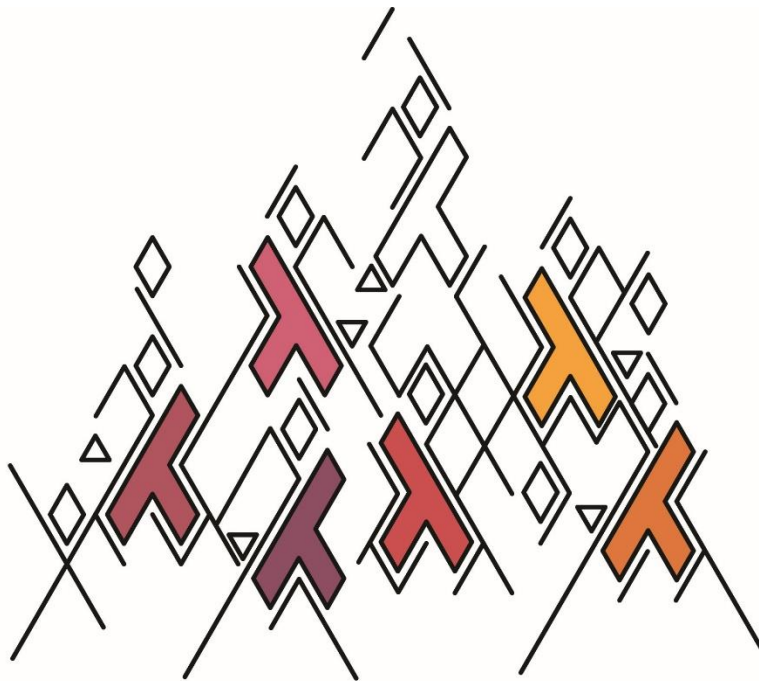




INDIGENOUS PERSPECTIVES IN PLANNING

Report of the Indigenous Planning Perspectives Task Force, June 2019



INDIGENOUS PLANNING PERSPECTIVES

“Reconciliation must support Aboriginal peoples as they heal from the destructive legacies of colonization that have wreaked such havoc in their lives. But it must do even more.

Reconciliation must inspire Aboriginal and non-Aboriginal peoples to transform Canadian society so that our children and grandchildren can live together in dignity, peace, and prosperity on these lands we now share.”

Truth and Reconciliation Commission Final Report (Executive Summary, p 8)

Cover image: Danielle Desjarlais and Kateri Lucier-Laboucan, Indigenous Design Studio at Brook McIlroy Inc.

The graphic is based on the Prophesy of the Seven Fires of the Anishinaabe and the idea that we are currently in the time of the seventh fire, when a choice will be made that will determine the future. This is highly relevant to the issue of planning and climate change. This is why the seventh fire at the top of the graphic is without colour. The outcome is up to us as a collective.

Table of Contents

Introduction	4
The Intent of Our Recommendations	5
Essential Context	5
A. Truth as a Precondition to Reconciliation	6
B. Diverse Indigenous Peoples	7
C. Indigenous Rights, Law and Legal Traditions and Arising Obligations	7
D. Traditional Knowledge and Relationship with Land and the Natural Environment	8
E. Indigenous Planning	9
F. Planners' Engagement with Indigenous Communities	10
G. Insufficient Capacity in Indigenous Communities	11
H. The Importance of Building and Maintaining Relationships and Respect	12
I. Planning as a Colonial Tool: A Challenge to the Profession	12
Recommendations	14
Short Term (12-18 months)	14
Organizational	14
1. Communication	14
2. Broaden Engagement	15
3. Formal Commitment	16
4. Leadership Competency	16
5. Organizational Policies, Practices, Programs and Tools	17
6. Reciprocal Relationships	17
The Profession	18
7. Professional Requirement for New Planners	18
8. Continuous Professional Learning (CPL) for Current Planners	19
9. Facilitation of Learning	19
10. Relevant Legislation and Initiatives	20
Longer Term	21
Organizational	21
11. Indigenous Capacity-Building and System Change	21
The Profession	21
12. Recognition of Indigenous Knowledge	22
13. Indigenous Students	23
14. Pathways to Certification	23
Conclusion	24
Appendix A: Contributors	25
Appendix B: Establishing Context	27
Appendix C: Suggested Items in the "Duty to Learn" of the Planning Community	32

Introduction

The Ontario Professional Planners Institute (OPPI) recognizes its responsibility to participate in the national discussion on truth and reconciliation and to respond to the Calls to Action set out by the Truth and Reconciliation Commission of Canada (TRC).

On March 23, 2018, OPPI Council invited Dr. Sheri Longboat, Calvin Brook, RPP and Elder Dr. Duke Redbird to contribute to an Indigenous Planning “Generative Discussion.” From this exchange, the Council moved to create an Indigenous Planning Perspectives Task Force to provide guidance to the Council (governing body) regarding advancement of the following:

- Better understanding of Indigenous perspectives on planning and the Truth and Reconciliation Commission’s Calls to Action;
- How OPPI as a “regulator” can strengthen its institutional frameworks so the practice of professional planning more effectively acknowledges and supports Indigenous planning approaches and perspectives; and
- How OPPI as a “member service provider” can support its members to work collaboratively with Indigenous communities and individuals.

To constitute the Task Force, people with related expertise, including two Indigenous people, were recruited. Its first meeting was in January 2019 and the Task Force met monthly thereafter. Members shared their varied personal experiences and identified key areas for focus. They assisted in outreach and initiated a resources list for OPPI. OPPI also recruited an Advisory Committee, a group that included three Indigenous people. This group followed the project along and added insight and resources.

Pertinent related developments were also noted. For example, the Task Force was mindful of the current status of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) in Canada, reflected in two bills before the Crown, one federally (Bill C-262), ensuring all Canadian policies and laws come into accord and, in Ontario, Bill 76, calling for Ontario law to be in line.

Desktop research was done to gain a better understanding of Indigenous Peoples, communities, and planning. Considering the self-regulatory aspects of OPPI’s function, other organizations were scanned to determine how they were “regulating” their professionals in this regard.

To gain perspectives from a broader cross-section of individuals and groups, input was collected in a variety of ways: interviews, focus groups, as well as 22 responses to an online survey, which was launched on January 21, 2019.

On April 9, 2019, the Task Force and Advisory Committee met for a full-day session to formulate recommendations that would point the path forward for OPPI. This report captures those recommendations.

The mandate proved itself complex and often personal. A full list of contributors is found in Appendix A. We thank everyone for their input.

The Intent of Our Recommendations

The focus of our mandate was about moving the profession and non-Indigenous OPPI members forward in understanding Indigenous perspectives in planning and the TRC's Calls to Action. OPPI is currently comprised largely of non-Indigenous members.

We acknowledge that some professional planners are Indigenous, and we apologize for any generalizations and omissions arising from our focus. We have come to understand through this process that significant planning work is being done within Indigenous communities by Indigenous practitioners who are not affiliated with OPPI, or, for that matter, with the *Ontario Planning Act*.

We also recognize that, ultimately, OPPI's journey is a shared one with Indigenous Peoples and partners. That journey will involve listening, creating spaces and places, and fostering face-to-face relationships as important ways to deepen understanding of and make progress towards reconciliation. Our intent here is to start OPPI on its journey by setting out what OPPI needs to do organizationally, with its members, and for the profession more generally. Our recommendations have both short- and longer-term elements. There is a huge amount of work to be done towards reconciliation. With this in mind, actions must be of appropriate scope to OPPI's mission, consistent with the capabilities of the organization (human and financial), and flexible and adaptive to help enable progress over time. We have tried to be practical and paced in our approach.

If accepted, these recommendations need to translate to action. We foresee a roadmap that ensures progress and accountability.

Essential Context

The concepts listed below were the recurring background themes in this project.

- A. Truth as a Precondition to Reconciliation
- B. Diverse Indigenous Peoples
- C. Indigenous Rights, Law and Legal Traditions, and Arising Obligations
- D. Traditional Knowledge and Relationship with Land and the Natural Environment
- E. Indigenous Planning
- F. Planners' Engagement with Indigenous Communities
- G. Insufficient Capacity in Indigenous Communities
- H. The Importance of Building and Maintaining Relationships and Respect
- I. Planning as a Colonial Tool: A Challenge to the Profession

Given the long history, the diversity of Indigenous Peoples, and today's complex issues, this overview is cursory. We have summarized a great deal below to keep the report to a manageable length. The quotations below are from the voices we heard.

A. Truth as a Precondition to Reconciliation

"Truth and Reconciliation" is out there but people don't know what it is. People must "reconcile" but they don't know what they're reconciling. People have to know the "Truth" part in order to reconcile.

Listen to the stories of oppression, relocation and dispossession. We need to empathize with Indigenous Peoples and understand the impacts historical (and current) planning processes have and continue to have on them. Public truth sharing is an integral part of the process.

Indigenous people have always had to step out of our comfort zones, since contact. Grow a thick skin and understand that the anger, disappointment, resentment is justifiable and righteous. This doesn't mean you need to bear the weight of centuries of colonial shame. It does mean you form an understanding and accept that you are part of a doctrine that has robbed many Nations of their basic human dignity.

First and foremost, confronting the truth is necessary for reconciliation. Canadians and planners need a deeper understanding of the devastating impact of colonization (and the Christian mission) on Indigenous Peoples in Canada. Indigenous Peoples are the original occupants of this land. Around 400 years ago, European settlers relied on the generosity of Indigenous people to survive and establish a permanent presence. Early treaties were negotiated and signed with the intent of sharing and creating mutual benefits. Despite those promises, policies were developed and implemented to exploit, assimilate, and eradicate Indigenous people.

Colonial legislation led to the dispossession of Indigenous lands and the imposition of a legal order aimed at limiting Indigenous rights and suppression of their cultures. The colonization of North America involved implementing settler policies and attitudes that cut off Indigenous Peoples from their traditional lands, culture, languages, spirituality, economies, systems of governance, and other important parts of their identity. That history still shapes our present. Planning has helped implement policies designed to disconnect Indigenous Peoples from their land and foster destructive assimilation. In addition, as identified at the on-site Task Force meeting, a normative whiteness is the context of much planning. This systematic whiteness dominates the cultural space with great political significance, keeping others on the margin.

The impact on Indigenous identities has been multi-generational. Across nearly every measure of social and economic well-being, there is a troubling gap between Indigenous and non-Indigenous people.

Elsewhere in this report we will address the challenges for planning to acknowledge this truth as a profession. This is not an easy realization. It was said by the Task Force that facing truth is our responsibility; we own it. "It is not the responsibility of the Indigenous Peoples to educate Canadians on reconciliation." We should not lean on Indigenous Peoples to be sure *our* education happens.

See Appendix B for a contextual summary produced by several members of the Task Force.

B. Diverse Indigenous Peoples

You cannot take for granted that what you learned from one nation can be repeated with another. Cultures are different, the pace is different, and the approach is totally different. There is no cookie cutter recipe for building a relationship.

Be aware that Indigenous nations in Canada are as different as various cultures in Europe. The French and the Germans don't want to be lumped together. They don't want their differences ignored.

Ontario has the largest Indigenous population of any of Canada's provinces or territories. Indigenous Peoples in Ontario include status, non-status, First Nations, Métis, and Inuit. First Nations in Ontario include the Anishinaabe, Haudenosaunee (Six Nations) Confederacy, and the Cree, amongst others. Indigenous cultures are diverse; one cannot talk of a common culture. Each are distinct, rights-bearing communities. Each group has its own history, culture, values, symbols, and spiritual traditions. Indigenous communities and people are located in urban, rural, and remote Ontario. Vast differences between communities of the North, the Near North, and the South in economic opportunities, customs, land decisions, and capacity translate to different Indigenous perspectives.

There is a significant urban Indigenous population in Ontario. According to Statistics Canada, 85 per cent of Indigenous Ontarians are living in municipalities.¹ Forty-five municipalities in Ontario have a population that is over 15 per cent Indigenous.

C. Indigenous Rights, Law and Legal Traditions, and Arising Obligations

It's also important for municipal planners working within Indigenous Traditional Territories to be inclusive of Indigenous communities in their planning processes — First Nations are not black holes on your official plan maps. People live there. There are shared interests.

When the Europeans arrived, Indigenous people had been governing over their lands with planning, architecture, and environmental design tenets that had been established for millennia.

As this topic is vast, we provide only an overview here based on the feedback received as well as desktop research. We envision this to be an area for future growth in understanding.

Indigenous Peoples have their own rights, law, and legal traditions. Their traditional ways of decision making were the first laws of this land, managing all aspects of life such as food, protection, education, and medicine. The traditional Clan System of the Anishinaabe was highlighted as an example of how leadership is shared and decisions are made.

The presence of Indigenous Peoples before Europeans arrived in North America separates them from all other minority groups in Canadian society. This fact mandates their special legal, and now constitutional, status recognized by the Supreme Court.² Inherent rights flow from this, including the right to self-determination. Thus, treaties between Indigenous Nations and the

¹ Statistics Canada. *Aboriginal Population Profile*, 2016. Note that Indigenous people may be under-represented in Statistics Canada data.

² *Guide for Lawyers Working with Indigenous Peoples*, Law Society of Ontario, page 21.

Crown and/or Canada are constitutionally protected documents and legally binding. Treaties were the instruments through which Indigenous lands were shared with/ceded to³ the Crown in return for specific rights, compensation, and/or other concessions. Treaty rights flow from specific treaties. That said, for Indigenous people in Canada, rights do not come from a treaty (although they can be reaffirmed by treaty), but rather they come from the Creator.

It is important to note that there are unceded non-treaty lands (e.g. Algonquins of Ontario) to which inherent and Constitutional rights still apply.

Canadian Aboriginal law is the body of Canadian law that concerns a variety of issues related to Indigenous Peoples in Canada. The maintenance and protection of Aboriginal (and Treaty Rights) is important to both Indigenous and non-Indigenous peoples. "We are all treaty peoples," as one person put it. A professional planner, especially, should be aware of the status of treaty negotiations, any specific claims, their obligations to consult and accommodate vis-à-vis any project related to land use, as well as the relevant Indigenous views and understandings of that land.

We note the concerns from the Association of Municipalities of Ontario (AMO) in this area. At the time of this report, AMO is asking the Province of Ontario to clarify the responsibilities of municipalities to discharge the Crown responsibility of Duty to Consult (and the corresponding Duty to Accommodate, where appropriate) and provide a workable framework.

D. Traditional Knowledge and Relationship with Land and the Natural Environment

Indigenous people do not move. They have a responsibility to stay, even when the land is polluted or sick. Indigenous people have a responsibility to heal the land and water and stay connected with their territory (even if the land was polluted by others).

Seven generational thinking: would your ancestors seven generations in the past approve of this decision? Coming face to face with those seven generations in the future, would they approve of your decision as well? If yes, then you know you've made a good decision.

People are people at the end of the day. As Indigenous people, we were clouded in a number of ways. How do we interact now? Where do we go from here?

Indigenous Peoples feel and live a responsibility to land and water. There is a land-culture-spirit interconnection. Land is not meant to be "used" but rather taken care of as the giver of all life. The Seven Generations Principle reflects such responsibility. The close relationship between Indigenous Peoples and land and water means these matters will always be paramount in their priorities and concerns. An Indigenous community's connection to a Traditional Territory may differ from common understandings of property ownership, borders, and the boundaries set out in treaties.

Natural law permeates the worldviews of Indigenous Peoples. This is the understanding that the natural world, now commonly referred to as the "environment," is not separate but rather is interconnected and of the whole and is, thereby, owed respect, obligation, and responsibility.

³ One Task Force member notes: Treaties as land "ceding" documents might better be described as land sharing documents, creating obligations to discuss issues of mutual interest.

Natural law governs the relationship of one thing to another and reflects understanding that there are relationships and families in everything.

Bob Joseph, founder and president of Indigenous Corporate Training Inc, stated: “The root of the difference between the Indigenous people’s vs Western⁴ worldviews is that they generally subscribe to opposite approaches to knowledge, connectedness and science. Indigenous cultures focus on a holistic understanding of the whole that emerged from the millennium of their existence and experiences. Traditional Western worldviews tend to be more concerned with science and concentrates on compartmentalized knowledge and then focuses on understanding the bigger, related picture.”⁵

Indigenous Peoples need to be seen in a contemporary context. Their traditional connections with land have evolved and today are more complex. Many individuals in Indigenous communities are “re-learning” their Indigenous ways. There is a revitalization of Indigenous languages and traditions. Indigenous cultures are dynamic, living, and evolving. In addition, many First Nations are looking for economic opportunities, just like those in wider society.

E. Indigenous Planning

We are constantly asking Indigenous communities to give energy to colonial processes. To me, unless you are working to give the land back, any work that is being done is the continuation of colonization.

Most First Nations want to do this themselves. They don’t want an outsider coming in and planning for them.

Indigenous decision-making process, yes. The term “planning” doesn’t convey the process which is undertaken in a community. The decision-making process is one of consensus building.

Planning in Ontario needs to learn from Indigenous peoples’ approaches and tools for defining their futures... At the same time, planners in Ontario need to learn to advocate for this Indigenous-defined future by influencing the external political and planning environment through professional planning and political alliances.

Indigenous people have been doing their own planning for millennia. With their worldviews intact, Indigenous communities, prior to colonization and in the present day, were and are able to develop in a self-determined fashion or at least make choices. Traditional planning persists within Indigenous communities and territories. Many First Nations have their own land use plans for those lands, and in the north, the *Far North Act*⁶ means many communities are preparing plans that apply generally to their Traditional Territory.

⁴ The term “Western” refers very broadly to a heritage of social norms, values, beliefs, and political systems that is Euro-centric in origin.

⁵ Indigenous Peoples Worldviews vs Western Worldview, Jan 26, 2016, 2:32:00 PM, *Working Effectively with Indigenous Peoples Blog*, Indigenous Corporate Training Inc. Retrieved 2016-11-11: <http://www.ictinc.ca/blog/indigenous-peoples-worldviews-vs-western-worldviews>

⁶ At the time of this report, the Ontario government is reviewing, and may possibly repeal, the *Far North Act*.

Indigenous Peoples offer a living repository of resources, stories, and experience of planning. Indigenous communities look alike to the outsider only because planners impose uniform conventions on them. Planning is as varied as the communities themselves.

We heard that Indigenous community members who fulfil planner roles in their own communities have a level of intimacy, compassion, and identity with the plans that is not the same for individuals who cut off work at 4:30 and go home. Indigenous community members may be in formal or informal planning roles, and if employed, the titles vary: project managers, coordinators, lands managers, lands governance directors. They are organized, meet regularly, and have well-established networks. They are not connected for the most part to OPPI. Indeed, Indigenous Peoples are under-represented in the planning community, and there is a belief that if they choose to become involved, it must be about empowering and respecting their ways.

The usual focus is how professional planners can engage Indigenous Peoples and communities in their plans whether they are municipal plans, energy projects, or other planning matters. In fact, of course, Indigenous Peoples in communities and territories have their own plans. We heard that there are opportunities for professional planners to help Indigenous communities and territories reach goals they wish to pursue — especially since Indigenous groups trying to work with the wider system are often frustrated with delay, bureaucracy, and “hoops to jump.” Despite efforts, Indigenous communities often have to go back to the beginning to start over or risk having no funding at the end of a process or funding only for a distortion of their original plan. Given conditions such as substandard living conditions (boil water advisories and inadequate housing in many Ontario communities, for example), this dysfunctionality is of huge concern.

Regarding urban Indigenous populations, there is a wide diversity of Indigenous cultures and people in Ontario’s towns and cities from the province and across the country. Organizations such as Friendship Centres and Indigenous service providers create and sustain connections among Indigenous Peoples in the urban context and facilitate their relationships with the wider community.

F. Planners’ Engagement with Indigenous Communities

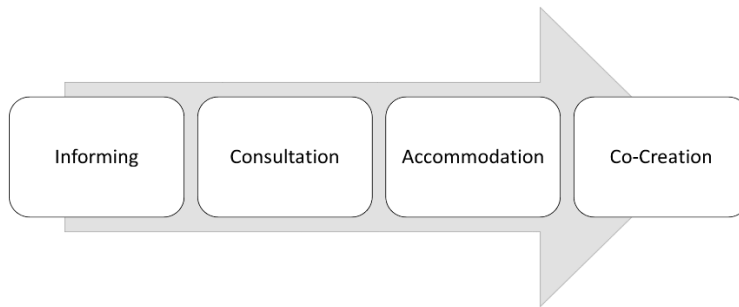
The first point is the truth in the area that you’re working: what are the ways Indigenous Peoples have been excluded where the planner is located?

The word that stood out to me was “stakeholder” in reference to Indigenous Peoples. That is like a box that needs to be checked during project management. It’s derogatory to Indigenous Peoples. Indigenous Peoples hold the rights to the land that we are planning.

Duty to Consult: consider the term. Being told you have to consult. Do you even care about what this relationship is supposed to be? Almost like two different languages being spoken.

Indigenous Peoples don’t need to be guided into a process; they already have a process. Integrate into that.

If there is a continuum, one end is solely informing Indigenous Peoples and communities, then next is consultation, then accommodation, and towards the other end of the continuum is real engagement and deeper co-creation of plans.



In this latter approach, time, space, and dialogue are needed to allow shared perspectives and goals to emerge. Some planners are working towards this type of engagement — asking how Indigenous Peoples wish to be engaged, building a relationship, having regular contact, discussing mutual concerns to help identify projects and programs. Practice in this way allows the “Truth” and stories to be shared, and thus, knowledge and skills are exchanged.

In urban settings, engagement processes need to be developed in collaboration with Indigenous partner organizations.

In early 2018, OPPI conducted a survey related to this topic among its members and received 194 replies. Tight timelines were noted most frequently as a barrier to meaningful engagement and partnership. OPPI learned that many planners engage Indigenous communities only in so far as legislation dictates, some do not engage at all but would like to, and others try to engage but are unsuccessful as they don’t have well-established relationships. Some cited a lack of support from their municipality, government department or company (even efforts to keep planners away from engaging Indigenous communities for fear of process, claims, and monetary repercussions). As well, we learned that often planners simply don’t know who to contact to get started. In urban areas, where the majority of Indigenous people reside, engagement is frustrated by not having an apparent representative institution or governance structure.

G. Insufficient Capacity in Indigenous Communities

There is very little support for the consultation. Often the Indigenous community is small and has limited liaison people. These people have an endless stream of paperwork — a request for a quarry, plans for a Tim Hortons franchise, farming permits, rezoning, etc. These communities need financial support to hire extra administration people.

For Indigenous communities, we heard often of the burden of insufficient capacity and time. Administration staff are inundated with requests for consultation. Responding to the 2018 survey, one OPPI member observed that Indigenous communities may receive 150 to 200 notices per month. Certain projects may require technical knowledge or further consultation within the community. Then there are the communities’ own decision-making processes. Communities do not have the administrative and technical staff to prioritize and handle all requests in a timely manner. In this context, planners report that, despite outreach, there is sometimes no response from an Indigenous community.

We note that there are governance and jurisdictional differences between communities who are signatories to the *Framework Agreement on First Nation Land Management* and those who are

not. Those who are signatories have the ability to make their own decisions regarding land management (e.g. a quarry, a Tim Hortons, etc.). Those who are not signatories still require the approval of the federal government. Significant administrative challenges exist in both situations. Capacity, time, and money are all huge challenges.

H. The Importance of Building and Maintaining Relationships and Respect

We don't need to "create" a relationship — we already have one with Indigenous people. It is strained and broken. We need to revive and build this relationship.

Through relationship, comes the understanding of process.

In Indigenous communications, they may give you a story or may talk about a situation and expect you to do the work of making the connection to the questions you asked. Some may express their ongoing, historic frustration with not having their voice heard. It's important to hear this as context. Don't take it personally. But take it seriously.

Put away the stereotypes and listen to what Indigenous people have to say. Some of our most intelligent people have had their education on the land and in the streets. Listen to them... Just because someone hasn't had the opportunity to complete high school/college/university doesn't mean they lack knowledge. Understand that there are many roads to acquiring knowledge. Institutional (college/university/etc.) learning is just one road.

Given strained relationships resulting from dispossession from Traditional Territories and the livelihood it provided, broken treaties, agreements, and the legacy of the Sixties Scoop and residential schools, it is not surprising Indigenous communities distrust certain professionals and institutions. In this context, the planner's own mindset is key and a demonstration of an openness to learning and to developing cultural knowledge and fostering an environment where people feel respected for their identity, culture, and community. We heard often of the value of taking the time to listen. Much practical advice was acquired through the project regarding how to reach out and build knowledge, understanding, and relationships.

We underline here the absolute importance of relationship, trust, and consent. It is the starting place. Getting to know one another — not simply because a project requires it — is a crucial foundation. We learned of helpful activities: the early initiation of relationships without issues on the table, municipal and community leaders sitting down annually to share their respective priorities, the value of attending Indigenous cultural events as a person and not as a professional, and many other ideas.

I. Planning as a Colonial Tool: A Challenge to the Profession

The big machines are churning out plans. The same plan, pretty much. Big firms traffic in trust. Planning hasn't evolved that quickly or that much. It's set out on a track: x of this, x of that..

Truth is acknowledging that the profession itself needs to change its mindset. This is not just about bringing in Indigenous people and making them planners. It's a path we should be walking together.

Land use — we need to term it differently. It's not there for our use. It should be "land relationship planning." Building a relationship with the land around us. Take into consideration what the land is telling us. Everything that is alive is our brothers and sisters.

OPPI must embrace the teaching to live in a place as if you will live there forever. Never do anything to the land that would prohibit you from living there tomorrow. There is no wasteland.

As a Western-based practice, the legacy of professional planning has sustained the colonial mindset and intentions. Planners are often associated (“obsessed,” said one Advisory Committee member) with land “use,” private property, growth, and the rapid speed of development. While we heard that the intent of all planning is to help communities be better off in all the indicators of wellness, the clear message is that the planning profession has failed Indigenous Peoples and communities to date and has a long way to go. For progress to be made, the planning profession must face its own truth — that there is a colonial legacy and bias in the practice.

Despite this hard truth, there is optimism. Among those who work in this area, there is a strong conviction that the planning profession can and needs to learn from Indigenous Peoples. This is especially so as we face global environmental changes, such as biodiversity loss, climate change, extreme weather events, and more. There should and must be a two-way exchange in the public interest — for all of us.

The concept of Two-Eyed Seeing is a good way of explaining what is now needed. Two-Eyed Seeing as taught by Mi'kmaw Elder Albert Marshall refers to “learning to see from one eye with the strengths of Indigenous knowledges and ways of knowing, and from the other eye with the strengths of Western knowledges and ways of knowing ... and learning to use both these eyes together, for the benefit of all.”

The Canadian Institute of Planners (CIP) has developed useful policy regarding planners' responsibility to embed reconciliation in their practice and offered objectives for planning and planners. The policy helps define the role that planning and planners play in reconciliation and calls on planners to engage in meaningful, sustained relationship-building with Indigenous Peoples. This is a positive step and a solid contribution. While we need not repeat their recommendations, they are highly related.

Recommendations

These recommendations are based on: the April 9, 2019 session; input received through interviews, focus groups, surveys, and correspondence; and further Task Force reflection and input.

To achieve the recommendations, it is expected that OPPI will incorporate action planning into its work over the next three to five years, starting right away. OPPI must both move these recommendations forward strongly and stay flexible to opportunities that may emerge in response to increased dialogue with Indigenous planners and communities. In three to four years, it is expected that these recommendations will show results.

Please note: Some matters are OPPI's to own and "catch up on," given that the TRC Calls to Action came out in 2015; these are "foundational" recommendations to be implemented soon. Other recommendations require more time, capacity, and collaboration to build the right relationships around them, to dialogue, and to understand what is required of OPPI and its members; these recommendations are presented in Part 2 as a step-wise approach.

For ease of reference, we have numbered the recommendations sequentially.

Short Term (12-18 months)

These recommended actions are applicable over the next year to 18 months.

Organizational

1. Communication

That OPPI communicate the directions of these recommendations and the importance of the journey ahead for OPPI and the planners in reconciliation

Among OPPI members, there is general awareness of the TRC and Calls to Action. However, if a member is not directly working with or within Indigenous communities, there may be a psychological distance. OPPI needs to increase member appreciation of the salience of Indigenous perspectives: the importance of accepting the "Truth," how planning has been used as a colonizing tool, the potential for planning to be enriched and informed by Indigenous perspectives and tenets of long-term responsibilities, the opportunities for authentic and more meaningful practice, and more of what we have communicated here as the main themes.

Early communications regarding the Task Force's work and the direction of the recommendations will maintain momentum and send the message that OPPI is moving forward.

Immediate steps include sharing the resource list developed through the project, developing editorial content for the website and *Y Magazine*, and creating ways for OPPI members to connect further on the topic and learn more.

By creating opportunities (“spaces and places”) for listening, learning, and engagement right away, the journey is begun.

2. Broaden Engagement

That OPPI seek to involve and include more Indigenous individuals and perspectives so as to be guided by their contributions and recommendations for the organization and profession

The Task Force recognized its perspective was limited, and although directionally sound, the project had not sufficiently engaged with Indigenous planners and communities because of a lack of time, relationships, and resources. Going forward, OPPI must establish enduring relationships, strategies, and structures to continue the dialogue, gather advice, share knowledge, and support the implementation of recommendations.

The action plan forward should be developed with the participation of Indigenous planners. A strong suggestion was to gain further guidance and direction using an Indigenous circle approach within OPPI. Such a group would continue the building of trusting, respectful relationships and create a path for action in a co-creation process. It would be a way to have Two-Eyed Seeing become a part of OPPI’s approach. This Indigenous circle or advisory group would help implement what needs to be done and plan further. As OPPI is more inclusive and welcoming of Indigenous planners, interested members could be encouraged to take leadership roles. Several guiding suggestions were provided. Some are short-term solutions to address immediate priorities, and others may take longer to start and grow, including:

- Opportunities for organized gatherings, so members can listen and further their personal journey of learning about Indigenous cultures and realities;
- A community of interest within OPPI for planners to exchange resources, develop and advise on learning content, and generate recommendations (the Task Force recognizes that many planners have interest and passion in this area);
- Depending on the project and action at hand, a series of task forces constituted with both Indigenous and non-Indigenous members who have the background, range of practice, expertise, and credibility to address specific goals;
- An annual Indigenous Perspectives Circle, involving of a mix of people, including youth, and possibly aligned with the OPPI conference;
- Leadership by OPPI to encourage the formation of a nation-wide Indigenous Planning Circle through either CIP or the Planning Alliance Forum, which is comprised of planning organizations of Canada; and
- Celebration and recognition of Indigenous planners.

OPPI should be mindful that fees/honorariums and reimbursement of expenses for Indigenous participants help offset their cost of engagement and will often be needed support.

3. Formal Commitment

That OPPI formally recognize its obligation and commitment to advance reconciliation

The reconciliation journey will require patience, dedication, resources, and action for many years. It starts with authentic and meaningful intention. OPPI must commit to:

- Better understanding of Indigenous perspectives and integrating the TRC's Calls to Action into planning;
- Acknowledging, respecting, and integrating Indigenous planning approaches and perspectives into the practice of planning; and
- Supporting its members to work collaboratively within and with Indigenous communities and people.

We see this statement as being sounded out and shaped in consultation with Indigenous planners (both RPPs and those holding planning roles in Indigenous communities) and related organizations within the professional planning and Indigenous communities. In any case, we expect any commitment statement will:

- Acknowledge the past and accept the truth to state the organization's support for the TRC's Calls to Action and UNDRIP; OPPI may also explicitly recognize that the legacy of colonialism continues and impedes reconciliation and resolve that, as a matter of public interest, professional planners be tasked with effecting positive change in respectful relationships with Indigenous Peoples;
- Seek to strengthen Indigenous perspectives within the organization in its policies and practices and in how leaders are recruited and oriented;
- Commit OPPI to improving the members' understanding of the detrimental impacts of colonialism and policies on Indigenous Peoples; fostering respect for Indigenous individuals, institutions, and laws; and building the capacity for planners to work within, for, or with Indigenous communities and organizations;
- Acknowledge and support CIP's *Policy on Planning Practice and Reconciliation*, defining the role that planning and planners play in reconciliation;
- Express guiding principles or values such as respect for Indigenous cultures and spiritualities, respect for Indigenous diversity, and the fostering of Indigenous leadership; and
- Commit to an accountability framework for achieving these goals, such as an annual review, milestones, and/or strategic objectives related to integrating Indigenous perspectives, which would be monitored regularly by Council.

Importantly, this must not be a rote or obligatory piece but OPPI's authentic commitment to the reconciliation journey. It must be realistic over the next decade and reflect what the organization can do within its mandate and not over reach.

In making and publicizing such a statement of commitment, OPPI Council should inform its members which actions have already been taken.

4. Leadership Competency

That OPPI Council and staff strengthen and regularly renew their competency and leadership capacity in this area

OPPI Council and staff leadership must build their own cultural competency: increasing their knowledge of Indigenous Peoples in Ontario and their understanding of the history and truth in reconciliation, the TRC Calls to Action, Indigenous perspectives, and more. Indigenous cultural training will reinforce their commitment to the integration of Indigenous perspectives and demonstrate that OPPI Council is willing to dedicate time and resources to building organizational capacity in this area on a regular basis. The training approach should be adapted to the needs of OPPI.

While OPPI currently strives for volunteer leadership diversity, OPPI should seek to include Indigenous-related experience and expertise specifically on its Council and in its committees.

5. Organizational Policies, Practices, Programs, and Tools

That organizational policies, practices, programs, and tools be reviewed to ensure alignment with the statement of commitment

Indigenous perspectives need to be embedded into the organization. This means looking at the ways the organization is governed and operates — its policies, practices, programs, and methodologies.

OPPI policies must align with its commitments and the TRC's Calls to Action. Some policies likely to be examined include the Strategic Plan, Committee Principles, and Professional Code of Practice. This is foundational because the actions of OPPI and the people working within it are guided by the policies the organization has adopted. Practices, programs, tools, and methods should also be reviewed to ensure sensitivity and inclusion of Indigenous perspectives and voices and to foster relationships that build Indigenous understanding.

Such a lens will enrich the organization. An integrated approach will help ensure the organization is a more welcoming place for Indigenous people if they choose to participate. This approach will also provide non-Indigenous members with many reinforcing ways to learn, develop, and express their growing competency in Indigenous perspectives.

6. Reciprocal Relationships

That OPPI build lasting meaningful relationships with related Indigenous organizations and bodies that may assist in implementing and sustaining recommendations

OPPI should initiate thoughtful, intentional links with a small set of related Indigenous organizations on shared goals. Lasting relationships with a core group of people and organizations will best ensure progress on the right track. Shared goals may be, for example, including Indigenous planners both in OPPI and in wider public policy forums and committees, developing a learning program, appreciating how traditional planning might deepen the practice

of planning, fostering discussion to understand and counteract the impact of Western planning and policy on Indigenous peoples and communities, and so on.

This relationship building is consistent with what we have learned. Time must be spent getting to know one another, and communication must be regular thereafter. In line with what the Task Force has heard, meaningful relationships are key — not many shallow connections that cannot be maintained.

In addition, wider Indigenous perspectives may be solicited periodically on specific issues.

The Profession

OPPI's vision sets out that the Institute develop and support RPPs working in built, natural, and social environments for the common good. RPPs are to do that with foresight, leadership, and professionalism.

We now know there is a gap of knowledge among non-Indigenous planners regarding the TRC's Calls to Action. As a matter of ethics, serving the public good, and professional obligation, there is a foundation of professional learning and the promotion of a "duty to learn" to be established in the planning community.⁷ This should not be perceived as a compulsory activity or a "checklist item" but should be presented in a way that establishes the rewards and value of learning as a step forward in aware, informed practice. The following recommendations take this forward.

7. Professional Requirement for New Planners

That OPPI recommend to the Professional Standards Committee for the Planning Profession in Canada (PSC) and to accredited planning programs in Ontario that professional and ethical standards, competencies, and certification processes be updated to include and reflect Indigenous cultural training and related requirements and that undergraduate and graduate course curricula reflect and align accordingly

Indigenous-related cultural training and related requirements should be a required competency for professional planners entering practice. Thus, OPPI must recommend to the PSC that it update professional and ethical standards, competencies, and certification processes for the planning profession. In turn, these new standards will inform the administration of the certification and accreditation process administered by the Professional Standards Board for the Planning Profession in Canada (PSB).

Specifically, OPPI must urge Ontario's accredited planning programs to take a leadership role and immediate steps where possible to enhance course curricula to learn about Indigenous

⁷ There were several enumerations provided about the kinds of knowledge that an RPP should have. Appendix C of this document contains a non-exhaustive list originally generated by Mitchell Avis, RPP, an Advisory Group member, which has since been refined by members of the Task Force.

Peoples, the TRC's Calls to Action, UNDRIP, treaties and Aboriginal rights, and Indigenous worldviews, teachings, and practices related to planning. This short list is only illustrative of the range of learning that would advance Indigenous perspectives in planning for new practitioners. Wherever possible, leadership taken by Ontario's accredited planning programs should be acknowledged and promoted through OPPI.

The Task Force recognizes the value of involving Indigenous people in this teaching and commends those planning programs that already do this.

8. Continuous Professional Learning (CPL) for Current Planners

That OPPI encourage and inspire members to build their learning in this area through its mandatory professional standard for continuous professional learning

We recommend Indigenous cultural training be a priority for existing planners. OPPI must proceed in a manner that results in members building knowledge and understanding of Indigenous perspectives, worldviews, histories, cultures, and belief systems as essential steps towards true reconciliation between Indigenous and non-Indigenous peoples. In making learning in this area highly encouraged and favoured, OPPI should deploy its communication tools and bring this priority to the Districts as they plan their events.

The required learning cannot be gained in one competency course. OPPI must set specific goals in this area then monitor and conduct audits to determine and convey/promote how well members are doing to enhance their learning in this area. For example, the measure that over 80 per cent of members are consistently engaging in Indigenous perspectives education within five years would motivate urgency and focus.

9. Facilitation of Learning

That OPPI facilitate access to resources and learning on Indigenous topics

As well as classroom sessions, conference events, and webinars, OPPI must encourage informal learning, such as attending Indigenous events and programs, learning through conversation, reading books by Indigenous authors, engaging in communities of interest, and so on. OPPI must build appetite for learning and create accessible content through various means. These vehicles include the website, *Y Magazine*, webinars, online videos, district events, and so on. For example, the Task Force was enthusiastic about the idea of an Indigenous perspectives session at the 2019 conference.

There are many resources to catalogue, be excited about, and promote: websites, online videos of Indigenous leaders sharing wisdom, readings, guides and tools. Other available resources include maps, treaties, geographic boundaries of Indigenous communities as recognized by Canada and as recognized by Indigenous communities, guides, how-to advice on engagement and relationship building, communications protocols, case examples of successful relationships, Indigenous planning stories, etc.

OPPI is mindful that, ideally, the increased demand for educational and training services should be met primarily by Indigenous providers. This is to ensure the perspectives are Indigenous and the economic growth in this sector directly benefits Indigenous people and communities.

Indigenous planners are another group and distinct with respect to their experiences, ideas, perspectives, and learning needs. OPPI should make room for them and create a culturally safe, respectful, and empowering environment. The organization can explore and learn from their experience to discover which resources are required and desired.

OPPI must continue to identify individuals (Indigenous and non-Indigenous) who work closely with Indigenous people and communities to develop a known roster of people who may be willing to serve as resources going forward. Organizations and groups may also be in a position to impart wisdom, expertise, and experience; assist in the development and delivery of educational products and programs; be resources to members; and/or engage as leaders in OPPI's advancement of this area. Many organizations, providers, and leaders were identified to us through the project, and we have the start of such a roster.

See also [OPPI's Learning Strategy](#).

10. Relevant Legislation and Initiatives

That OPPI brief and educate members on current issues so members are kept abreast of developments in this area

Planning with and within Indigenous communities is happening in an environment that is not static. OPPI must provide planners with access to briefings and training that familiarize them with policy initiatives and equip them to be at the forefront of negotiations on land and resources. This is timely. Legislative initiatives and new processes coming "down the pike" include the Canadian Government's stated commitment to:

- The TRC's Calls to Action;
- The Nation to Nations relationship;
- Resolving Land Claims (50 are currently in negotiation in Ontario);
- The eventual elimination of the *Indian Act* and updates on current initiatives, including the *Framework Agreement on First Nation Land Management*;
- The adoption of UNDRIP; and
- The constitutional reform and repatriation of Indigenous lands and resource rights and/or compensations, which these policies will set in motion.

These developments will affect the practice of most, if not all, planners. It is important that planners be prepared and contributing. At the session on April 9, 2019, this was called "capacity building in the now." It will be important to get Indigenous perspectives on these matters (and not just the official narrative and views of the Canadian institutions involved).

OPPI may need to work with CIP and other planning institutes, associations, and organizations across Canada to accomplish this work.

See also OPPI's [Public Affairs Strategy](#).

Longer Term

It's about time but the process should be a marathon and not a sprint if improving relationships or developing them is to be meaningful.

While the steps above are what OPPI can advance in the shorter term, the following recommended actions will take more time and require sustained commitment over years. More importantly, these actions deserve reflection and dialogue shared with Indigenous Peoples and collaboration within the profession. A paced, thoughtful approach is required so OPPI does not go off the path.

Indigenous perspective means there should be “nothing about us without us,” said one Task Force member. Broader sustained engagement will be imperative.

Organizational

11. Indigenous Capacity Building and System Change

That OPPI consider if and how the professional planning community might ally with Indigenous communities

OPPI will have to consider its mandate and what it can and can't do, and its own resources, but by “walking together” with Indigenous organizations, there may be simple, practical ways OPPI can support capacity building amongst Indigenous planners and communities. This may be through facilitating connections or easing Indigenous access to OPPI resources, professional trainings, and education.

Much of Ontario's legislation affecting planning continues the colonial agenda. In applying the truth and with the lens of Indigenous Peoples, it can be shown to be unfair or biased. Yet planners as professionals must abide by legislation, and OPPI is not an advocacy organization. Nonetheless, OPPI might still make a contribution. Even if it does not have the mandate or capacity to be involved directly, OPPI has influence and can share advice. With its experience and by developing a Two-Eyed Seeing perspective, OPPI should consider how it can share that perspective and encourage that reviews of current legislation connect with Indigenous perspectives and include Indigenous recommendations for change. Concrete ways for OPPI to help bridge gaps may exist in bringing Indigenous planners together with policy makers to understand the impacts of legislation, policies, and practices on Indigenous Peoples and communities.

The Profession

12. Recognition of Indigenous Knowledge

That OPPI encourage the dialogue, research, and process to identify steps towards the decolonization of planning

Planners learn and practice the legacy of colonial assumptions in planning. It may be that a new functional competency on Indigenous history and culture in Canada is needed, and that Indigenous perspectives need to be incorporated into each of the Core Competencies of the Planning Profession. For example, it was suggested that these elements may be affected and/or elaborated upon (italicized below):

Government Law and Policy

- Governments and legislation
- Policies and application
- *Aboriginal law*

History and Principles of Community Planning

- History of planning in Canada and other countries
- Planning theories, principles and practices
- *Indigenous planning methods and practices*

Communication

- Written and oral presentation
- Information and knowledge
- Use of information technology
- Internal and external relations
- *Relationship building with Indigenous Peoples and communities*

However, this is a correction of sorts and a small slice of what needs to be done over time.

To co-construct a new, shared future based on responsibility, reciprocity, and respect, much more reflection and discussion is required. The ideal is to draw on the learnings, strengths, and principles of Indigenous perspectives to deal with modern-day problems and situations and to inform and enhance the way planning is understood and done. Indeed, the challenge is to update the understanding of what planning is and should be, as well as the professional standards, in light of Indigenous perspectives in planning.

Indigenous perspectives can inspire the future of planning by strengthening and adapting its tenets, structures, and functions. This is timely given wider concerns about climate change, the destruction of our natural environment, and the peril of our unsustainable ways.

This regeneration work will involve Indigenous planners, Indigenous Elders and knowledge holders, other planning institutes, accredited planning programs, PSC, and PSB. It is not something that can be done quickly. However, it will start as soon as there is foundational

education. We heard that facing the truth — and becoming humble and learning — starts the journey. From there, planners will adapt their practice.

In this new-to-planning Two-Eyed Seeing context, OPPI should strive to fill gaps in Indigenous perspectives and practice resources. While OPPI will already be curating vital resources for members, there may be gaps and needs for guidance particular to planners. The development of practice resources should be done in partnership or with input from Indigenous practitioners and organizations or be led by them as appropriate.

13. Indigenous Students

That OPPI, with accredited planning programs, encourage the enrollment, retention, and graduation of Indigenous students

If more Indigenous students choose planning as a career, as is the goal here, the representation of Indigenous Peoples and Indigenous ways of knowing in planning would be enhanced. It would be helpful to have baseline knowledge regarding current enrollment and grow that number over time.

Distinct initiatives might affect this, such as OPPI working with accredited planning programs to encourage interest in planning as a career, a non-standard application system that looks at the whole student rather than simply grades, financial aid, bridging programs, and specialized orientation approaches.

Other suggestions were apprenticeships and mentoring in supportive/inspiring settings, accommodation of timings and travel from distant communities, cultural support in the educational setting and its community, examples and applications that are relevant and useful to Indigenous people, and training in Indigenous practices of knowledge gathering/community engagement/planning.

14. Pathways to Certification

That OPPI recommend to the Professional Standards Committee and the Professional Standards Board that they seek to recognize within the certification standard and process valid planning experience in the Indigenous setting

Arising from this work, OPPI should recommend to the appropriate professional planning bodies that the necessary experience for Indigenous planners seeking certification be reviewed and any inappropriate barriers to professional recognition and certification be removed. The goal is to be more inclusive of Indigenous planners and those working in Indigenous planning.

As noted above, the long-term actions are emergent and to be developed more collaboratively with Indigenous partners and other organizations in the planning community. With these goals in mind, steps can be taken as opportunities and relationships arise.

Conclusion

This report with its recommendations has attempted to outline some of the opportunities and challenges ahead. The planning profession can improve its understanding of the detrimental impacts of the imposition of colonial laws and policies on Indigenous Peoples and help foster respect for Indigenous individuals, institutions, and laws.

As expressed by one Task Force member, “The sky is the limit.” The planning profession is one of the few equipped professions able to have a direct positive impact on the future of Indigenous communities. OPPI and the planning profession can play a significant role in reconciliation by walking alongside Indigenous Peoples, planners, and communities on a shared journey.

Included in this work must be an ongoing dialogue with Indigenous communities and thoughtful reflection. By finally connecting this past to the injustices and realities of the present and taking action, there is an opportunity to build a better future. OPPI can lead by example and make a difference.

Appendix A: Contributors

Indigenous Planning Perspectives Task Force

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Appendix B: Establishing Context

By: Calvin Brook, Daniel Millette, and Susan Robertson

To Task Force Members:

The following is a start — and a rough draft only — to provide context for any recommendations the Task Force may provide to OPPI Council. This is based on the approach that the desire to address reconciliation requires, as a starting point, substantive knowledge of the “Truth” within the “Truth and Reconciliation” paradigm.

The following text is very incomplete and welcomes input. We have tried to balance research with the direct voices of Indigenous leaders — those most qualified to speak to an Indigenous perspective. In developing this draft further, more direct voices from Indigenous leaders would be beneficial.

A) Key elements of an historical perspective.

- Indigenous Peoples have been present on the lands we know as Canada for 15,000-plus years.
- When the Europeans arrived, Indigenous Peoples had been governing their lands with planning, architecture, and environmental design tenets that had been established for millennia.
- As a result of the [British North America Act](#) of 1867, control and ownership of the lands and resources previously owned by Indigenous Peoples were given to the Crown.
- The [Indian Act](#) was established, virtually controlling every aspect of Indigenous life, including taking lands through surveying and a vast colonial apparatus.
- The history and impacts of colonization, including the cultural genocide the Truth and Reconciliation Commission references.
- The dispossession of Indigenous Peoples from their lands resulted in the loss of cultural and traditional practice.
- [Potlatch](#) and other traditional practices were outlawed without considering the broader impacts.
- The importance of the treaties as agreements between sovereign nations and the history of broken treaties.
- The reserve system and the poverty it has imposed.
- The impacts of the [residential schools](#).
- The continued practice of taking Indigenous, Inuit, and Métis children from their families and communities and placing them in foster homes, referred to as the [Sixties scoop](#) and the Millennium or Millennial scoop.
- Today, of Canada’s 998.5 million hectare land mass, [only 3.5 million hectares are considered First Nations Lands](#). However, even these largely “reserve” lands are owned by the Crown and governed by provisions of the *Indian Act*.
- The barriers to building wealth that result from reserve land possession/transfer restrictions.

The impacts of this dispossession of Indigenous lands has been, and remains, at the core of the devastation that has been experienced by Indigenous Peoples in Canada. The following statistics begin to tell the story:

- The [Community Well-Being Index](#) for First Nations communities reveals the disparity between Indigenous and non-Indigenous communities across indicators of income, education, and housing. The quality and quantity of housing for First Nations communities continues to be a crisis for many reserve communities and for those living in urban areas.
- Life expectancy for Indigenous people is nine years less than for non-Indigenous Canadians.
- Young Indigenous individuals are six times more likely to die from suicide than non-Indigenous youth. At the same time, roughly one-third of Canada's 1.5 million Indigenous Peoples are under the age of 14.
- Ontario has the highest Indigenous population of any province and an on-reserve child poverty rate of 48 per cent.
- More than [23 per cent of the inmate population](#) in federal institutions are Aboriginal people, an incarceration rate 10 times higher than among non-Aboriginal people, and two-thirds of the inmates in Western Canada are Aboriginal people.
- 60 per cent of Indigenous Peoples in Canada now live in urban areas, and off-reserve Aboriginal people constitute the fastest growing segment of Canadian society.

Potential implications for Task Force recommendations to OPPI Council:

Awareness of these histories and current realities provide the necessary context and are a prerequisite for developing planning initiatives or policies that impact Indigenous communities. Being able to acknowledge the injustices of the past and present and how they continue to challenge Indigenous communities is, in itself, key to a planner's capacity to develop a working relationship with Indigenous Peoples.

B) Indigenous Planning Perspectives: Land

- "Land. If you understand nothing else about the history of Indians in North America, you need to understand that the question that really matters is the question of land." *Thomas King*
- "...Do not tell me that you can solve this with a new program or new services administered from Ottawa or by Ottawa's agents in our communities.....There is only one program to solve this dependency and despair, and that is to get rid of the deadening weight of colonialism that causes it. For us to once again have access to our land and for the settlers to recognize at last our Creator-given title to it." *Arthur Manuel*
- Millenarian experience: Indigenous Peoples have inhabited the territory now called Ontario for approximately 15,000 years. Contact with settlers was approximately 500 years ago.
- The existence of Canada as a nation, established in 1867, represents a mere one per cent of the timeline of Indigenous civilizations having full rights to these lands.
- From an Indigenous perspective, Indigenous nations have a deep civilizational claim to the land. They governed over the lands that are now known as Canada prior to European arrival. The presence (some would say occupation) by European settlers is a recent phenomenon that has caused dispossession of Indigenous Peoples from their Traditional Territories and devastation to their livelihood and way of life.
- "This massive land dispossession and resultant dependency is not only a humiliation and an instant impoverishment, it has devastated our social, political, economic, cultural and spiritual

life. We continue to pay for it every day in grinding poverty, broken social relations and too often in life-ending despair.” -*Arthur Manuel*

- “We occupied this territory before the newcomers came. The border between the United States and Canada is an arbitrary one and it was only recently established.....many of our nations straddle this border and live on both sides.” -*Lee Maracle*
- “Canadians have a myth about themselves, and it seems this myth is inviolable. They are innocent. They gave us things: they were kind to us. The reality is that Canada has seized vast tracts of land, leaving only small patches of land specifically for us, as though they indeed owned everything and we had nothing, not even a tablespoon of dirt. Canada says it gave us these lands, and Canadians actually believe that Canada “gave us” these reserves. In fact Canada took all the land but the reserves it set aside for us. You cannot give someone something that already belongs to them.” -*Lee Maracle*
- “Indigenous Peoples from enjoying 100 per cent of the landmass, were reduced by the settlers to a tiny patchwork of reserves that consisted of only 0.2 per cent of the landmass of Canada — the territory of our existing reserves — with the settlers claiming 99.8 per cent for themselves. Looking at it another way, while Indigenous Peoples are around 5 per cent of the population, we have been left with just two-tenths of one per cent of the 100 per cent lands that were originally given to us by our Creator. This is, in simple acreage, the biggest land theft in the history of mankind.” -*Arthur Manuel*

Potential implications for Task Force recommendations to OPPI Council:

The planning profession is focused on the disposition of land and resources. Planners by profession rely on tools borne out of the colonial era — surveying, land titles, [GRDS](#) imposition, and so on. Planners therefore have the opportunity to be at the forefront of the seismic shift in policies governing land and resources that are presently in motion. In particular, the Canadian Government’s stated commitment to:

- The TRC Calls to Action;
- The Nation to Nations relationship;
- The eventual elimination of the *Indian Act* — and current initiatives, including the *Framework Agreement on First Nation Land Management*;
- The adoption of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), and

..... the constitutional reform and repatriation of Indigenous lands and resource rights and/or compensations which these policies will set in motion.

C) Indigenous Planning Perspectives: Treaties

- By definition, a treaty is an agreement between sovereign nations (nation to nation).
- We are all treaty people (Indigenous and non-Indigenous).
- From an Indigenous perspective, the intent of the treaties was the sharing of land and its resources in perpetuity.
- For many Indigenous Nations, treaties are sacred and remain the basis for legal claims and rights over their territories and resources.

- Generally, most of the intents and specific conditions of the treaties have been broken.

Indigenous Planning Perspectives: notes

Bill C-262 legislation currently under review in the Senate harmonizes federal laws with the *UN Declaration on the Rights of Indigenous Peoples*. If passed, it will have wide-ranging impacts on the restitution of land and resources for Indigenous Peoples.

<https://www.cbc.ca/news/indigenous/undrip-canada-bill-c-262-1.5080102>

Extracts from Bill C-262

Recognizing the urgent need to respect and promote the inherent rights of Indigenous Peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for Indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of Indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Appendix C: Suggested Items in the “Duty to Learn” of the Planning Community

Original draft completed by Mitchell Avis, RPP

- Understanding of Indigenous worldviews and how they may differ from Western planning practices. History of Planning in Canada: Understanding the inherent and Treaty Rights of Indigenous Peoples in Canada, including the true history of Canada’s relationship with Indigenous Peoples. Understand how settlers have influenced the way Indigenous Peoples live now.
- Planning Theories, Principles and Practices: Understanding the theories, ideals and principles that historically guided the development of Indigenous communities. Learn how settler planners changed the way Indigenous communities operated and lived. Including the imposition of land surveying in the service of “the taking of lands” and the origins of “colonizing with planning grids.” Understand the impacts of these changes.
- Governments, Law and Policy: Understand the historical “political” systems of Indigenous communities. Understand the inherent and Treaty Rights of Indigenous Peoples. Understand the Canadian Constitution legal requirements of the Crown to Indigenous Peoples. Understand the government frameworks imposed on Indigenous communities through the *Indian Act*. Understand the cultural differences between the *Indian Act*-imposed style of government on reserves (e.g. Chief and Council) compared to the traditional styles of governance. Be knowledgeable regarding treaties and recent court decisions that interpret Indigenous Rights to land and resources based on treaties.
- Plan and Policy Considerations: Understand the Indigenous worldview. Understand the principles by which Indigenous communities plan. Understand the ways by which Indigenous communities can plan (Land Code, *Indian Act*, etc). Cover legislation related to the different lands management and lands governance options that communities operate within.
- Plan and Policy Implementation: Learn about the ways Indigenous communities can implement planning. Learn about the challenges Indigenous communities face when implementing planning. Understand how to effectively develop an implementation plan for Indigenous communities.
- All of the enabling competencies apply when working with Indigenous communities. Additional emphasis must be placed on: political awareness; integrity and trust; diversity and inclusiveness; facilitation; collaboration and consensus building; listening; written and oral presentations. Listening skills. Humility. Multicultural understanding. Understanding different cultural and communications styles. Cultural curiosity and respect.

It was also suggested that research on different organizations that have already developed curricula should be done, including, among others, the First Nation Land Management Resource Centre (*Framework Agreement on First Nation Lands*) and National Aboriginal Land Managers Association (*Indian Act*)