate change over the long run.

Another core dimension of institutionalization is the degree to which partnerships are binding. As with timing, the issue of binding is also relatively binary in the context of these types of agreements. For the most part, these agreements are either legally binding (more intense) or non-binding

(less intense) on the signatory parties. A third possibility are agreements that are not legally binding but that outline dispute resolution processes, indicative of an intermediate level of commitment to the partnership.

The patterns of agreement types suggest that both First Nations and municipal governments have progressively recognized the mutual benefits of collaboration and have sought to formalize these new relationships

The final element of cooperative intensity is institutional integration. This term refers to the distance that participating actors have from day-to-day decision-making of the partnership (Feiock 2007; Nunn and Rosentraub 1997). Where the partners (or their representatives) retain control of decision-making directly, there is still more control over outcomes than if the parties agree to let professional managers and non-governmental actors take the lead on managing collective interests. In the context of relationships between local/regional authorities and First Nations, at the lowest level of institutional integration are the agreements that commit the parties to communication and information-sharing. The most intense kind of relationship is one in which the partners share the costs of funding a cooperative organization to administer the partnership. There are five intermediary degrees of intensifying institutional integration. These are elaborated in Note 5.

The distance evident in the text of the agreements is evaluated using these three measures of intensity. The agreements often contain more than one type of commitment, such as a requirement for consultation and shared management of policy implementation. In these cases, the level of intensity of the partnership is assessed using the *most intense* characteristic present within the signed agreement. Therefore, if one agreement commits to communication and also to establishing a joint planning association, it is classified as more intense than an agreement to share information and consult in specific areas of mutual interest.

Results and observations

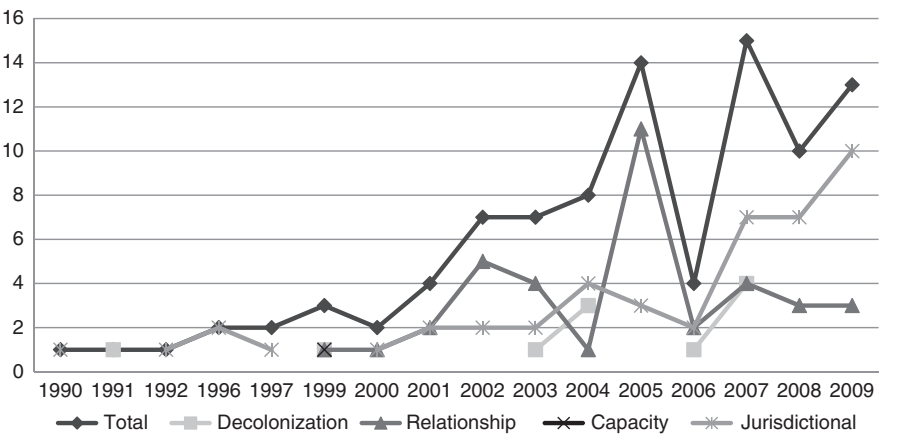
This article investigates the prevalence and nature of relationships between First Nations and municipal governments in British Columbia, Canada. Using the framework elaborated above, we classify the ninety-three distinctive agreements in the CivicInfo BC document library.[4] These documents consist of scanned copies of signed original agreements between local governments and First Nations governments from 1999 to 2009. Using this sample we classified each agreement by type (relationship-building, decolonization, capacity-building, or jurisdictional negotiation) and by intensity.[5] The totals for each type are presented in Table 1. This analysis produced two significant

findings. First, there has been an increase in the number of inter-governmental agreements signed since 1992. Second, the types of agreements negotiated have diversified over time, as there has been a parallel increase in agreements designed to build and sustain long-term governance relationships between the partners relative to more utilitarian contracting and service provision arrangements. These findings suggest a shift in relations between First Nations and proximate local governments towards a more cooperative, collaborative, and perhaps decolonized inter-governmental relationship based on principles of mutual respect and interest.

The earliest inter-governmental relations between First Nations and municipalities in this sample are concentrated in the jurisdictional negotiation type and why this type continues to account for a significant number of relationships. However, what might be broadly termed governance relationships have more recently been in ascendance

The results presented in Figure 1 show both the increase in total agreements over time and the breakdown by type of agreement. While the total number of agreements completed per year has not increased steadily, overall this analysis demonstrates a pattern of growth in the prevalence of these types of inter-governmental agreements over time. This rise in

Figure 1. *Number of Agreements, by Type (1990–2009)*

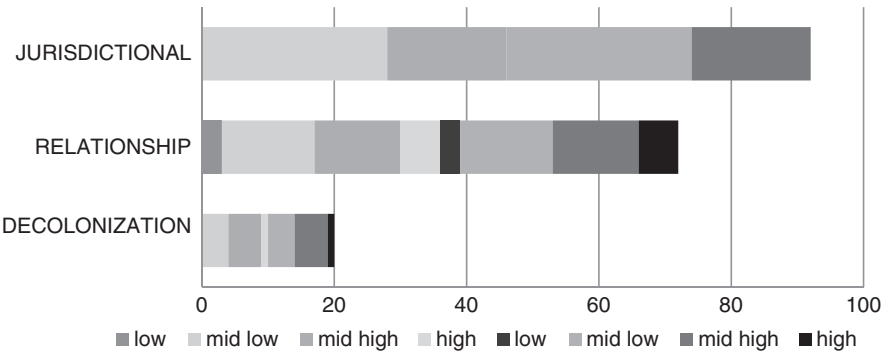


inter-governmental agreements may be indicative of an increasing need for inter-governmental coordination as pressures for competitiveness and efficiency require collective solutions. Similarly, this pattern could signal an increase in legitimacy of these types of agreements or a formalization of previously informal relationships. Without deeper contextual analysis, it is difficult to say for certain why the number of these agreements has increased over time. However, the patterns of agreement types suggest that both First Nations and municipal governments have progressively recognized the mutual benefits of collaboration and have sought to formalize these new relationships. Either way, it is difficult to deny that this distribution of agreements over time is not indicative of a shift in formal linkages between First Nations and municipal governments.

Over time, the distribution of relationship types has significantly changed. Prior to 1999 almost all inter-governmental agreements consisted of jurisdictional negotiations for municipal authorities to provide services to residents of First Nations territory. This type of inter-jurisdictional agreement is among the most common type of horizontal agreement between municipalities (Andrew 2009) and is relatively easy to negotiate. Therefore, it is not surprising that these account for the majority of agreements between First Nations and municipal governments. This type of agreement is often much easier to conclude, particularly bilaterally, because the costs of providing services are usually fairly transparent. Consequently, it makes sense that the earliest inter-governmental relations between First Nations and municipalities in this sample are concentrated in the jurisdictional negotiation type and why this type continues to account for a significant number of relationships. However, what might be broadly termed governance relationships have more recently been in ascendance.

Since 1999, the decolonization and relationship-building types of agreements have increased relative to the jurisdictional negotiation type. While they can be distinguished by their relative emphasis on recognizing and remedying historical inequities, both decolonization and relationship-building agreements are similar in the intention to establish longer-term coordination between governments. These governance agreements are fundamentally different from inter-jurisdictional contracting. The latter typically consists of one-way and utilitarian delivery of a clearly specified service and requires little more in the way of relationship development to sustain the agreement. By contrast, the governance type of agreements is specifically intended to foster dialogue, build relationships, and promote collaboration. Where contracts are static, the stated intention of the governance agreements is to establish dynamic, and often increasingly integrated, partnerships. The increasing importance of governance in the mix of agreement types reflects a fundamental shift in inter-governmental relations at the local level. This shift is not necessarily *away* from inter-jurisdictional

Figure 2. *Intensity Ranges, by Agreement Type*



contracts, as these still serve an important purpose, but more accurately towards more integrated governance in areas of mutual concern.

The differences between the two dominant agreement types are reflected in the analysis of their patterns of cooperative intensities. Figure 2 shows the distribution of cooperative intensity scores by quartile and total number of agreements for each type. Intensities for jurisdictional negotiation types of agreements are firmly distributed in the mid-range of the intensity spectrum. Since these are typically aimed at establishing a formal contract for service delivery, this makes a lot of sense – because these contracts are usually binding, there is a degree of intensity built in. These most often take the weakest institutional form (contract/communication), so the most common difference between the agreements that fall in the mid-low range and the mid-high range is whether their terms are specified or unlimited.

Relationship-building and decolonization agreements show a slightly different distribution of intensities. While these types also tend to cluster in the middle range, there are also cases that exhibit relatively high or low intensities. Because these types of agreements are aimed at building consistent and lasting relationships between local governments, they are more likely than jurisdictional negotiation to result in the creation of an external body or to institutionalize regular meetings between parties. In short, they are more likely to be highly institutionalized than jurisdictional negotiations. At the same time, since the purpose of these agreements is ultimately to increase coordination between governments, many of the documents only express this intention but leave the actual process of integration unspecified and the subject of future negotiations. This incremental approach may explain the low and mid-low cases.

These results suggest that relationship-building and decolonization agreements may be more likely to constitute a basis for meaningful regional governance and relationships between these actors. The increase of relationship and decolonization agreements over time, therefore, may be indicative of a sea change in the way in which First Nations and municipal governments/communities relate to one another and may also represent the emergence of new coalitions in the area of regional governance.

The emergence of these partnerships reflects a growing recognition among aboriginal and non-aboriginal actors across Canada that cooperation, coordination and communication at the local level are necessary for dealing with a host of practical problems that affect both communities, jointly and separately

A final observation relates to the progression of agreements between actors over time. Most of the communities and First Nations in this sample (twenty-two of forty-five) have negotiated multiple agreements, often with the same partners. The City of Kamloops, for instance, has negotiated four separate agreements with the Kamloops Indian Band since 1991 that govern issues such as infrastructure and service provision, economic development, communication, and land transfer. These cases can contribute to a deeper understanding of municipal–First Nations relationships by providing data on patterns of relationship intensification between partners over time. A survey of actors that have negotiated multiple agreements reveals that there is no discernibly linear pattern of intensification of relationships over time nor is there necessarily any reason to expect that subsequent agreements will become more intense over time beyond the assumption that as actors interact and build trust they may be more willing to consider more integrated partnerships in broader policy areas.

Progressive intensification was observed in only a few instances in this sample. The lack of a progressive pattern can be explained in part by the fact that the expectation is based on a flawed assumption. Not all types of agreements require the same degree of intensity. For instance, the preceding analysis demonstrated that jurisdictional negotiation agreements tend to fall in the mid-range of the intensity scale. Providing a service often does not require the integration of political structures or even amicable relationship between governments. Even where communities have established regional governance partnerships, the provision of a service may require the negotiation of a service contract. Therefore, a less intense partnership could plausibly follow a more intense agreement without indicating a weakening of the inter-governmental relationship. Furthermore, because these

documents do not give us an indication of outcomes, we cannot assume that the experience of all these agreements has been positive. A decline in intensity may be the result of poor relationships in previous agreements (or vice-versa as parties lose trust and seek to bind partners legally). This finding illustrates a key limitation of our methodology. A broad survey of the contents of agreement documents permits observations of a wide swath of cases but limits our ability to draw specific conclusions about the character and evolution of inter-governmental relations.

Conclusion

Aboriginal–municipal partnerships have become an important part of the inter-governmental landscape in British Columbia over the last two decades, and aboriginal and municipal governments in other provinces are following suit with agreements that are congruent with the typology developed in this article (see, for instance, Ontario, Ministry of Municipal Affairs and Housing 2009). The emergence of these partnerships reflects a growing recognition among aboriginal and non-aboriginal actors across Canada that cooperation, coordination and communication at the local level are necessary for dealing with a host of practical problems that affect both communities, jointly and separately. Future research might build on our work by focusing on the following questions using small-n comparative methodology: What were the long-term effects of these aboriginal–municipal agreements on the relationship between aboriginal and non-aboriginal governments? How well do these agreements work in practice? To what extent do the level and number of governments matter for the types of relationships being built between aboriginal and non-aboriginal peoples? Were the negotiations of these agreements characterized by the same negative pathologies that seem to characterize land claims and self-government negotiations (Alcantara 2007; Alfred 2008; Nadasdy 2003)? How about instances of failed negotiations or lack of cooperation despite the existence of areas of mutual and significant concern? Preliminary evidence suggests that the answers to many of the above questions may be related to pre-existing stocks of civic capital between aboriginal and municipal communities (Alcantara and Nelles 2009), but this evidence comes from only one case and therefore future research needs to look at these questions from a broader comparative angle.

Students of federalism and multilevel governance will also find these inter-governmental agreements useful to their work. Although many of the inter-governmental partnerships we examined in this article were horizontal, some were or have the potential to evolve into multilevel governance. Should formal or informal aboriginal–municipal coalitions and governance structures emerge, these coalitions may mobilize to participate in other policy-making arenas that involve provincial, territorial, federal, and/or supra-national governments. If this scenario occurs, federalism and

multilevel governance scholars could use these cases to contribute to the various normative and causal debates about the utility of multilevel structures. For instance, scholars might study aboriginal–municipal partnerships to confirm or modify theories regarding the joint-decision trap and the race to the bottom (Scharpf 1988, 2006, 2007). These partnerships might also be used to assess claims about the extent to which multilevel governance and inter-governmental relationships can effectively deal with minority accommodation, representation and democracy (White 2002, 2006; Wiltshire 1980).

Notes

1 The only category they present that might be relevant to this phenomenon is the "community of interest" model, which "refers to political relationships among urban-based aboriginal peoples of various tribes or nations, who have a shared interest in living in an urban context, and, in turn, between them and corresponding provincial and municipal authorities" (Abele and Prince 2003: 138). What this category ignores, however, are the numerous inter-governmental agreements currently in existence between neighbouring First Nations and municipal communities/governments in Canada.

2 The five governments of the Ktunaxa First Nation include the Ktunaxa Nation Council, the Akisq'nuk First Nation, the Lower Kootenay Indian Band, the St. Mary's Indian Band, and the Tobacco Plains Indian Band. The eleven municipal governments include the Regional District of East Kootenay, the Regional District of Central Kootenay, the City of Cranbrook, the City of Kimberley, the City of Fernie, the District of Sparwood, the District of Elkford, the District of Invermere, the Town of Creston, the Village of Radium Hot Springs, and the Village of Canal Flats.

3 Note that intensity and institutionalization do not in any way imply that the partnership will be effective or that its aims will be achieved. The evaluation of outcomes is not the purpose of this typology. Rather, this analysis focuses on the characteristics and substance of the partnerships and inter-governmental relations observable through the content of codified agreements.

4 This library is one of the most comprehensive collections of municipal–First Nations agreements in Canada. While it makes no claim to be complete, it provides a wide range of agreement types from a geographically diverse set of local governments and First Nations. These copies of the original documents are publicly available at http://www.civicinfo.bc.ca/13_show.asp?titleid=4. The analysis of agreements in this project was limited to the Province of British Columbia, partly because of a lack of comparably comprehensive data in other provinces and in an effort to control for variation, if any, between provincial jurisdictions.

5 Intensity scores were assigned by evaluating the text of the document in order to determine the timing, the degree to which agreements are binding, and their degree of institutionalization, as described in the section on cooperative intensities. For timing, a value of 0 was assigned if the term of the agreement was limited, and 1 if it was left unspecified. Degree of legal binding was assessed using a value of 0 for non-binding agreements, 0.5 for agreements with dispute-resolution mechanisms, and 1 for agreements that contained termination agreements or were otherwise stated to be legally binding. Finally, values from 1 to 7 were assessed based on the strongest institutional form of the agreement. Simple service contracts or communication agreements were assigned a value of 1, and other institutional forms were assessed as follows: collaboration (2), unspecified timing of meetings (3), regular meetings (base value of 4, with a decimal value for number of meetings committed to in the document. For instance, biannual meetings would net an institutionalization score of 4.2), collaborative implementation (5), creation of intermediary organization (6), and an intermediary organization

plus cost sharing (7). The three elements of cooperative intensity were then weighted and adjusted to produce a final score of a fraction of 1. While all three dimensions of intensity are important in assessing commitment to partnerships through document analysis they are not all equally weighted. The institutionalization score was weighted the highest, at forty-five per cent of the final score. Binding was weighted as thirty-five per cent and timing, twenty per cent.

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