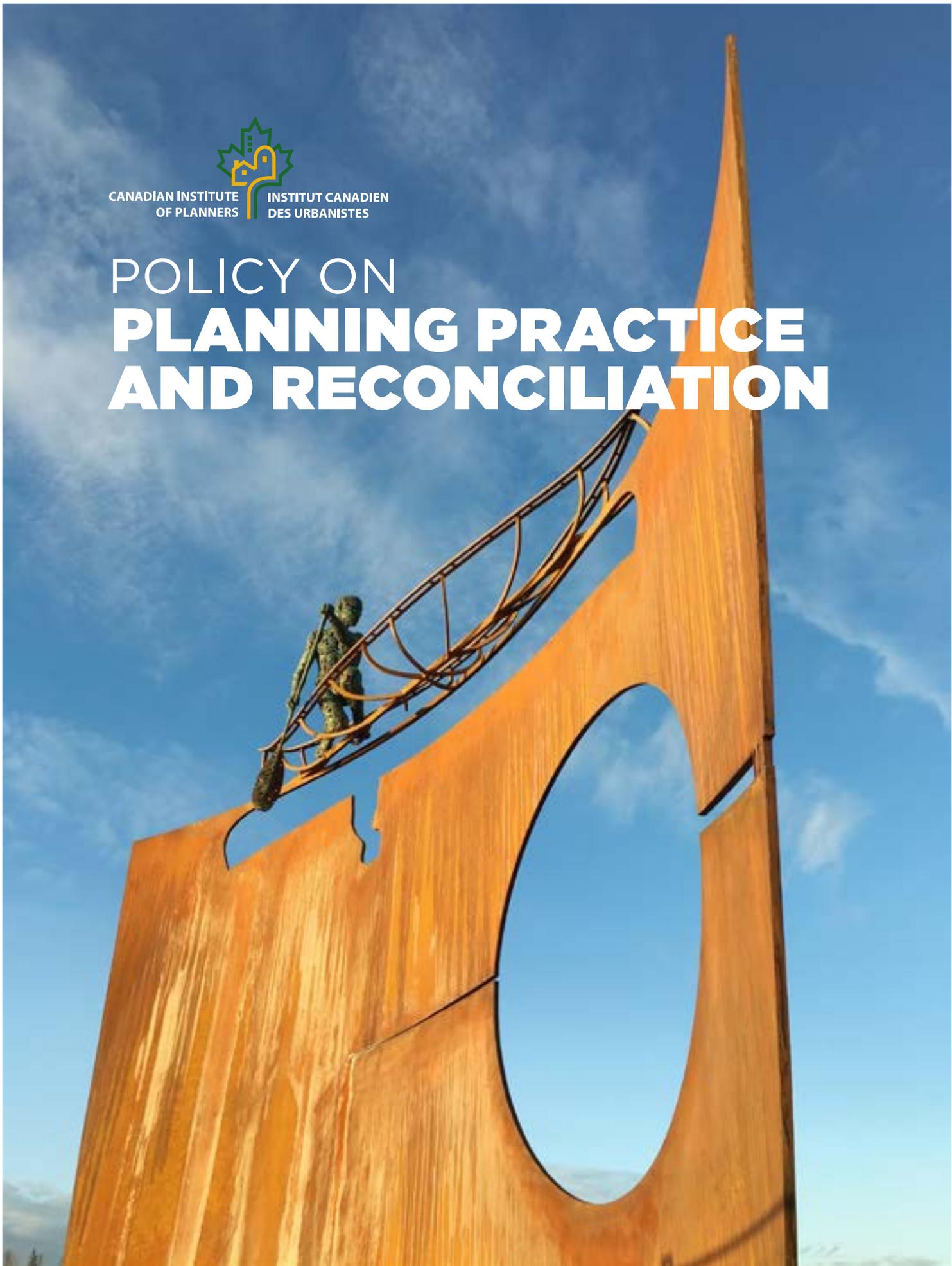




# POLICY ON **PLANNING PRACTICE AND RECONCILIATION**



## POLICY CONTEXT

Across Canada, a national discussion is taking place concerning historic and current relationships between Canadians and the land's first peoples. Building relationships with Indigenous peoples that respect their values, ways, and cultures has been at the forefront of this discussion, often referred to as reconciliation.

CIP uses the term *reconciliation* to refer to the commitment to establish and maintain a mutually respectful relationship between Indigenous and non-Indigenous peoples. It is a long-term relationship-building, learning, and healing process, as opposed to a specific outcome to be achieved. Reconciliation in planning will look different in every context, as it is shaped by the unique needs, experiences, and priorities of the Indigenous partners involved.



The nature of planning casts the profession in a unique role in the reconciliation process. Good planning principles include trust, respect, engagement, transparency, and fairness; thus, discussions of how the land is managed, developed, and respected are a foundation upon which healthier relationships can grow. Furthermore, planning brings various perspectives in a community together to formulate a coherent vision and set of objectives. Finally, planners play a key role in educating the public and communicating innovative, mutually beneficial solutions, to decision-makers.

Planning has been happening in the land currently known as Canada since time immemorial. Effective land use and stewardship practices have allowed Indigenous peoples, their communities, and cultures to thrive in sustainable relationships with the land. Notwithstanding, Indigenous planning systems and practices have not historically been understood, honoured, or upheld by Canadian society. By respecting these practices, planners can show support for the rights of Indigenous peoples and greatly enhance their own profession, as they come to understand and value the depth of knowledge embodied in Indigenous stewardship and community planning traditions.





## INDIGENOUS PLANNING APPROACHES

While there is a breadth of Indigenous peoples and communities with diverse cultures and planning approaches across Canada, certain elements are relatively common. Indigenous planning approaches:

- ◆ are community-driven, inclusive, and representative of the diversity of community voices, e.g., youth and elders, women and men;
- ◆ empower community members to share reflections and concerns, and identify appropriate solutions using both individual and community strengths;
- ◆ provide time to hear and understand the experiences and emotions embodied in people's stories;
- ◆ use traditional knowledge to shape processes and inform decisions; and,
- ◆ prioritize land stewardship and strive for responsible development.<sup>1</sup>

<sup>1</sup> This list is based on input from Indigenous people working in planning who were engaged during the development of the policy. It is consistent with insights from academic sources, such as Matunga, H. (2013). Theorizing Indigenous Planning. In R. Walker, T. Jojola, D. Natcher (Eds.), *Reclaiming Indigenous Planning* (pp.3-33). McGill-Queen's University Press.

The Truth and Reconciliation Commission (TRC) – which was initially set up to explore the history of residential schools in Canada – put forward 94 Calls to Action that are framing the national processes of reconciliation.<sup>1</sup> These do not explicitly address the planning profession, but they have implications for many aspects of planning in Canada including land, economy, culture, health, education, law, and governance. Many of the TRC Calls to Action address the various bodies that planners work for in Canada (e.g. governments, institutions, and businesses), and as such, planners have an opportunity to champion the TRC principles through their work in these organizations.

A specific, but far-reaching, TRC Call to Action is for all levels of government to fully adopt and implement the United Nations Declaration on the Rights of Indigenous People (UNDRIP), which the Government of Canada endorsed in 2016. This document describes both the individual and collective rights of Indigenous peoples around the world. It offers guidance on cooperative relationships with Indigenous peoples based on the principles of equality, partnership, good faith, and mutual respect.<sup>2</sup>

<sup>1</sup> Truth and Reconciliation Canada. (2015). *Honouring the truth, reconciling for the future: Summary of the final report of the Truth and Reconciliation Commission of Canada*. Winnipeg: Truth and Reconciliation Commission of Canada.

<sup>2</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*. adopted by the General Assembly, 2 October 2007, A/RES/61/295.





Another important driver for reconciliation in planning practice is the growing recognition of the rights of Indigenous peoples and the implications of these rights for planning and development in Canada. While the planners working directly with Indigenous peoples and communities are most directly involved, all planning in Canada happens on land connected to Indigenous peoples through treaties, self-government agreements, and/or inherent rights. The legal landscapes are complex, regionally diverse, and rapidly evolving. Planners are striving to understand the implications for their own practices and adopt more collaborative planning approaches that honour recognized Indigenous rights. While the colonial systems that remain in place can preclude the recognition of rights, planners have a responsibility to critically examine this status quo and to pursue better planning outcomes for all.

The TRC's final report also identified the need for truth telling, as an essential element of justice and healing in reconciliation. Thus, it is critical that the planning profession in Canada acknowledges the detrimental impact that discriminatory planning practices have had, in order to build future respectful relationships with Indigenous peoples that are honest and constructive. Similarly, it is important for all Canadian planners to understand the history of First Nations, Inuit, and Métis peoples and their important contributions to Canada, in order to build for the future.

### **LAW AND THE RIGHTS OF INDIGENOUS PEOPLES**

The rights that Indigenous peoples have (typically referred to as *Aboriginal rights*, as codified in the *Canadian Constitution Act, 1982*) flow from various sources. *Inherent rights* are the collective and inalienable rights that flow from continued use and occupation of certain areas. The right to *self-determination* flows from inherent rights. *Treaty rights* flow from specific treaties between Indigenous Nations and the Crown and/or Canada.

- ◆ *Aboriginal law* specifically refers to the body of Canadian law concerning the variety of issues related to Indigenous people in Canada. There are numerous sources for this law, including treaties, land claim agreements and Aboriginal rights defined by the courts that have sought to interpret section 35 of the *Canadian Constitution Act, 1982*.
- ◆ *Indigenous law* refers to the legal traditions and customs of Indigenous peoples. These practices play an important role in planning as they relate to decision-making and stewardship.



## POLICY GOAL

CIP envisions a future in which reconciliation is meaningfully embedded in planning practice in Canada and planners build relationships with Indigenous peoples based on mutual respect, trust, and dialogue.



## POLICY OBJECTIVES

In support of its policy goal, CIP endorses the following objectives:

- ◆ Planning is based on a respect for the well-being of all people and the natural environment that they are intricately linked to.
- ◆ Planners support the realization of TRC Calls to Action and the implementation of the principles of UNDRIP in their work.
- ◆ Planners understand the jurisdictional and legal context of planning, as it relates to treaties and the rights of Indigenous peoples.
- ◆ Planners advocate for and work to co-create meaningful planning processes among Indigenous communities and municipalities, regions, provinces, and territories.
- ◆ Planners recognize and uphold Indigenous planning approaches, law, and governance systems.
- ◆ Planners advocate for planning policy and legislation that ensure the rights, knowledge, protocols, and planning methods of Indigenous peoples are respected.
- ◆ Planners support enhanced opportunities for Indigenous people to enter the planning profession and celebrate the strengths, skills, and knowledge they bring to the profession.
- ◆ Planners respect the diversity of Indigenous peoples across Canada and their self-determined planning processes and goals.



## THE ROLE OF PLANNERS

Planners have a unique role to play in reconciliation, as their profession connects people, land, livelihoods, and governance. To fully realize this role, planners have a responsibility to embed reconciliation in their practice. Accordingly, planners should:

### ENHANCE THEIR PROFESSIONAL PRACTICE

- ◆ Demonstrate awareness and respect for Indigenous communities, cultural protocols and practices, local knowledge and decision-making systems, and self-determination.
- ◆ Identify challenges to and opportunities for relationship building and reconciliation in their planning practice and adapt their methods and tools accordingly.
- ◆ Understand the historical lack of Indigenous participation in public policy process and development, the legacy of residential schools, and the intergenerational impacts these have had on people and communities.
- ◆ Practice with cultural safety and cultural humility through active listening, learning, and understanding to confront and eliminate biases in their own practice and in the planning profession.
- ◆ Seek to understand the Indigenous context and history of the region they work in, including the communities, Nations, and cultures present.
- ◆ Understand their role in informing government's duty to consult through engagement;
- ◆ Understand federal and provincial legal rulings that could impact how the practice of planning is undertaken.
- ◆ Advocate for changes in planning policy and legislation to be more respectful of the rights and knowledge of Indigenous peoples.
- ◆ Understand the expectations arising from TRC and the principles contained in UNDRIP and integrate them into their professional practice.





## ENGAGE INDIGENOUS PEOPLES, COMMUNITIES, AND NATIONS

- ◆ Create and maintain respectful relationships with local Indigenous communities and seek sufficient staff time and resources from government to support these ongoing relationships.
- ◆ Adopt a “nothing about us without us” or “don’t start without” approach, which entails that Indigenous communities should be engaged before any activity that affects them or their rights is undertaken.
- ◆ Work respectfully with existing governance systems in Indigenous communities, and understand differences between elected leadership and hereditary/traditional governance, where they exist.
- ◆ Take direction from Indigenous community leaders and partners on how and with whom engagement should be carried out.
- ◆ Offer their own knowledge of planning where it can complement Indigenous processes to meet the aspirations and objectives of the community in a culturally meaningful way.
- ◆ Respect that each community may have a different approach to Indigenous planning, some of which have been reaffirmed or affected through modern day treaty, land claim agreements, or court rulings.
- ◆ In urban areas, engage Indigenous groups, including the host community whose traditional territory the urban area rests upon, and work with those groups to develop planning processes that reflect their interests and circumstances.
- ◆ Understand that community-driven planning processes can play a role in community healing, but that at times, the healing process may require additional time.
- ◆ Work together with Indigenous partners to clearly identify the expected and intended outcomes of planning processes.





## PARTICIPATE IN MUTUAL CAPACITY BUILDING

- ◆ Understand that Indigenous communities can be administratively overburdened and under-resourced, which can restrict a community's ability to respond to requests for engagement in predetermined timeframes.
- ◆ Remain flexible to ensure that sufficient space and time is created for respectful planning relationships to be built.
- ◆ Approach capacity building as mutually beneficial, i.e., treat interactions with Indigenous communities not only as occasions to exercise knowledge, training, skill, and expertise, but as an opportunity to learn how one's own knowledge of good planning can be enhanced by traditional practices, which may represent millennia of community and ecological stewardship.
- ◆ Approach capacity-building from a perspective of self-determination, i.e., by working with the community to define its own planning processes and identifying where planning skills could supplement and reinforce community strengths.

### **CALL TO ACTION**

CIP recognizes that reconciliation is more than a conversation; rather, it entails careful and sustained action toward relationship building, based on mutual respect, trust, and dialogue. CIP supports the principles put forward in the TRC Final Report and the UNDRIP, and recognizes the impact they have on planning. CIP will support and provide resources to individual planners, as they seek to understand the complex political and legal landscape around reconciliation and actively engage in the discussions and actions required. CIP respects the wisdom of Indigenous planning and sees the profession enhanced by these approaches.





## THE ROLE OF CIP

CIP strongly believes that it is essential to integrate reconciliation into its own work and the work of practicing planners, supporting Indigenous planning, and participating in the broader and long-term processes of reconciliation. To support implementation of the policy, CIP will undertake the following actions:

- ◆ Promote reconciliation in its communications, policy and advocacy, educational standards, professional development activities, and its work with other professions.
- ◆ Ensure that practicing planners have access to the resources, information, training, and other support they need to embed the principles of reconciliation in their practice.
- ◆ Build awareness of Indigenous history, rights, issues, and culture among practicing planners through the Institute’s Continuous Professional Learning program.
- ◆ Support the integration of Indigenous history, rights, issues, and culture in the curricula of planning schools and as a core competency for the accreditation of professional planners.
- ◆ Support and encourage Indigenous people to consider a career in planning and explore other ways in which more they can bring their knowledge to the profession.
- ◆ Advocate for international and federal policies and actions that contribute to reconciliation.
- ◆ Consider additional implementation priorities, based on an annual environmental scan and membership survey.





## ABOUT THIS POLICY

The Canadian Institute of Planners (CIP) is a professional body that works on behalf of over 7,000 members nationally and has served as the voice of Canada’s planning community since 1919. CIP’s policies guide the organization’s daily work and special initiatives to advance best practices in Canadian professional planning.

The development of this policy was led by CIP’s Indigenous Community Planning Committee, comprised of Indigenous and non-Indigenous practitioners, dedicated to building capacity for Indigenous planning and community development across Canada. The policy was developed through extensive engagement with Indigenous planning practitioners and community leaders, along with CIP members, over an eighteen-month period. Engagement was carried out through the use of individual interviews, focus groups, and surveys. The policy was ratified by the CIP Board of Directors in December of 2018.

## ADDITIONAL RESOURCES

For additional resources on produced by CIP, including past special Indigenous issues of *Plan Canada* magazine, bibliographies, links to model plans, and a range of case studies and resources, please see the [CIP Indigenous Planning website](#).





## DEFINITIONS OF KEY TERMS

**Cultural Safety:** an outcome based on respectful engagement that recognizes and strives to address power differentials that can be present in planning systems, e.g., between decision-makers or experts and marginalized people. It means all people feel respected and safe when they participate in planning processes.

**Cultural Humility:** a practice of self-reflection to understand personal and systemic biases and to develop and maintain respectful processes and relationships based on mutual trust. Cultural humility involves humbly acknowledging oneself as a learner when it comes to understanding another's experience.

**Duty to Consult (or, the Duty to Consult and Accommodate with Aboriginal Peoples):** the Crown's duty to consult when it is considering actions that may adversely affect aboriginal or treaty rights guaranteed by section 35 of the *Constitution Act, 1982*. The duty to consult may not be delegated, but government's procedural aspects may be assigned to proponents. Outside of a formal assignment related to a specific activity, planners have an opportunity to inform government duty to consult process by engaging with Indigenous communities in the development of planning tools.

**Indigenous Peoples:** The term *Indigenous peoples* is used in this policy to refer to First Nations, Métis, and Inuit peoples. Different Indigenous peoples and Nations often use their own terms to self-identify, which planners should respect.

**Indigenous Planning:** a generic term to cover the diversity of planning at all scales undertaken with or by Indigenous communities, Nations, and individuals.

### PHOTO CREDIT

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