Planning for Reconciliation?
Exploring Indigenous Interactions with Ontario's Planning Regime

by
Dali Carmichael

supervised by
Deborah McGregor

A Major Paper submitted to the Faculty of Environmental and Urban Change
in partial fulfillment of the requirements for the degree of Master in Environmental Studies
York University, Toronto, Ontario, Canada

November 30, 2020

Abstract

Emerging research on Indigenous planning and reconciliation within planning processes determines that it may be uniquely situated as an institution where transformative, meaningful change can take place. This is due to the policy-led nature of planning and its use as a dynamic space of negotiation and discussion. However, if not informed by Indigenous ways of knowing and colonial histories, planning may serve to perpetuate colonialism or recolonize nations embarking on self-governance initiatives. This project uses a literature review and observational research to explore the possibilities of reconciliation within Ontario's planning regime, and provides recommendations and guidelines based in Indigenous epistemologies to embark on this pursuit.

Keywords: Environmental planning, reconciliation, decolonization, policy, boundary crossing

Foreword

In this Major Research Project (MRP) the reader will embark upon a literature review on planning and interactions with Indigenous peoples in Ontario. In the past I have been encouraged to title and describe the work as “Indigenizing planning,” however, after completing this research I feel uneasy using such terms as I, as a settler and descendent of settlers, am not Indigenous. Any action I take cannot Indigenize anything. I do see myself as an ally to Indigenous peoples, and hope that this research and future works I embark on may contribute to self-assertion and self-government for nations that so desire.

This research serves as the final component needed for me to complete the Masters of Environmental Studies program at York University, with a specialization in environmental planning. In this MRP, I aim to demonstrate how I have met the objectives I established in my plan of study. They objects can be categorized into three components.

The first component addresses historical regional land use planning and Indigenous involvement My learning objectives in this component were to gain a working knowledge of how resource development has evolved throughout Canadian history to the modern day; to gain a better understanding of the socio-economic and regulatory context that shapes Canadian land use policies; to learn the history, politics and anthropology of Indigenous peoples on Turtle Island, including the redefinition of Indigenous identity through state practices; to learn how shifts and influences in planning policy and procedure are or are not working to integrate Indigenous wants, needs and world views; and to obtain the knowledge and skills necessary to meet the program requirements of the Canadian Institute of Planners and Ontario Professional Planners Institute for Candidate Membership.

The second component addresses activist/indigenous tools to influence regional and resource planning. The learning objectives under this component include; creating an historical timeline of influential grassroots environmental and Indigenous empowerment movements in Canada and throughout the globe; understanding the historical influences leading to the International Labour Organization’s Convention C169, the Indigenous and Tribal Peoples Convention, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); to build my understanding of how and why some Indigenous peoples choose neoliberal strategies of engagement with resource development while others do not; to learn about ethical research methodologies for working with Indigenous peoples to ensure their voices are reflected and re-visited throughout my research; and to learn about the intersection between Traditional Environmental Knowledge, and public communication of science and how that communication impacts policy and planning.

The final component addresses extraction, development and environmental justice through litigation. The learning objectives in this component include gaining a more thorough understanding of the duty to consult and accommodate as a legal concept, how it came to be, and how its use has changed

in Canadian law over the last several decades; understanding how evolving legal concepts of jurisdiction, treaty law and land claim settlements have encouraged and/or inhibited Indigenous contributions to land use planning and natural resource development projects in Canada; learning about prominent legal cases wherein Indigenous peoples have used litigation to challenge development on their treaty and traditional territories; learning about Indigenous environmental justice and its relationship to Indigenous and traditional ecological knowledge (TEK), which has served as a key component of incorporating indigenous people into land use planning in Canada; and finally, learning about juridical pluralism within Canada, at the juxtaposition of Indigenous and colonial law.

Between this research paper, my education, and my experiences beyond the classroom over the last two and a half years, I am satisfied that I have met these learning objectives.

Acknowledgements

I've heard and read many versions of land acknowledgements about Tkaronto or Toronto. While not an acknowledgment in and of itself, Rebeka Tabobondung's essay *Wasauking-Vancouver-Toronto: My Path Home* (2016) struck me as a person currently residing on the lands of Treaty 13, known as The Toronto Purchase. I appreciate how her words situate us in the current context, and thought they would be appropriate to share here, rather than me simply listing off treaties and their signatories.

"Long before local politicians began touting the city's ethnocultural diversity, Toronto had a deep history of traditional settlement from many First Nations," Tabobondung writes. "Today, the Anishinabek say the territory belongs to the Mississauga of the New Credit because they had long-established territories and settlements in the area at the time of contact and were the main signatories to the Toronto Purchase of 1787" (p. 50).

She adds that, for her friends who claim Haudenosaunee ancestry, "it is important for them to also acknowledge their connection and birthright to this land, and the presence of their Indigenous ancestors here. There are also many Haudenosaunee burial mounds throughout Toronto and Scarborough" (p. 50).

For Tabobondung, it's deeply poignant that Toronto has existed, and continues to exist, as a 'Gathering Place' for many diverse Indigenous nations over tens of thousands of years, contrary to the colonial concept of *terra nullius*, Latin for "empty land."

"The phrase is a Latin expression and legal theory that derived from a 1095 papal bull, *Terra Nullius*, which allowed Christian European states to claim land occupied by non-Christians. Within this legal fiction, European powers asserted 'title' to the territories of what we now call Canada, disregarding the Indigenous nations that were already living there" (p.50).

She notes that in addition to the Anishinabek and the Haudenosaunee, Toronto's Indigenous communities have historically included the Wendat (Huron), the Neutrals and Petun, "and now Indigenous peoples from nations all over Turtle Island who have come to the city seeking employment, education and new beginnings" (p. 52-53).

"As they continue to build Indigenous spaces in the city, our leaders hold up those original peace and friendship treaties as sources of direction for protocol and governance models. In particular, they cite the One Dish, One Spoon treaty wampum as one of our best examples of respecting cultural diversity while ensuring that the land can take care of us all. Predating the Toronto Purchase, this wampum is an historic peace agreement between the Haudenosaunee and the Anishinabek nations to peaceably share the resources of their adjacent territories in vast regions of the Great Lakes" (p. 53).

I'd also like to acknowledge my professors who have supported me along the way. First and foremost, thank you to Deborah McGregor for hiring me as a graduate researcher for the Indigenous Environmental Justice Project, where I got to learn and exercise my technical story-telling skills through

podcasts and webinars. I also greatly appreciate her gentle guidance, which was especially key in my many moments of self-doubt.

I'd also like to acknowledge Sheila Colla and Lisa Meyers for allowing me to participate in the Finding Flowers project. This incredible undertaking combines Indigenous knowledge and science, communicated through art and gardening. I know the learnings I took from my experience with them will stay with me forever and encourage me to look for out-of-the-box solutions to whatever challenges I may encounter. An extra thanks to Sheila for bringing me onto her Interdisciplinary Conservation in Canada project, which led to many interesting conversations with conservation experts and collaborative opportunities around Zoom and online presentations.

To Luisa Sotomayor, for allowing me to pursue an unusual workshop which let me connect with the *Shared Path Consultation Initiative*. My experiences with this organization have been integral to my education, allowed me to conduct research in real-world context and learn from some of the foremost experts in the field. Every single staff member and board member has been so kind, answered all my questions, and heavily informed this MRP.

Also wish to acknowledge my peers in the program – every one of them deserves praise, but especially Anuja, Jamilla, Sophie and Jocelyn, whose friendship and intelligence sustained and inspired me throughout my studies.

Finally, to my friends and family outside of academia – thank you for putting up with my waves of hermitage, for the many meals shared for the sole purpose of giving me a screen break, for your enduring support, and for making me feel loved and cherished in a time when the world was distanced and isolating.

Table of Contents

Abstract……………………………………………………………………..…….….………ii
Foreword…………………………………………………………...……………..……..iii
Acknowledgements……………………………………………..………..………..iv
Acronyms………………………………………………………….……..……..………viii
List of tables……………………………………………………..………..………ix

Chapter 1: Settler relations, decolonization and boundary crossing in planning
Introduction…………………………………………………..………...…….1
Pivoting to a new research question………………………...………...…….3
A note on terminology……………………………………..……………..……4
Positionality……………………………………………..…………...…....6
Research design and methodology……………………..……………..…... 7
Theoretical frameworks………………………………….………………....9
Identifying planning as a process and an institution……………….….…….. 14
Colonial legal frameworks………………………………….….……..... 16
Pertinent provincial and federal reports……………………….............…19
Interacting with Indigenous legal orders and governance………….……….…...…22
Relevant colonial caselaw……………………..……………..…..…….…24
Duty to Consult Jurisprudence..………………………………..………...…26
Colonialism and land use planning……………………………..…..………29
Identifying Indigenous planning…………………..…………..……..……..30

Chapter 2: Common Ground?
The problem of the Jurisdictional Gap……………..……………..……..…….. 32
Ongoing land claims……………………………………………...…….…….....33
Enhancing First Nations Agency through Policy ……………………..……....….33
Finding Common Ground and Getting to it…………………...…………………...…………… 33
The evolution of Ontario's Provincial Policy Statement……………..…………...……………. 36

Chapter 3: Outcomes and Impacts: Working together in a good way
Third spaces…………………………………………………………...………..40
Principles of Reconciliation……………………………………………..…..……..40
The Shared and observations from the field……..……………………………...………. 41
Analysis and Conclusions: What is Reconciliation Planning or Planning for Reconciliation?… 42

References……………………………………………………..……….……..45

Acronyms

CEDI – The First Nations – Municipal Community Economic Development Initiative (**CEDI**)
CIP – Canadian Institute of Planners
FPIC – Free and Prior Informed Consent
IK – Indigenous Knowledge
LARP – Lower Athabasca Region Plan
OPPI – Ontario Professional Planners Institute
PPS – Provincial Policy Statement
RCAB – Royal Commission on Aboriginal Peoples
TK – Traditional Knowledge
TEK – Traditional Environmental Knowledge
UNDRIP – United Nations Declaration on Indigenous Peoples

List of Tables

Table #1 – TRC Calls to Action Relevant to Planning Authorities as determined by the Shared Path Consultation Initiative. (p. 14)

Table #2 – Legislation and legal frameworks relevant to reconciliation (p. 17)

Table #3 – Relevant colonial research and reports on Indigenous issues (p. 20).

Table #4 – Aboriginal and Treaty Rights caselaw summaries (p. 25)

Table #5 – 5 Distinct and Fundamental Components of the Duty to Consult (p. 27)

Table #6 – Duty to Consult caselaw summaries (p. 28)

Table #7 – Getting to Common Ground: Recommendations for planning policy reform in Ontario (p. 35)

Table #8 – Evolution of Ontario's Provincial Policy Statement recognition of Indigenous rights and responsibilities (p. 37)

Table #9 – Principles of Reconciliation (p. 40)

Chapter 1: Settler relations, decolonization and planning

Introduction

When I set out to complete my major research project to complete my MES Environmental Planning degree, I had a plan. And I failed at it. The Major Research Project (MRP) you are about to read is not what I set out to write. However, I believe that it still encompasses all that I've set out to learn through my time in York University's Masters in Environmental Studies program over the last two and a half years.

My interest in planning centres around its interactions with Indigenous peoples living within the colonial borders of Canada and beyond. As a settler and descendent of settlers, I came to this line of research as a journalist living and working throughout multiple jurisdictions across Turtle Island. At the outset of my time in the MES program, I wanted to know more about how Indigenous peoples conduct land use planning while contending with imposed colonial frameworks. In what ways do their laws and governance systems influence land use planning? Why do so many tensions arise around this topic? And, perhaps most importantly, what is the role of land use planning and its practitioners in the great Canadian reconciliation experiment?

In my original line of research, I had hoped to work with Walpole Island First Nation's (WIFN) Heritage Centre to develop a collaborative project related to their ongoing work around implementing treaty relationships and Aboriginal rights into the official plans of neighbouring local municipalities. I learned about the work the nation was doing through the Shared Path Consultation Initiative (Shared Path), a charity organization established by York PhD student Clara MacCallum Fraser that "aims to facilitate and support Indigenous and local governments, institutions, and organizations to navigate the challenges of an emerging reconciliation landscape through research, education, and relationship-building opportunities and resources" (Shared Path Consultation Initiative, 2020).

This project would have centred around an assessment of opportunities for WIFN to intervene in a specific policy document, the Town of Lakeshore's Waterfront Master Plan, which is currently being reviewed by the municipality. For this project I would have worked with WIFN to develop an understanding of the geographical history of the area in terms of their relationship with the land, as well as treaties that had been agreed upon guiding its development. I also would have aimed to explain why this information remains significant in terms of land use planning and completed a textual analysis of the existing policy. Ideally, this research would have been used to inform the development of a template for Essex County, Lakeshore's upper tier municipality, to assure First Nations' inclusion in official plan policy development both at that level and throughout lower tier communities within the county.

Additionally, I would have reached out to folks who influenced policy at the provincial level, forcing changes in the Provincial Policy Statement that recognized Indigenous rights holders for the first time.

Through this line of research I'd hoped to use a case study to demonstrate my understanding of the ways good planning policy, both at the provincial and the municipal level, can both be influenced by and reflect Indigenous interests.

This line of research was and still is timely as various facets of Canadian society improve their understanding and applications of reconciliation. Further to that, these stakeholders are examining their relationships with local Indigenous communities, the political and legislative structures that shape those relationships, and the ways in which they inform land use planning practices and resource development projects. At the same time, many Indigenous communities seek autonomy in decision making processes around land use planning and development in ultimate pursuit of self-determination.

I had started to reach out to Walpole Island First Nation's Heritage Centre, the body that handles research involving WIFN. We talked about directions the research could go in. We would have conducted latent and manifest content analyses of Lakeshore's new official plan. These would have gone along with interviews from those who influenced changes at the

And then the pandemic hit.

If the research had gone as planned, I would have met with the research team at the Heritage Centre at least once a week. I would have interviewed community leadership from WIFN and its surrounding municipalities. I also would have conducted youth programming where I would work with local educators to teach interested students how to create media products that encouraged learning the Ojibwe language and getting youth engaged with the land and the lifeforms that inhabit it. Along with several presentations about the work to the community at public gatherings like their annual Pow Wow and weekly soup lunches, these activities would have helped me fulfill the reciprocal nature of the relationship, as required under the Heritage Centre's ethics.

From what I've learned about Anishinaabe traditions, reciprocal relationships are integral to everyday life. The give and take between both humans and non-humans creates enduring partnerships based in shared rights and responsibilities that serve to sustain life. I failed to uphold my relationship with WIFN as I was distracted by the COVID 19 pandemic and the effects it has had on my life. York University restricted face-to-face research – the exact kind that communities often prefer. Additionally, the nation had literally closed itself off to the outside world – as the pandemic moved across the globe, chief and council made the tough decision to close the community's bridge, its only land-based access point, with rare exceptions made for emergencies. The circumstances made it a difficult time to forge the kind of ethical relationship with WIFN I would have needed to conduct this research.

So instead, in order to meet the requirements of this degree and address the learning components of my plan of study, I decided to pivot to a new research project.

Pivoting to a new research question

While charting my new research path, I centred my focus on one question.

What is the state of planning and its interactions with Indigenous peoples in Ontario, and can it facilitate reconciliation?

A basic tenet of planning is the use of baselines to understand current contexts, potential areas of improvement, directions on how to embark on such improvements, and the impacts those changes will have. With this MRP, I aim to create a baseline of understanding around Indigenous interactions with planning in the province.

I have taken advantage of the interdisciplinary nature of the Master in Environmental Studies Environmental Planning program to explore social, legal and geographical perspectives on the relationship between land use planning in Ontario and Indigenous peoples. Though the focus of my research remains in the Canadian context, specifically within the Province of Ontario's planning regime, I do refer to research and anecdotes from outside jurisdictions.

I present a literature review of documentation related these questions with two goals in mind. The first is to inform both myself and the reader on the complicated and interdisciplinary nature of land use planning with Indigenous communities and the reasons why this can become a contentious exercise.

The second goal is to identify organizations and individuals who are taking on these challenges using methods informed by Indigenous perspectives. I hesitate to call these "best practices" because, with the dynamic nature of both Indigenous and Canadian legal and governance orders, it may be difficult to replicate strategies from one situation to another. However, perhaps from these strategies, planning authorities may learn to operate in a manner that embraces reconciliation, decolonization and equitable development as guiding policies.

I have had the good fortune to work with Shared Path Consultation Initiative, on projects that provide resources and education to Indigenous and non-Indigenous communities seeking to build relationships around land use. I started working with Shared Path as a student intern for my MES workshop requirement and have since been hired as a program coordinator. In this role, I assisted with research on official plans that has since been made public. I have also participated in public forums where representatives from Indigenous nations and municipal servants have openly shared their experiences participating in such mutual learning and administrative exercises. As such, this MRP includes observational research I have gathered from my experiences with Shared Path.

In this chapter I will identify my guiding research questions; outline the research methods employed; identify useful theoretical frameworks; and give context to the legal and political realities of this work. I will also explore the use of colonialism in planning and attempt to define Indigenous planning.

A note on terminology

I have learned about the importance of semantics when attempting to precisely describe matters relating to Indigenous peoples and governments the course of my academic work and as a journalist. The following section is a glossary of terms that will be used throughout this MRP. While I have adopted these conventions in my own work for many years, I cite the University of British Columbia's *Indigenous Peoples: Language Guidelines* (2018) for reference here. While these are appropriate for professional and academic use, I acknowledge that ultimately, communities and individuals can hold nuanced opinions on these terms and may have their own preferences that should be adhered to.

Indian: A colonial legal term used in legislation, caselaw, and policy. This term is described in the UBC guidelines as "one to avoid" except in existing legal terminology (ie. the *Indian Act*) or where it is part of a proper noun, such as Indian Residential School or The Musqueam Indian Brand. The term carries a strong negative connotation as it is associated with government classification systems rather than stemming from community (p. 7).

Aboriginal: This is another umbrella term that encompasses all First Nation, Métis and Inuit peoples in Canada. Though it is used in the constitution, existing legislation, caselaw, and policy, it has fallen out of vogue in recent years and is commonly replaced by the term "Indigenous." The UBC guide states this trend arose because the term emanates from colonial government, rather than from community (p. 7). Another reasoning for this shift in language has stuck with me since 2015, when then columnist and Dene community leader Dëneze Nakehk'o wrote in my newspaper, the *Northern Journal*:

> I abhor the word "aboriginal." It basically means, not original. The Latin prefix ab means: from or away from. For instance, normal and abnormal. I believe it is a construct, a concerted effort to paint all Indigenous peoples with the same white brush. A cultural homogenization, another step to blend diverse elements into a uniform mixture, basically another step into assimilation (2015).

Indigenous: Another all-encompassing term for all peoples of Indigenous descent in Canada, this term is often favoured in professional and academic circumstances as it stems from grassroots movements and is associated with activism, rather than colonial imposition (UBC, 2018, p. 7).

Native: This term is used infrequently in professional and academic contexts and is discouraged under the UBC guidelines unless it is part of an organizational name from an earlier period (p. 7).

First Nation: One of three specific Indigenous groups in Canada. This term can refer to both individuals and communities. While it may be used colloquially, First Nations also specifically refers to Status Indians under Canadian law. A majority of reserve-based communities refer to themselves as First Nations, and the term Nation may be used to describe a whole cultural group like the Cree nation, for example (p. 8).

Inuit: Another specific Indigenous group in Canada. Historically, Inuit communities and Inuk people (singular) may be found in the Arctic. Inuit are legally and culturally distinct from both First Nations and Métis peoples (p. 9).

Métis: Another specific Indigenous group in Canada with a unique social history. The term Métis may be used to signify a collective or an individual. Until recently, Métis have not been regarded as "Indians" with status under Canadian law and are considered to be distinct from First Nations (p. 9).

Peoples versus People: When discussing multiple nations or Indigenous groups, it is often prudent to use the plural rather than the singular – for example, Indigenous "peoples" versus "people." This convention helps to avoid the homogenization of distinct Indigenous populations. The singular version may be used when describing a specific population (p. 6).

A note on capitalization: In recent years, convention has shifted to capitalizing the above terms. The UBC guide reasons that this convention is consistent with the larger global community of specific demographics, such as Canadians or North Americans. Similar conventions apply to formal titles such as "Chief" and "Elder" (p. 6).

A final faux pas: Some may refer to "Canada's Indigenous peoples," however, the use of the possessive in this instance is quite disrespectful as it implies Indigenous peoples belong to the state, invoking "an entire history of paternalism and control" (p. 9).

Positionality

There are two significant factors about my positionality that I relied on as I conducted this work. The first lies in my lived reality as a person of mixed heritage. I am a descendent of Ashkenazi Jewish refugees on my mother's side, and of Irish and English immigrants on my father's. Through the latter, I am distantly related to group of Seven member Frank Carmichael, an artist who was praised for his watercolours of northern Ontario's landscapes, but heavily critiqued for leaving out the people who lived on the land. My outlook on life is heavily informed by these dualities as I find myself mediating between two dominant world views in my day to day life.

A second significant aspect of my positionality is my experience as a journalist. I started covering Indigenous peoples as a journalist in 2012, and was mandated to cover Indigenous issues in non-harmful ways. I found this pathos reflected in Eve Tuck's beautiful essay *Suspending Damage: A Letter to Communities* (2009).

It was in this capacity as a journalist that I first started examining the connection between land use planning and Indigenous communities as a reporter covering news in the Northwest Territories and northern Alberta. The newspaper that I initially wrote for, *The Northern Journal*, was well-known for its coverage of extractive industries in these jurisdictions and the involvement of and impact on local communities. Approximately half of the population in these areas is Indigenous, and so too was our readership. Recognizing this fact, one of our mandates as a publication was to ensure Indigenous voices were included in our coverage.

In this capacity I learned about Indigenous, specifically Dene, relations to the land. Francois Paulette, former chief of Smith Landing First Nation and a persistent water protector, would call me up and take me out on boat rides and skidoo trips, depending on the season. On these jaunts, he would tell me about his political engagements and about how the land and the water of Thebacha (Fort Smith, NWT), the confluence where the Athabasca River runs into the Slave River, had changed in his lifetime.

Through my work, I learned about the geography of the Mackenzie Watershed, which winds northwards from interior British Columbia all the way to the Beaufort Delta. Our town was several hundred kilometres downstream of the tar sands, and we frequently reported on concerns about the quality of the water and the land because of this industrial development.

One particular story I covered about the Government of Alberta's Land-use Framework, a regional planning scheme, stuck with me. The province had started sectoring off the province into large planning regions and in 2012 it released and approved the *Lower Athabasca Land Use Plan* (LARP) which outlined guiding policies for the oilsands and the surrounding areas. Several years later in 2016, a government-appointed panel released a scathing report informed by five First Nations and a Métis Nation.

The nations claimed they had not been properly consulted on the plan, and that their Aboriginal and treaty rights were being violated.

Simultaneously in the Yukon, the First Nation of Nacho Nyak Dun v. Yukon case – colloquially known as the Peel Watershed case – was unfolding in the Supreme Court of Canada. This case involved the Government of the Yukon reneging on a modern treaty based on planning around extractive activities in the sensitive Peel watershed. Though it was beyond our usual coverage area, we followed the story knowing that it would be a precedent-setting case as one of the first tests of a modern treaty in the courts.

The final event of significance that piqued my interest in the intersection between planning and Indigenous communities was the forest fire that took place in Fort McMurray and northern Alberta in May 2016, where I was living and working for the *Athabasca Advocate*. As the fire rolled in and evacuation orders were given, our newsroom started asking questions about the implications of transit planning in the area. Why was there only one highway serving a city of 80,000, plus several Indigenous communities lining the way south, when wildfires were a known risk? What kind of emergency planning and infrastructure was in place to answer to this kind of disaster, if any at all? Were those the surrounding communities impacted differently than the city centre?

There are many more stories I could share, but these take up most of my thoughts. I've since moved away from journalism, however, these questions stuck in my mind. I decided to use my time in graduate school to investigate these queries and more. Why are there so many conflicts between Indigenous peoples and colonial institutions around land use and resource extraction? How can we address these conflicts and find solutions that are equitable for First Nations? What work is being done on this front? What is the role of colonialism?

It turns out I was not the only person asking these challenging and wicked questions. In fact, whole organizations and academic projects are dedicating their efforts to this particular issue.

Research Design and Methodology

Once my research changed direction, I decided to conduct a literature review based on the broad research question, what is the state of planning and its interactions with Indigenous peoples in Ontario, and is there capacity for reconciliation within the regime?

To answer this, I had to develop some supplemental questions:

1) Historically, how much decision-making power have Indigenous peoples held around land use planning in Ontario?
2) How do Indigenous and non-Indigenous perspectives on land use differ and why?
3) What legal, political and social mechanisms have been used to enforce existing decision-making structures?
4) How are changes being made in the planning system to be more inclusive of Indigenous perspectives, if they are being made at all?

5) What compels planning authorities to improve relations and work with Indigenous peoples?

Essentially, I decided to investigate the state of Ontario's planning regime as an institution and its ability to absorb and respond to decolonizing critiques.

In order to answer these questions, I decided to conduct a literature review based on a diverse mixture of documents from Indigenous studies, Indigenous law, Aboriginal and treaty rights, academic literature, policy, case law, government commissions and inquiries, and legislation. This review took place over the course over roughly six months. As the aim of this research was to set a baseline understanding of planning in southern Ontario and its interactions with Indigenous peoples, a literature review seemed appropriate as it "…simultaneously grounds a project within a specific historical context, positions the researcher within a given theoretical landscape, establishes the relevance of the proposed study, and is a key determinant of the subsequent research methodology" (Gatrell, Bierly & Jensen, 2012, p. 11).

In the selected documents, I looked for specific language about Indigenous planning, and government to government relationships between Indigenous peoples Canadian federal, provincial/territorial, and municipal governments. I also looked for relevant historical information that may give context to current planning processes, as well as recommendations that may or may not have been used to guide those processes.

With this research, I have also chosen to share observations I gathered while with Shared Path. With the organization, I conducted a review on official plans to determine how individual municipalities regarded First Nations in Ontario using latent and manifest research methodologies as well. That information has since been made public, so I will share some of the learnings here.

In determining the scope of this research, I have focused on municipal-First Nations interactions around planning. This project is rooted in the context of the Ontario planning regime, as I am currently living and working within its boundaries. While I will briefly touch on the differences between planning in the far North of Ontario versus planning regime in southern Ontario, the majority of this paper will explore the latter. Finally, while I may touch on Métis and Inuit communities, the focus of this work remains on First Nations and their relationships with municipalities. Though I hope to learn more about Métis and Inuit experiences into the future, the material reality is that the majority of Indigenous-municipal interactions in southern Ontario occur with First Nations, and I do not believe that the limitations of a major research project would allow me to meaningfully explore beyond this scope.

I admit, I struggled with the challenge of how to conduct this work ethically. Do I try to scramble for interview approvals under Chapter 9 of the Tri-Council Policy Statement, York University, and community protocols, knowing that communities are struggling more than ever as they grapple with the material struggles presented by the COVID-19 pandemic? Do I try to build reciprocal working

relationships, knowing that their capacities and my own are depleted? Due to the circumstances, I chose to not conduct interviews for the purpose of this research. I have, however, learned from many experiences beyond the scope of this MRP. I identify this as an area for future continuous learning and hope that my efforts to include Indigenous perspectives in my theoretical frameworks, contextualizing research, and commentary make up for this deficiency, at least in part.

Theoretical Frameworks

As the research questions identified establish the intention to explore both Western and Indigenous engagement in planning, I strived to reflect both epistemologies in the theoretical frameworks I employed. To that end, I looked for frameworks that would allow me to fully explore the two world views simultaneously.

Porter and Barry's critical analysis of "contact zones," is one of the most often cited frameworks in this research niche of planning and its interactions with Indigenous peoples and proved to be extremely useful in this literature review. They conceive of contact or collaboration zones as spaces "of interaction between groups marked by difference, but one that is deeply constructed though and by historical asymmetrical relations of power" (2015, p. 23). They borrow from formal concepts of Critical Discourse Analysis, influenced by the works of Foucault, Chouliaraki and Fairclough, to understand how language and texts could be used to inform transformational potential and processes of contact zones (ibid). In the planning context, they assert that planning texts, which may include legislation and policy, "recontextualize…discourses from other social fields, and across scalar boundaries" and in doing so, can be used to expose the "boundedness of urban planning contact zones with Indigenous people and *explain* how these boundaries have come to be" (ibid).

Porter and Barry use this analysis to argue that planning texts "mediate the terms and shape of the postcolonial contact zone, at the same time as they express a great deal of regulatory power" (ibid). They assert that these particular contact zones are rather shallow because of planning's limited and rigid nature of recognition, which often requires that practitioners attain a certain level of competency which may only be gained through Western systems of knowing, rather than Indigenous ways of knowing (p. 24). They also argue that this shallowness comes from the argumentative and combative nature of transformation, where conflicts often must be brought to colonial arenas like courts or tribunals in order to be settled (ibid).

That is not to say that transformation cannot occur within the field of planning, however, it does require that boundaries and the concepts that define them expand. While exploring municipal-Indigenous coordination efforts in British Columbia, they contend that "cities…are not spaces that are seen as containing coexisting and underlying Indigenous rights and title" because legislative and regulatory texts

and processes limit this possibility (p. 36). The city “is bound” to pre-existing systems of planning that limit opportunities “to recognize coexisting jurisdiction and property rights” that come from both Western and Indigenous legal orders (p. 36), and may actively “formalize planning power in the ability to *not* hear what is being said” (p. 37). True transformational change, then, requires shifts at the higher levels of policy, legislation and regulation.

This analytical framework of contact zones and boundary exploration from Porter and Barry necessitates an understanding of colonialism and decolonization frameworks. Planning as a Western institution has evolved from colonial philosophies around land and property. Tuhiwai Smith, a Maori academic from Aotearoa (New Zealand), is often cited for her ability to spatialize colonialism and for coining the term “cognitive imperialism” to describe the spread of racist and incorrect information about Indigenous peoples in the pursuit of imperialism and colonialism (Dorries & Ruddick, 2018, p. 620).

She borrows from English historian Hobson and Lenin in writing that colonialism is only one expression of imperialism, the system of control used to secure markets and capital investments by European countries seeking economic expansion starting in the fifteenth century (2012, p. 60). She ties imperialism to “a chronology of events related to ‘discovery,’” including conquest, exploitation, distribution and appropriation (ibid). She breaks imperialism into four methods and purposes: (1) imperialism as economic expansion; (2) imperialism as the subjugation of ‘others’; (3) imperialism as an idea or spirit with many forms of realization; and (4) imperialism as a discursive field of knowledge (ibid).

Tuhiwai Smith explains that colonialism facilitated this imperialist expansion by ensuring European control, which “necessarily meant securing and subjugating the indigenous populations” (p. 60-61) in addition to maintaining control of settlers “in services to the greater imperial enterprise” (p. 63-64). To accomplish this, imperialists established colonies on “discovered” lands and, as Tuhiwai Smith writes, “Colonialism became imperialism’s outpost, the fort and the port of imperial outreach” (p. 63). This “colonizing” system, or colonialism, allowed incoming settlers to both access raw materials for economic gain and to bring “European systems of rule and social relations” to these lands (p. 67), laying the groundwork for a specific kind of settler colonialism.

Colonial systems were not kind to the Indigenous peoples already occupying the land. European concepts of “humanity” were not fully extend to them, and as such, “enabled distance to be maintained and justified various policies of either extermination or domestication” (p. 67).

Decolonization and anti-colonial frameworks oppose these imperialist assertions. Tuhiwai Smith describes two strands of “an indigenous language of critique” that inform decolonization frameworks; concepts of “pre-colonized time,” that occurred before contact with European imperialists when Indigenous nations had absolute authority over their lives, and ‘colonized time’ which analyzes the ways

in which Indigenous peoples "were colonized, of what that has meant in terms of our immediate past and what it means for our present and future" (p. 67). She adds that the "struggle to assert and claim humanity has been a consistent thread of anti-colonial discourses on colonialism and oppression" (p. 67).

Dorries frequently analyzes planning regimes using a settler colonialism framework. She cites Wolfe, who argues that settler colonialism is best understood as a state-sanctioned structure that "operates on a 'logic of elimination' which aims to remove indigenous peoples from their territories to meet requirements for land" (Wolfe, 2006; Dorries 2017; Dorries & Harjo, 2020, p. 211). Settler colonialism is justified by the "ideology of white supremacy that organizes the world according to a racial hierarchy" she writes, noting that, "With few exceptions, planning scholars have not maintained a sustained engagement with scholars of critical ethnic studies who have faced questions of racism and settler colonialism head on" (2017, p. 75).

The colonial concept of property as a thing that can be individually owned, "rather than as a bundle of rights delineated through social relations," is central to planning processes and means that the political, racializing nature of planning is often downplayed as it is popularly considered to be a neutral, technical practice concerning the administration of land use (p. 74-75). Far from it, Dorries argues that legal arrangements within planning reflect higher order colonial "policies originally designed to assimilate and eliminate Indigenous peoples" by prioritizing Canada's sovereignty claims and simultaneously denying Indigenous claims to authority and political legitimacy (p. 92), thus enshrining Indigenous dispossession at the municipal level.

Dorries and Harjo also bring an Indigenous feminist lens to the discussion, asserting that settler colonialism targets Indigenous women in specific ways through the "imposition of sexist and heteropatriarchal logics" that are central to settler colonial governance because of their ability to "reproduce Indigenous peoples and political orders" (2020, p. 211). They define Indigenous feminism as "a political project that seeks pathways to liberation that attend to Indigenous women, especially those women excluded from their communities through colonial legislation" (Green 2007; Dorries & Harjo, 2020, p. 213). As a theoretical framework, Indigenous feminism "theorizes violence from a standpoint that begins with the body, but also locates the body as belonging within a political order that includes relations to land and more-than-human kin" (p. 213). Finally, they argue that planning must include an analysis of settler colonial violence and an understanding of how this state-sanctioned violence can be resisted in order to pursue community safety as a planning outcome (p. 211).

Whyte provides a modern connection between decolonizing frameworks, environmental planning and climate change. The processes of colonialism have altered the ecological conditions that have sustained Indigenous peoples for millennia, thus impacting their cultures, health, economies, and political self-determination. These processes have occurred so rapidly that Indigenous peoples, despite their

collective adaptability, "became vulnerable to harms, from health problems related to new diets to erosion of their cultures to the destruction of Indigenous diplomacy, to which they were not as susceptible prior to colonization." Finally, he writes that Indigenous peoples "often understand their vulnerability to climate change as an intensification of colonially-induced environmental changes" (2017, p. 154)

Through the course of this research, I also encountered two existing theoretical frameworks that stem from Indigenous ideology and propose combining Indigenous and Western epistemologies.

The most commonly used theoretical framework of this kind is the concept of two-eyed seeing, which is rooted in in Mi'kmaw ways of knowing. This framework is one of "integrative science," and is informed by weaving together Western and Indigenous or Traditional Knowledge (IK or TK) (Bartlett, Marshall & Marshall, 2012, p. 331). It is often attributed to Albert Marshall, a Mi'kmaw elder who shared the collaborative guiding principle with academics out of Cape Breton University. Its applications in boundary-crossing work are rooted in science and education, in an effort to encourage Indigenous youth to enroll in science-related programs by "including Mi'kmaw and other IK and ways of knowing side-by-side with mainstream knowledge and ways of knowing in post-secondary science curricula" (p. 333)

Elder Albert is cited as stating that "Two-Eyed Seeing adamantly, respectfully, and passionately asks that we bring together our different ways of knowing to motivate people, Aboriginal and non-Aboriginal alike, to use all our understandings so we can leave the world a better place and not compromise the opportunities for our youth (in the sense of Seven Generations) through our own inaction" (p. 336). He adds that it does not fit into any particular subject area or discipline, and that it is "a guiding principle that covers all aspects of our lives: social, economic, environmental, etc. The advantage of Two-Eyed Seeing is that you are always fine tuning your mind into different places at once, you are always looking for another perspective and better way of doing things" (Bartlett et al. 2012; Bartlett, Marshall & Marshall, 2012, p. 336).

Similarly, the concept of Métissage has been used to "explore ideas of mixed identities, languages, and ideas around space and place" (Burke & Robinson, 2019, p. 151). This framework stems from Caribbean Creole geo-cultural and linguistic context, specifically from Glissant who used it to analyze the "cultural hybridity" of Caribbean peoples who experienced displacement, dislocation and a missing shared collective memory resulting from slavery and colonialism (p. 151). It gets its name from the word *Métis*, rooted in the Latin word *mixtus*, which means mixed and refers to fabric women from at least two different fibres (p. 151).

Métissage as a research praxis has been described as a method of weaving together multiple narratives without asserting any one grand narrative or discourse (p. 152). Rather, it embraces individual texts or voices, and uses them to create a third space to explore relations between such texts (p. 152).

Burke and Robinson note that Métissage is “not a Métis concept or even an Indigenous concept,” and assert that it may be used by “any researcher whose goal is to interweave different, even contradictory, realities and lived experiences and to explore and challenge dualistic notions” (p. 152).

Indigenous researchers in North America have adapted Métissage as a “decolonizing research sensibility” (Donald, 2012; Kapyrka & Dockstator, 2012, p. 103) to explore the relationality of texts. Donald explains that Métissage provides:

> …a way to hold together the ambiguous, layered, complex, and conflictual character of Aboriginal and Canadian relations without the need to deny, assimilate, hybridize, or conclude. It describes a particular way to pay attention to these tensions and bring their ambiguous and difficult character to expression through reading and writing. (2012, p. 536; Kapyrka & Dockstator, 2012, p. 103)

Ultimately, the purpose of this research project is to explore planning’s capacity to become an apparatus of reconciliation, the final theoretical framework used in this project. As such, this examination calls for theoretical frameworks and methodologies that are able to hold both Indigenous and Western epistemologies, like the frameworks described above.

Reconciliation is defined as:

> …an ongoing process of establishing and maintain respectful relationships. A critical part of this process involves repairing damaged trust by making apologies, providing individual and collective reparations, and following through with concrete actions that demonstrate real societal change. Establishing respectful relationships also requires the revitalization of Indigenous laws and legal traditions. It is important that all Canadians understand how traditional First Nations, Inuit, and Métis approaches to resolving conflict, repairing harm, and restoring relationships can inform the reconciliation process. (TRC, 2015, p. 16-17).

Borrows calls reconciliation “the centrepiece of its jurisprudence dealing with Aboriginal rights (2001, p. 32). The Truth and Reconciliation Commission (2015) provides a guide for different elements of Canadian society to embark on reconciliatory practices through its Calls to Action. Shared Path identifies three specific calls to action that apply to planning, listed in Table #1 (Shared Path, 2020).

Table #1 – TRC Calls to Action Relevant to Planning Authorities as determined by the Shared Path Consultation Initiative (Truth and Reconciliation Calls to Action, 2015).[1]

TRC Calls to Action
47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts (p. 5).
57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism (p. 7)
92. We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following: i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects. ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects. iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism (p. 10).

Identifying planning as a process and an institution

Land use planning can be recognized as both a process and an institution. Before exploring planning as a potential apparatus of reconciliation, I will use this section to explore planning as both a process and an institution, as well as its interactions with colonialism and extractivism.

As a process land use planning is assigned to provincial jurisdiction through the *Constitution Act 1867*. Planning in Ontario is a state-led, policy-led system, where the Provincial Policy Statement (PPS) "provides direction on matters related to land use planning and development across the province, and serves as an expression of broad social and economic policy goals" (Dorries, 2017, p. 78). All planning policy in the province must conform to the PPS.

Very often, it is described as a technical process. Citing Friedmann, Dorries writes that planners frequently see themselves as technicians or technocrats serving existing structures of power (p. 78). This

[1] Direct quote from the *Truth and Reconciliation Calls to Action*, 2015

reasoning gives the appearance that planning is a neutral activity and supports the belief that municipalities' are separate from matters of national political interests (Dorries, 2017, p. 78).

Some, like Dorries and Sandercock, view planning as an inherently political process. Sandercock writes that those who enter the field of planning are required to make three political choices:

1) For whom and what to work – the environment? The community? The megaproject?

2) How to act strategically – influence how decisions are made by the governing institution

3) Technical work itself – involves a decision or an assumption about what to measure, what to count (enumerate), what to feed into the model (2004, p. 139).

Because planning as a process requires parties to make endless decisions when presented with choices, it is only natural that conflict might arise. Sandercock writes that the conflicts are driven by relationships, not by land or resource management processes in and of themselves, and as such a discourse is needed to mediate between stakeholders (p. 139). She writes, "Conflictual relationships involve feelings and emotions like fear, anger, hope, betrayal, abandonment, loss, unrecognized memories, lack of recognition, and histories of disempowerment and explosion. When planning disputes are entangled in such emotional and symbolic, as well as material, battles, there is a need for a language and process of emotional involvement and resolution" (ibid).

Thus, she concludes, planning processes need to move beyond the strictly rational and technical aspects of the practice, and practitioners should accept that they need to facilitate "dialogue and negotiation across the gulf of cultural difference, [and] requires its practitioners to be fluent in a range of ways of knowing and communicating, from storytelling to interpreting visual and body language" (ibid). By not confronting these realities, the processes of planning may perpetuate "myths of objectivity, value neutrality, and technical reason to persist," which may exclude some voices not well-versed in these rigidities. By embracing political interests within its processes, Sandercock asserts that planning allows for a "new freedom," one that "helps to redefine political debate, producing new sources of power and legitimacy, changing the force field in which we operate" (Sandercock, 2004, p. 134).

This leads to the discussion of planning as an institution. Because of its role within society as a space of analysis, negotiation, discussion, it "gives rise to (at least perceived) opportunities to gain influence and to lead in expression of interests," (Galbraith, 2014, p. 454) more so than rigid societal institutions such as law.

Galbraith writes that, "Planning provides a unique empirical space for observing contradictions between values and interests that are placed at odds, come into conflict, set aside, and/or are (temporarily) reconciled" (ibid). While planning spaces tend to operate in colonial ways, Galbraith notes, certain conditions and mechanisms available in these systems may be used to open up perceived opportunities to

change development outcomes, including spaces for Indigenous planning methods and protocols to take place.

Colonial legal frameworks

I will explore the entanglements of colonialism and planning, however, before entering that discussion it is essential to give some context as to how those entanglements have been formed. In this section, I will outline both national and international legal frameworks that have been developed and employed to conduct colonial relations with Indigenous peoples. I believe that this background should be standard learning for planners doing consultation work with Indigenous peoples, just the same as students are taught about planning law, zoning, environmental assessment and site plans. This brief historical analysis provides an understanding of where the authority or power to govern and make land use planning decisions comes from. If planners or planning authorities do not acknowledge its role in colonialism, it may perpetuate colonialism or recolonize nations who have embarked on independent or self-governance.

The concept of legal pluralism is central to this work. In this research, I will use the term "Aboriginal law" to describe the set of principles that colonial law has developed to govern Indigenous peoples. This is distinct from "Indigenous law," which I will use to describe a set of norms and principles that emanates from various Indigenous peoples and their lands. These laws are rooted in governance systems established by individual Indigenous communities before contact with European settlers (Law Commission of Canada, 2006, p. 1). The Law Commission of Canada notes that, "These legal traditions are not ancient artefacts, frozen in time, but living systems of beliefs and practices, revised over time to respond to contemporary needs and challenges" (2006, p. 6).

Borrows states that, "While some Indigenous law is customary, it can also be positivistic, deliberative, or based on theories of divine or natural law" (2010, p. 12). He also argues that much of the tension between colonial law and Indigenous law stems from the Doctrine of Discovery and the erroneous assumption of *terra nullius*, of "barren and deserted land" that colonizers used to justify the imposition of their own legal systems over existing Indigenous legal systems (2010, p. 17).

As these Indigenous laws were established by different nations as a result of their enduring relationships to the land, they vary from one nation to the next. In his text *Canada's Indigenous Constitution,* Borrows refers to at least eight Indigenous law examples, with descriptions of the Mi'kmaq, Haudenosaunee, Anishinabek, Cree, Métis, Carrier, Nisg'a' and Inuit legal traditions (2010). This is not an exhaustive list, but it does serve to highlight similarities, variations and the inherent importance of Indigenous languages and world views to Indigenous legal traditions. He also gives examples of how some of these legal traditions have been used in modern Indigenous and non-Indigenous law.

These legal orders and Indigenous governance regimes are informed by relationships individuals and nations foster with the more-than human. This information is often called Traditional Environmental Knowledge (TEK), also known as traditional ecological knowledge and, simply, traditional knowledge or Indigenous Knowledge (IK). Successful collaborative governance initiatives often combine Western research methods with TEK, especially in the fields of ecology and climate science (Reo et al, 2017).

By following these laws and governance systems that are separate from the Canadian legal system, Indigenous nations are participating in a process of self-determination. Indigenous peoples who determine themselves to be a separate nation from Canada are self-determining. In his book *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition,* Coulthard uses the Dene Declaration of 1975 as an example of "a political manifesto demanding for the full recognition of Dene as a self-determining nation within the country of Canada." (2005, p. 64). This assertion emboldens the nations to assert their own existing political regimes and laws, including those that guide land use planning. In recent years, some nations have developed agreements with the Crown that officially recognize and codify self-determination within colonial legal and governance systems.

In this line of research, understanding the history and intent of treaty agreements and the patterns of Indigenous and non-Indigenous settlement is also imperative. Treaty territories in Canada are defined by nation to nation agreements between Indigenous nations and the colonial state (Borrows, 2005).

Table #2 – Legislation and legal frameworks relevant to reconciliation

Legal concept or document	Description and Significance
Doctrine of Discovery and Terra Nullius	The *Doctrine of Discovery* is the legal foundation for all colonial land rights in Canada. It was employed by imperialist European states attempting to establish sovereignty in the "New World," though these claims to land were made without consent from Indigenous populations who had already established long-running relationships with the land (Reid, 2010, p. 336). The legal concept of t*erra nullius* literally translates to "vacant land" and was used by the French and the English to substantiate their right to assert sovereignty over lands that belonged to non-Europeans (Reid, 2010, p. 340).
The Royal Proclamation, 1763 and the Treaty of Niagara, 1764	The foundational agreement of peace, friendship and respect between Britain and First Nations, this proclamation asserted British sovereignty in the "new world" and indicated that no territories could be taken or infringed upon without a First Nation's consent (Borrows, 1994 & 1997; McLeod, 2015, p. 5).
Treaty system and traditional lands	The treaty process was originally designed to "resolve the long-standing dispute between Aboriginal peoples and the Crown over rights to land, and to set out the terms for Aboriginal self-governance" (Egan, 2012, p. 399). In recent years, however, the treaty process has increasingly been rejected because it focuses too much on achieving "certainty" over title and extinguishing Indigenous rights, a policy that is strongly rejected by

	many First Nations (Alfred & Corntasel, 2005; Egan, 2012; Paci, Tobin & Robb, 2002; Galbraith. 2017, p. 455).
Indian Act, 1876	Informed by both the *Gradual Enfranchisement Act* (1869) and *Gradual Civilization Act* (1857), the *Indian Act* is a legal mechanism created to facilitate the assimilation and dispossession of Indigenous peoples. It does so by determining who can claim Indian legal status and rights to territory. "These arbitrary legal distinctions between Indian and non-Indian created by the Act to expedite land transfers and resource extraction now also dictate the ability of people to participate in Indigenous political and community life" (Lawrence 2003; Dorries & Harjo, 2020, p. 211-212) The act brought status Indians under the exclusive jurisdiction of the Crown, thereby giving it the legal power to define their rights. (Dorries, 2017, p. 77).
Sections 91 & 92 of the Constitution Act (British North America Act), 1867	The constitution divvies up the powers and responsibilities of the federal government and provincial governments. It places "Indians" and their lands under federal jurisdiction, and municipalities and their lands under provincial jurisdiction. This act created the legal framework for Canada's system of government, and "further codifies the status identities created by the *Indian Act*." (Dorries, 2017, p 77).
Constitutional law and Aboriginal rights in the Constitution Act 1982	S.35 of the *Constitution Act 1982* recognizes and affirms existing Aboriginal and treaty rights within Canadian law. It defines Indians (First Nations), Métis and Inuit peoples as "aboriginal peoples of Canada," and guarantees these unique rights to both sexes. It also asserts that treaty rights includes both existing rights and rights that may be acquired through land claims. Finally, s.35(1) establishes a process for amending this particular portion of the *Act* that includes inviting representatives of Aboriginal peoples of Canada to participate in discussions.
Canadian Charter of Rights and Freedoms, 1982	Part I, s.25 of the *Charter* guarantees the protection of Aboriginal, treaty or other rights or freedoms that pertain to the Aboriginal peoples of Canada. This includes those that were recognized under the Royal Proclamation of October 7, 1763 and those that now exist by way of land claims agreements or may be so acquired.
Aboriginal versus treaty rights	Both are protected under S. 35 of the *Constitution Act, 1982* Treaty rights are "context-specific rights stemming from nation to nation agreements between specific Indigenous communities sand the Crown following the arrival of European settlers" (Newman, 2009; Porter, 2010; Slattery, 2000; McLeod et al, p.5). A majority of treaties were "oral agreements and based on spoken exchange between equal parties (Borrows, 1997b; Slattery, 2000; McLeod et al, 2015, p. 5). Written accounts document narrative from the British Crown and may differ in spirit and intent from those of Aboriginal peoples who agreed to them (Slatery, 2000; McLeod, 2015, p. 5). As such, the Supreme Court has recognized that if both oral and written accounts exist they, "along with any discrepancies, should be interpreted in an open manner that gives more weight to an oral history (Slattery, 2000; McLeod et al, 2015, p. 5). Colonial court cases have found that Indigenous claims to space and place are *prima facie,* "meaning that government duties arise when they 'could meaningfully form an idea of there being Aboriginal title, an Aboriginal

	right, or a treaty right" (Newman, 2009, p. 29). These rights do not have to be proven, "nor are they confined to a specific Indigenous body, as case law establishes a contact zone with Indigenous peoples that can include individuals, Bands (political bodies formally established by the federal *Indian Act*), traditional Indigenous governance structures and Indigenous groups with and without formal treaty" (Newman, 2009; Porter & Barry, 2015, p. 26).
International Labour Organization (ILO) Convention 169 - Indigenous and Tribal Peoples Convention, 1989	The ILO is a tripart United Nations agency that concerns itself with working conditions within its member states. A precursor to UNDRIP, ILO Convention 169 "recognizes Indigenous peoples' right to self-determination within a nation-state, while setting standards for national governments regarding Indigenous peoples' economic, socio-cultural and political rights, including the right to a land base" (Indigenous Foundations, 2009). It contains forty-four articles, divided into ten categories. The convention is law within the nation-states that have ratified it – Canada has not ratified this convention.
UNDRIP and FPIC	The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is an international declaration that recognizes and affirms various human rights as they apply to Indigenous peoples across the globe. The document contains 46 articles. The most significant to this context may be article 10 on Free, Prior and Informed Consent (FPIC). This article states that, "Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return" (2007, p. 11). The declaration was adopted by the UN General Assembly in 2007 and ratified by Canada a decade later in 2017.

Pertinent provincial and federal reports

Colonial governments have collected plenty of data on Indigenous peoples in Canada for many decades, with foci such as economic development, governance, history, and socio-cultural studies.

The following section contains summaries of some of the more prominent studies conducted by the federal government and its partners, along with pertinent lessons they hold for the planning profession.

I include this section in the research to demonstrate that knowledge around the often-fraught relationship between Indigenous peoples and the colonial governments of Canada and its provinces and territories are fairly well understood. Recommendations included in these reports are rarely ground-breaking - in fact, they are often repeated from one project to another.

Table #3 – Relevant colonial research and reports on Indigenous issues

Document	Description and Significance
A Survey of Contemporary Indians, aka the Hawthorn Report, 1966 & 1967	*A Survey of Contemporary Indians*, known colloquially as The Hawthorn Report after its research lead Harry B. Hawthorn, was commissioned by the federal Department of Citizenship and Immigration in 1964 to gain an understanding of "the contemporary situation of the Indians of Canada with a view to understanding the difficulties they faced in overcoming some pressing problems and their many ramifications" (Hawthorn, 1966, p. 5) The first study of its kind, more than 40 researchers conducted this survey on Indigenous peoples' material wealth, health, and the "knowledge that they live in equality and in dignity within the greater Canadian society" (ibid). The research was commissioned after it came to the public's attention "that the majority of the Indian population constitutes a group economically depressed in terms of the standards that have become widely accepted in Canada" (p. 21), despite their status as "citizen plus" with rights that non-Indigenous peoples do not hold. It produced some 150 recommendations in support of facilitating Indigenous economic independence. The most helpful information planners can pull from the *Survey* is the history of how band councils were developed under the *Indian Act* and how they operate differently from municipalities. Volume I includes a history of Indigenous suffrage which, until 1960, was not granted at the federal level without conditions of military service, the extinguishment of Indian status, or the voluntary elimination of tax exemptions as prescribed under the *Indian Act* (p. 260). Indigenous peoples became fully enfranchised without conditions in the province of Ontario only a few years earlier, in 1954 (p. 262). Given this context, it is noteworthy that among the economic development strategies explored in Volume I of the *Survey* was a case for making reserves their own municipal entities, thereby encouraging a more functional relationship between provinces and Indigenous nations. Hawthorn et al believed there was a "relative lack of formal self-governing institutions in Indian communities," and that "At the local level most Indian communities have only the most rudimentary control over their own collective futures." By this logic, which simultaneously prioritizes Western governance systems and ignores Indigenous counterparts, it made sense to the *Survey* researchers that converting to a municipal governance system would give Indigenous nations more power within the colonial framework. In Volume II of the *Survey*, researchers state that colonial governments appeared to assume that band councils created under the *Indian Act* would naturally adopt European or Canadian local government models (p. 177). However, they concluded that many bands continued to rely on their own traditional governance styles rooted in kinship. One explanation given for stagnant Indigenous adaptation of municipal-style governance was a perceived lack of power in decision making authority on important matters and situations causing concern at the local level (p. 178).
Statement of the Government of Canada on	The *Statement of the Government of Canada on Indian Policy*, colloquially known as the White Paper, was published under then

Indian Policy, aka the White Paper, 1969	Indian Affairs Minister Jean Chrétien and signalled a radical shift on the federal government's approach to governing Indigenous peoples. Informed by the Hawthorn report, it controversially called for the end of Indian status. It also received much criticism from Indigenous peoples; one of the more stinging rebukes came from the Indian Chiefs of Alberta in the form of a red Paper.
The Sewell Commission, 1993	This commission was brought by the Government of Ontario to examine possibilities for planning reforms within the province. Its scope included investigating the status of "Aboriginal concerns for the planning process" (Dorries, 2014, p. 43). Based on the commission's analysis and consultation with First Nations, it made four recommendations to improve the province's planning framework "that should be considered as interim steps, without limiting opportunities for other solutions to be discussed or established as Aboriginal self-government evolves" (Sewell, 1993, p. 59). These included: 1) A protocol or agreement be developed at the provincial level so that notice of development proposals or changes in use or tenure of provincially owned lands would be given to First Nations, non-status Aboriginal, and Métis settlements and areas. 2) The *Planning Act* be amended to authorize municipalities and planning boards to enter into agreements with First nations and Aboriginal organizations regarding joint-planning, development, details of notifications, servicing, and other matters within municipal jurisdiction. This authorization should explicitly note that outstanding land claims are not prejudiced because of such agreements. 3) Requirements in the *Planning Act* to notify an owner or a municipality, or a provincial or federal agency that has a relevant interest, be amended to specifically include First Nations, non-status Aboriginal, and Métis settlements and areas. 4) The province notify municipalities of land claims that affect their jurisdiction. (1993, p. 59). None of the recommendations were integrated into Ontario's planning policy (Dorries, 2014, p. 44)
Royal Commission on Aboriginal Peoples, 1996	The Royal Commission on Aboriginal Peoples (RCAP) was established by a federal Order in Council in 1991 and its final report, broken down into five volumes, was released in 1996. The commission was "mandated to investigate and propose solutions to the challenges affecting the relationship between Aboriginal peoples (First Nations, Inuit, Métis), the Canadian government and Canadian society as a whole."
Ipperwash Inquiry, 2007	The Ipperwash Inquiry was established by the Government of Ontario in 2003 under the *Public Inquiries Act*, and its final report was released in 2007 under Commissioner Sidney B. Linden. It was mandated to inquire into and report on the death of Dudley George, an Ojibwa man who was shot and killed by Ontario Provincial Police in Ipperwash Provincial Park in 1995 (Dorries, 2014, p. 43). These lands were part of the ancestral territory of the Stony Point First Nation and had been

	expropriated by the federal government during World War II with the promise they would be returned. Instead, the provincial government took over to use the lands as a park. In 1995, members of the First Nation occupied the park to bring attention to the land claim. Occupiers and Ontario Provincial Police had a violent clash and George was shot during a raid on the camp (Dorries, 2014, p. 43). The Final Report of the Ipperwash Inquiry found that the OPP and the provincial governments bore some responsibility for Dudley's death. Additionally, it found the nature of formal planning frameworks limit First Nations opportunities to meaningfully influence planning decision making. (Dorries, 2014, p. 43). The final report acknowledged the role of planning in creating conflict and recommended that Ontario "create mechanisms for obtaining input from Aboriginal communities on planning, policy, legislation, and programs affecting Aboriginal interests." (p. 44). Ultimately, it led to the creation of a Ministry of Aboriginal Affairs (McLeod et al, 2015, p.1)
Truth and Reconciliation Commission (TRC), 2015	The Truth and Reconciliation Commission was created as a result of the Indian Residential Schools Settlement Agreement, which settled class action lawsuits brought by residential school survivors and their advocates (TRC, 2015, p. v). The commission collected stories of these students' experiences of being removed from their homes and their communities without consent to attend residential schools, where youth were frequently abused and forced to abandon their languages and their culture. The TRC establishes a definition of "reconciliation" between Canada and Indigenous nations, and sets out 94 Calls to Action about how reconciliation may be pursued by Canadian institutions and people.
Canadian Institute of Planners: Policy on Planning Practice and Reconciliation, 2019	Following the release of the Final Report of the Truth and Reconciliation Commission, the Canadian Institute of Planners reflected on its role in reconciliation and released a new policy on Indigenous Planning, informed by calls to action from the TRC.
OPPI Report: Indigenous Perspectives in Planning, 2019	The Ontario Professional Planners Institute (OPPI) worked with an Indigenous advisory committee to develop recommendations for planners working with Indigenous communities based in the Truth and Reconciliation Commission. These recommendations centred around educating planners about the field's complicity in colonialism and respectful, ethical ways to engage with Indigenous communities around planning matters.

Interacting with Indigenous legal orders and governance

In this section, I explore some of the issues around colonial interactions with Indigenous legal and governance orders and implore planners and planning authorities to embrace nation-to-nation governance informed by Indigenous protocols as a method of relationship building. I found Reo et al's work on Indigenous involvement in multi-actor environmental stewardship held some lessons that could be useful in planning contexts (2017).

Indigenous governance is “a term that recognizes that Indigenous peoples have had, and in many cases continue to have, their own forms and institutions of governance and law, ranging from local, often fairly informal deliberative and decision-making processes to complex, formal, and centralized structures” (Kuokkanen, 2019, p. 61). To endeavour to understand and typify Indigenous governance systems that exist across Turtle Island goes far beyond the scope of this paper and could potentially be harmful as, if done without tact, it may serve to homogenize unique orders nations have created based on their relationships with specific lands.

Reo at al. posit that literature on collaborative environmental governance often fails to consider Indigenous nations, and that when they are referred to, it is as stakeholders rather than “self-determining nations with inherent rights and governance systems that pre-date settler colonial structures” (p. 58). This undermines Indigenous status as treaty-holders who hold government-to-government agreements with colonial governance. Such faux-pas indicate that the importance of nation-to-nation agreements and the varying jurisdictional scales Indigenous nations have authority over are “not always recognized by contemporary settler communities” (p. 58-59).

This tendency is exceptionally problematic as “multi-actor initiatives increasingly seek to involve Indigenous partners because Indigenous nations are active environmental stewards and use unique knowledge systems relevant to understanding human–environment interactions (Bowie, 2013; Whyte, Brewer, & Johnson, 2015; Reo et al, 2017, p. 59).

Planning processes often involve multiple actors, including proponents, and various levels of government and community stakeholders. This basic recognition of treaty-relationships and the spirt of coexistence that they were forged in is a sign of respect for Indigenous Knowledge and practices, and is critical to the success of multi-actor initiatives involving Indigenous nations (p. 60). Reo et al note that for Anishnaabek peoples, many of whom reside within Ontario’s borders, respect is “a core value that helps to define Minobimaadiziwin, or how one goes about living well. This includes putting the needs of others before your own, not looking down on anyone, and acknowledging the importance of all of creation” (Benton-Banai, 1979; Reo et al, 2017, p. 60-61).

Reo et al also describe some of the ceremonies and cultural protocols that colonial partners in multi-actor initiatives may expect to encounter when working with Anishnaabek peoples. These can include ceremonies and songs to open and close meetings and events, which allow practitioners to “invite spirits, including one’s ancestors, to participate and to guide the proceedings (p. 63). Indigenous Knowledge may be shared through storytelling, which can “include very specific or more general lessons, teachings, or prophesies relevant to conservation” (p. 63) Community protocols may require participation from multiple generations, especially youth and elder community members, to respect “the importance of intergenerational relationships (p. 65). At the end of an event or even an initiative, Indigenous

communities will commonly close with "a feast to feed and honor the spiritual as well as the physical participants and "close the door" or wrap up an interaction with spirits" as a means of involving spirit of the human, the other-than-human, as well as place (p. 63).

I don't share these lessons from Reo et al to tell planners exactly what to expect when working with Indigenous communities. Rather, I have included this section in recognition that each nation planners interact with will have their own protocols and customs they may want to include in any shared initiatives, and planners should provide space and time accordingly in recognition of, and with respect for, these protocols as a signal of good faith. In their research, Reo et al reported that one of the biggest problems facing Indigenous communities in these multi-actor initatives is a lack of respect for their political and governmental authority and self-determination, noting that "authority or self-determination can also have a cultural connotation: it can refer to honoring Indigenous customary laws and can apply to culturally specific forms of governance, economic systems, or ways of life" (p. 64).

Additionally, their findings are consistent with the principles of Free and Prior Informed Consent (FPIC), in that Indigenous peoples "should have opportunities to consent or be consulted "early on" in processes that affect their interests" (65). While the term "early" could be interpreted many ways, Reo et al found that representatives in their study regard "early" "as being invited to participate when a multi-actor initiative is established, when they can still help determine the form and operations of the institution" (p. 65).

Relevant Colonial Case Law

In this section, I explore case law that may be relevant to planners and their cliental as they develop working relationships with First Nations communities. The following cases were cited, often repeatedly, throughout the literature included in this review and are significant because of how they "…affirmed the existence of Indigenous rights and title and have started to define how they might coexist with Western systems of land title and governance (Barry & Porter, 2011, p. 171).

These cases can be divided into two board categories: those that recognize and affirm Aboriginal Rights, and those that shape the Duty to Consult and Accommodate.

Aboriginal rights, as discussed earlier in this paper, are codified in colonial laws and provide Indigenous peoples with unique rights that stem from relationships to the land which existed before contact with European imperialists.

Focusing on colonial caselaw could be seen as problematic for a number of reasons, primarily that colonial systems tend to prioritize their own priorities and prejudice. As Borrows writes, "The process of Indigenous exclusion within North American democracies has been greatly assisted by the operation of law. US and Canadian law has both inadvertently ignored and purposely undermined

Indigenous institutions and ideas and, thus, weakened ancient connections to the environment" (1997a, p. 429-430).

It was only in the latter half of the 20th century that Indigenous peoples were even allowed to fully participate in this particular arena – under the *Indian Act,* they were prohibited from hiring a lawyer until revisions were made in 1951 (Wilson, 2018, p. 40). Additionally, Indigenous appellants may not have the same capital resources as governments or proponents to aid in their pursuit of legal claims.

However, courts are relied upon as a site of both negotiation and conflict resolution for land use planning issues that may arise between Indigenous peoples, nations, and the Crown and its delegates, including proponents. Planners should be aware of as it may shape consultation processes in order to protect Aboriginal rights and meet the Duty to Consult tests.

Once again, it is important for planners to understand this case law and related legislation, and to recognize that Indigenous peoples and nations have rights and obligations unique to them, that differentiate them from other stakeholders whose opinions may be sought in the planning consultation process.

Table #4 – Aboriginal and Treaty Rights caselaw summaries

Case	**Significance**
Calder (1973)	Under the Calder decision, the Supreme Court of Canada recognized that Aboriginal title to land pre-dates the arrival of European settlers and that such title exists outside of, and not as a result of, colonial law (RCAP 1996; Slattery 2006; McLeod et al 2015, p. 5).
Sparrow (1990)	This case determines that Aboriginal rights can be infringed upon according to a test set, but cannot be extinguished. It sparked a modern process of treaty making (Porter & Barry, 2015, p. 25).
Delgamuukw (1997)	This decision shifted colonial perspectives of treaties from a presumption of title extinguishment to a recognition of Indigenous rights to use the land, as well as "the right to the land itself" (Porter & Barry, 2015, p. 25). This includes "the right to choose to what uses land can be put, thereby demanding increased Indigenous involvement in land use decision-making and political engagement "significantly deeper than mere consultation" (Porter & Barry, 2015, p. 25). Under this decision, Aboriginal title was further recognized as a "burden" on the Crown's claim to land and placed responsibility on the Crown to negotiate through consulting and accommodating

	Aboriginal peoples in good faith (Borrows, 2001; DeVries, 2011; McLeod et al, 2015).
Mitchell (2001)	In this decision, Justice McLachlin noted that "European settlement did not terminate the interests of aboriginal peoples arising from their historical occupation and use of the land. To the contrary, aboriginal interests and customary laws were presumed to survive the assertion of sovereignty and were absorbed into the common law as rights." (Mitchell v MNR, 2001, para 10). However, this is just one court's interpretation of the nuanced issue. Where treaty agreements have not been made – for example, in most of British Columbia – territory is considered unceded from Indigenous title.
Van der Peet (1996)	This decision created a test for what determines an existing Aboriginal right within s. 35 of the Constitution Act 1982. The activity must be integral to the culture of the Indigenous nation or group asserting the right, and it must have been developed before contact with settlers (Gaynor, ND).

Duty to Consult Jurisprudence

The Duty to Consult and Accommodate is a legal doctrine that emerged from Canadian courts with the purpose of maintaining the Honour of the Crown in its assertion of sovereignty "in the face of pre-existing Aboriginal sovereignty and territorial rights" (Slattery, 2005; McLeod et al, 2015, p. 6). This created a unique legal relationship between colonial and Indigenous governance, where the colonial government has a "…set of responsibilities, including the need to act with the "virtue of honour" and refrain from dishonest practices when interacting with Indigenous peoples in Canada" (Ipperwash Inquiry, 2007; Lambrecht, 2013; Newman, 2009; Slattery, 2005; McLeod et al, 2015, p. 6).

While often envisioned as a mechanism for protecting Aboriginal rights, the duty to consult may also serve to provide a degree of certainty to development processes by minimizing the potential for conflict (Dorries, 2017, p. 79).

In some respects, consultation and accommodation may offer a "more useful" avenue for reconciliation than the treaty process, allowing some First Nations to negotiate agreements with the provincial government or private firms "that allow them some role in making decisions about the development of lands and resources in their ancestral territories" (Egan, 2012; Galbraith, 2014, p. 455). Galbraith acknowledges that through consulation, a company proposing a development may "openly recognize Indigenous title (Krupa, Galbraith & Burch, 2013) while also negotiating terms and conditions beyond those required by the Crown to accommodate for adverse effects associated with development and

secure greater project benefits" (Galbraith, Bradshaw, & Rutherford, 2007; O'Faircheallaigh, 2007; Galbraith, 2014, p. 456.)

Lambrecht writes that tribunals and governments are moving towards harmonizing Aboriginal consultation processes by requiring proof of consultation as a precondition for proponents making regulatory applications (2013, p. 10). This approach is not universally accepted. Some nations may not agree with or accept this approach, asserting that they have the right to be consulted by the Crown in a process separate from Aboriginal consultation by a proponent, and before an environmental assessment or regulatory review process is conducted (2013, p. 10).

Some Indigenous peoples also take issue with the adversarial nature of tribunals. However, Lambrecht proposes that they can be helpful because "..the tribunal process may confer extensive procedural fairness and natural justice rights on Aboriginal parties to a tribunal proceeding, including the right to obtain information from the proponent, present witnesses, make motions, cross examine other witnesses, present arguments, receive reasons for a decision, and appeal any ultimate determination" (p. 14).

Table #5 – 5 Distinct and Fundamental Components of the Duty to Consult (Newman, 2009; McLeod et al, 2015, p. 7)[2]

1) Can emerge before proof of an Aboriginal right or title claim or with uncertainty regarding an infringement on a treaty right
2) Can be triggered with the slightest of knowledge of a potential adverse effect on a right by the Crown
3) Degree and scope of consultation required of the Crown varies and is dependent on the strength of the Aboriginal claim and the scale of the potential impact on the Aboriginal or treaty right
4) Does not give First Nations the ability to veto a Crown decision or development; may lead to accommodation of a community's interests in certain cases if negative impacts cannot be mitigated.
5) If the Crown fails to meet their legal duty to consult, can result in a variety of consequences ranging from litigation to further consultation

The procedural obligations of consultation have been determined through a trilogy of cases which I will describe in the following table, including *Haida Nation v. British Columbia [Minister of Forests]* (2004), *Taku River Tlingit First Nation v British Columbia [Project Assessment Director]* (2004), and *Mikisew Cree First Nation v Canada [Minister of Canadian Heritage]* (2005) (McLeod et al, 2015, p. 7).

[2] Quote attributed to McLeod et al.

Table #6 – Duty to Consult caselaw summaries

Case	Significance
Haida (2004)	This decision drew attention to the importance of consultation and accommodation of Indigenous interests during strategic planning, "since these processes tend to be characterized by multiyear decision-making and often establish the general parameters for all other land management activities" (Porter & Barry, 2015, p. 25). It also identifies two conditions that should trigger Aboriginal consultation: when the Crown has knowledge, real or constructive, of the potential existence of an Aboriginal right; and when conduct that could adversely affect this right (Dorries, 2017, p. 79).
Taku (2004)	This decision signified that there is "no ultimate duty to reach agreement" in the Crown's duty to consult and accommodate, and that Indigenous peoples do not get a veto over land use decisions (Galbraith, 2014, p. 456). It also established that the level of consultation "must be in proportion to the strength of the Aboriginal claim and the extent of the possible impacts. Indigenous consultation is seen to demand a certain 'level of responsiveness' to Indigenous concerns, which has been defined as 'accommodation'" (Porter & Barry, 2015, p. 25).
Mikisew (2005)	This decision extended the duty to consult to treaty rights when they may be adversely impacted (Lambrecht, 2013, p. xxvi).
Rio Tinto Alcan Inc. (2010)	This decision describes the duty to consult as a process of "genitive constitutional order" and allowed the Crown to delegate its duty to consult to tribunals (Lambracht, 2013; Annibale & Murphy, 2010).
Neskonlith (2012)	This decision determined that the duty to consult and accommodate should not be "pushed down" from the Crown to local governments because it would be "completely impractical" to apply the duty to "mundane decisions" like issuing licenses, permits, zoning restrictions and local bylaws (Dorries, 2017, p. 80).
Tsilhqot'in Nation (2014)	This decision establishes that Aboriginal title includes the "right to decide how land will be used; the right of enjoyment and occupancy of the land; to possess land; to economic benefits of the land; and to pro-actively use and manage the land (2014, para 73). It also recognizes that Aboriginal title does not just apply to specific sites, but is territorial in nature (Hildebrandt, 2014; McLeod et al, 2015, p. 5). With a unanimous ruling, this decision also provided a three-point test to determine title that demands proofs of sufficient occupation, continuity of occupation, and exclusive historic occupation by the nation in question (ibid). Finally, this decision asserted that title is not absolute but if a government is to infringe on title lands, the infringement "must also be justified on the basis of compelling and substantial public interest" (ibid).
First Nation of Nacho Nyak Dun (2017)	This case was one of the first to "substantively address modern treaties" and found that they were informed by an intent to renew the relationship between Indigenous peoples and the Crown

	through equal partnership (Bidfell & Axmann, 2018). This decision determined that, because of this established equal partnership, the Crown does not enjoy an "unconstrained right" to make modifications that undermine agreed-upon processes (ibid).

Colonialism and land use planning

I touched on colonialism's entanglements with planning while describing the theoretical frameworks used in this MRP. In this section, I will extrapolate on this relationship.

Modern planning processes are rooted in Western philosophies developed in the 17th to 19th centuries that assert the "separation of humans from nature or humans from their natural environment" (Kapyrka and Dockstator, p. 101). This is in juxtaposition to many Indigenous worldviews, which are dynamic and centre on relationships among the human and the non-human.

Tuhiwai Smith writes that the colonizers used knowledge to discipline "the colonized" in a variety of ways, particularly through "exclusion, marginalization and denial" of Indigenous ways of knowing (2012, p. 133). She uses Indigenous views about land as an example of this colonial discipline. Colonizers weaponized their prioritized knowledge by imposing systems of individualized title, taking land away for "acts of rebellion" against the colonial state, and through redefining land as "waste land" or "empty land" and limiting its use by Indigenous peoples (ibid).

As such, Western planning rules and systems are "based on Canadian laws and rules to the exclusion of others. This uneven terrain prevents actors from gaining influence over decision outcomes and, thus, makes observations of power dynamics in these contexts difficult or impossible" (Lukes, 2005; Galbraith, 2014, p. 458). These practices have not only prevented Indigenous nations from pursuing cultural activities based on reciprocal relationships to the human and more-than human that have existed for millennia, but also hindered their ability to participate fully in capitalist economies as they so choose to.

Australian planner and urban geographer Libby Porter has written extensively on planning's "complicity in colonialism" (2010, p. 2). Citing Howitt (2001), Porter and Barry write that planning was "part of a larger colonial project that continuously sought to push back the frontier by clearing lands, securing tenure and creating the conditions for development" (2015, p. 27). They conceptualize historical spatial boundary-creating activities like mapping, zoning, regulating, naming ordering and categorizing can as tools of planning (ibid).

Planning's complicity in colonialism and its exclusion of Indigenous perspectives is not just an historical reality. Planning as a professional practice operates in "areas in which planners are seen as having legitimate and formal knowledge, versus those that are deemed 'outside' of the planning dominion" (Lindblom, 1959; Forester, 1984; Rahder & Milgrom, 2004; Porter & Barry, 2015, p. 27).

Identifying Indigenous planning

In juxtaposition to the previous section on colonialism in planning, here I will attempt to define the emerging field of Indigenous planning as an area of practice and research.

Booth and Muir describe Indigenous planning as “a very recent subunit of planning which attempts to recognize the unique and specific legal, political, historical, cultural and social circumstances in which the world’s Indigenous peoples find themselves” (2011, p. 422).

They continue, stating that the field recognizes that traditional Indigenous activities often depend “upon access to, and allocation of, healthy lands and resources.” Indigenous planning starts with a cultural and social set of lenses, suggesting that any planning exercise must reflect those perspectives rather than the perspectives of Western, middle class, largely non-native, planners (Booth & Muir, 2011, p. 422).

Matunga defines Indigenous planning as “Indigenous people making decisions about their place, (whether in the built or natural environment) values and principles, to define and progress their present and future social, cultural, environmental and economic aspirations.” More succinctly, he identifies Indigenous planning as “Indigenous peoples spatialising their aspirations, spatialising their identity, spatialising their indigeneity” (2017, p. 642)

Porter echoes Matunga and adds a temporal factor to the definition, writing that “Indigenous planning provides and intellectual and political space for indigenous peoples to define themselves, to spatialize indigeneity and, most importantly, mark out their future.” (Porter, 2017, p. 641).

Indigenous planning can be understood as a “process that drives towards a set of outcomes, with determinants emerging from specific contexts,” ie, specific relationships Indigenous peoples hold with the land (Matunga, 2017, p. 641-642). As an outcome, Matunga believes Indigenous planning should “mediate to a decision” across dimensions, including social cohesion and wellbeing; cultural protection and enhancement; environmental quality and quantity; economic growth and redistribution; and political autonomy and advocacy (ibid).

Environmental planning and Indigenous planning are frequently linked together. Both systems aim to protect the environment, though the former is rooted in Western concepts of preservation of lands and protection from human use, while the latter is rooted in Indigenous Environmental Knowledge (TEK) and living in relation to the non-human.

TEK refers to “systems of monitoring, recording, communicating, and learning about the relationships among humans, nonhuman plants and animals, and ecosystems that are required for any society to survive and flourish in particular ecosystems which are subject to perturbations of various kinds (Whyte, 2017, p. 157). These knowledges “range from how ecological information is encoded in words and grammars of Indigenous languages, to protocols of mentorship of elders and youth, to kin-based and

spiritual relationships with plants and animals, to memories of environmental change used to draw lessons about how to adapt to similar changes in the future" (ibid).

Environmental and Indigenous planning are often linked in process as well. As discussed earlier in this paper, environmental assessment remains one of the stages of the land use planning process that creates space through legislation and policy for Indigenous peoples to give input as a result of the Duty to Consult.

Chapter 2: Common Ground

In the previous chapter, I explored the social, historical, legislative and political frameworks that guide planning regimes and their interactions with Indigenous peoples in the colonial state of Canada.

In this chapter, I will examine Ontario's planning regime and the ways in which planning policy may or may not create transformative spaces that equally value Indigenous and Western perspectives in land use planning and may facilitate reconciliation.

The problem of the Jurisdictional Gap

Aside from the colonial burden born by planning and its historical impacts on Indigenous peoples, a modern, practical issue at the heart of Indigenous-non-Indigenous conflicts around planning is a lack of guidelines, frameworks, or legislation requiring interactions between the two parties.

The methods of conducting relationship building between municipalities, proponents and First Nations have been muddied by fractured legislative, policy and governance regimes. While organizations like the Ontario Professional Planners Institute (OPPI) and the Canadian Institute of Planners (CIP) released policies in 2019 that embrace reconciliation and the duty to consult within professional planning spheres, there remains confusion over how this should be implemented in practice.

In 2019, the Association of Municipalities of Ontario (AMO) released a paper questioning what the municipal role is in carrying out the Crown's duty to consult and accommodate Indigenous peoples:

> Ontario's municipal governments, Indigenous governments and local industry need clarity about the province's approach to the 'Duty to Consult' and the corresponding 'Duty to Accommodate,' where appropriate. These duties come from a constitutional Crown obligation to consult Indigenous people on decisions that may affect Aboriginal and Treaty rights. At the same time, municipal governments want to strengthen and develop mutually beneficial relations with the Indigenous governments in their areas. Clear and pragmatic direction from the provincial Crown is necessary to facilitate these relations on the ground (p. 3).

In addition to requests for clarification on this matter, the organization requested the province work with municipalities and Indigenous governments to establish a meaningful, practical process around the duty to consult and accommodate, to create a common understanding (AMO, 2019, p. 19). They also requested that, should the province require municipalities to perform the processes associated with the duty to consult, a provincial fund be created to alleviate financial burdens for municipal and Indigenous parties (p. 20). The organization also requested educational supports to "provide training, resources and relationship-building opportunities to encourage municipal-Indigenous relationship-building and cooperation," and create a mechanism to involve municipalities in land claim and treaty negotiations to further facilitate government-to-government relations (p. 20).

Ongoing land claims

Another factor complicating the planning process on or near Indigenous treaty and traditional lands in Ontario are the 30 ongoing land claims that have either a) been accepted and are up for negotiation, b) are being researched and assessed or have settlement agreements that are currently being implemented (Ministry of Indigenous Affairs, 2020). To give some context, some of these claims have been in progress since before I was born – I will be turning 30 in 2021.

The enduring nature of these claims makes it difficult to do planning with any certainty. Conflicts tend to arise when proponents and municipalities attempt to conduct planning processes without first settling the claims, as the process colonial determines the extent of Indigenous rights and authority to govern over the land in question.

Enhancing First Nations Agency through policy

In this section, I will explore how changes in provincial legislation and policy have evolved to shift the extent of Indigenous participation in the planning process.

First, it is important to establish that "…instances of social change, apparent shifts in social structure or power, do not arise from nowhere. Social change, discoursal or otherwise, is *emergent,* in the sense of being located within and drawing from existing discourse, fields of social power and historical context." (Porter & Barry, 2015, p. 28). As such, planning texts and their evolutions emerge from existing orders of discourse.

Finding Common Ground and Getting To it

Two articles in particular address the potential for policy as a "site of common ground" in the context of Ontario's planning regime.

Finding Common Ground: A Critical Review of Land Use and Resource Management Policies in Ontario, Canada and their Intersection with First Nations and *Getting to Common Ground: A Comparison of Ontario, Canada's Provincial Policy Statement and the Auckland Council Regional Policy Statement with Respect to Indigenous Peoples* identify provincial policy as a site of "common ground." These articles were written collaboratively between the Mississaugas of the New Credit First Nation (MNCFN), Walpole Island First Nation (WIFN) and planning researchers from the University of Waterloo and Queen's University.

In Finding Common Ground, researchers conducted latent and manifest research on provincial land use and management resource policies and statutes to develop a baseline understanding of their relative capacities to recognize and support First Nations, Aboriginal and treaty rights, and to embody past Crown-First Nation relationships (McLeod et al, 2015, p. 1). By conducting a thorough textual analysis, McLeod et al. identify structural barriers within Crown policies that shape the conversations

planners and land managers are able to have with Indigenous peoples, and the kinds of decisions and processes in which Indigenous people are involved with (Porter and Barry, 2013; McLeod et al, 2015, p. 1). In their content analysis, the research team poured through material from a total of eight provincial ministries, including 32 provincial legislations, 269 regulation documents, 16 policy statements, five provincial plans, six technical documents, two guideline documents, three draft documents, and four other reports (p. 2).

In their manifest research, the team identified the duty to consult, consultation, accommodation and consent as four key terms that "provided an indication of the willingness of Crown policy-makers and officials to break with the status quo of a regulatory regime that has traditionally limited participation of First Nations and recognize and support First Nations through reconciliation and visibly honouring past agreements made by the Crown" (p. 2).

Once the documents were analyzed the research team rated them based on how well they recognized Aboriginal and treaty rights on a scale of significant to moderate to minimal. Only 13 out of 337 provincial land use and resource management policies and statutes were rated as "significant," including the Provincial Policy Statement 2014. McLeod et al. noted commonalities in each of these documents, namely that they "directly recognized First Nations, acknowledged Aboriginal and treaty rights in their wording, and encompassed two or more concepts of honouring past Crown–First Nations relations in their latent content" (p. 10). They also tended to refer to the duty to consult and accommodate, but did not refer to free and prior informed consent at all, indicating that even the most progressive policies have room for improvement in their conceptualizations of Indigenous legal and governance orders (p. 10).

Additionally, they found that major guiding acts and policy statements, "including the Planning Act (1990), the Places to Grow Act (2005), the Greenbelt Act (2005), the Niagara Escarpment Planning and Development Act (1990), and the Oak Ridges Moraine Conservation Act (2001)," do not recognize the unique rights held by Indigenous peoples, as evidenced in their reference to them as another public body or stakeholder to be consulted (p. 13-14).

Ultimately, through this research McLeod et al determined that planning can:

> …provide an opportunity to create spaces of common ground, but to do so requires, among other steps, reworking higher policies, including restrictive federal policies, through First Nations' participation and voices to give clarity and direction on how to build and sustain relations between First Nations and neighbouring non-First Nation communities. It has the potential to facilitate cultural changes through bridging understandings and strengthening individual relations across communities that a continued dependence on ridged legal approaches may struggle to achieve (p. 15-16).

In *Getting to Common Ground,* members of the same research team compared Ontario's 2014 PPS and Aotearoa New Zealand's 1999 Auckland Council Regional Policy Statement to evaluate their relative capacities to recognize the rights of Indigenous peoples.

They found that Ontario needs to "actively reconfigure its planning policy framework in partnerships with First Nations to support more just and effective planning practices" and developed nine recommendations on opportunities for policy reform (2017, p. 83).

Table #7 – Getting to Common Ground: Recommendations for planning policy reform in Ontario (McLeod et al, 2017, p. 83-84)[3]

Recommendation 1: The Province should actively seek out First Nations' involvement to amend the Planning Act (1990) to address the lack of a clear and meaningful mandate on First Nations issues and rights, and promote context-specific accords between First Nations and planning authorities where municipalities and traditional territories overlap.
Recommendation 2: The Province should prioritize relationship building by providing joint operational capacity funding to sustain long-term partnerships between First Nations and adjacent municipalities to strengthen mutual understanding and learning.
Recommendation 3: The Province in partnership with First Nations should expand recognition in the PPS to include policies that acknowledge traditional territories and First Nations continued vested interest in lands outside of reserve boundaries
Recommendation 4: The Province should alter the PPS and other aspects of its larger planning policy hierarchy to recognize First Nations as foundational partners, not just another stakeholder. This can be done by actively exploring in partnership with First Nations, the opportunities to include Indigenous terms, language and knowledge into the PPS to ensure that it reflects the shared foundations of the Province.
Recommendation 5: The Province in partnership with First Nations should provide for and support the protection of cultural heritage and archaeological resources in the PPS that are known to exist, but may be too sensitive to identify and make public through conventional planning means.
Recommendation 6: The Province in partnership with First Nations and municipalities should develop specific guidance material for the PPS relating to the need for effective communication and equitable relationship building to address issues of capacities and understanding between municipalities and First Nations. This would be in line with the content and directive provided on guidance material in the PPS.
Recommendation 7: Taking into consideration the findings of the recent Tsilhqot'in Nation v. British Columbia (2014) Supreme Court of Canada ruling, the provincial government should be prepared to recognize Aboriginal title and amend the PPS or release additional guidance material to provide clarity on how this may affect planning with respect to consent in certain areas of the province subject to land claims and unceded territories
Recommendation 8: The Province should actively incorporate all findings of the Ipperwash Inquiry (2007), the RCAP (1996) and ongoing land claims into the PPS in order to directly acknowledge planning's complicity and inherent limitations.
Recommendation 9: The Province in partnership with First Nations should actively educate all Ontarians on past and current injustices, the significance of treaty relations, the shared nature and history of the territory, and the inherent place-based Indigenous foundations of the land that make up the municipalities that Ontarians work, reside and derive benefit from. This would greatly assist in addressing misunderstandings and fractured relations, and enhance the overall impact and reach of new policies in the PPS relating to municipal-First Nations relations.

[3] Direct recommendations quoted from McLeod et al.

The evolution of Ontario's Provincial Policy Statement

Getting to Common Ground does recognize that, with the 2014 PPS, the province made some headway in its efforts to recognize Indigenous peoples and the unique Aboriginal and treaty rights they hold within the planning framework. The PPS contains direct mention of s. 35 of the Constitution Act 1982, thus placing an onus on planners to read federal and provincial legislation and policy in conjunction with the PPS (p. 79). There is still much to be done in this arena – for example, recognizing specific traditional territories within the policy framework and including directives toward active reconciliation – however, the *Common Ground* team see the small improvements as a necessary step towards building more sustainable relationships between municipalities and First Nations (p. 80).

When Ontario was conducting its 5-year mandatory review of the PPS leading up to the 2014 iteration of the document, members of the *Common Ground* research team participated in an attempt to address power imbalances the policy laid bare between the province, Indigenous and treaty rights holders and other stakeholders (Viswanathan et al, 2013, p. 22).

> With ultimate power in the hands of relevant governmental Ministers to determine if and when First Nations have a valid role to play, the PPS review offered an opportunity to determine if and when First Nations have a valid role to play, the PPS review offered and opportunity to First Nations communities to make recommendations,, such as those regarding cultural heritage, and to change the draft policy, including adding words that enhanced First Nations agency" (ibid).

The team used two methods to influence this policy. First, member researchers attended PPS consultation sessions in Toronto, Hamilton and Kingston. Additionally, WIFN and MNCFN members met with representatives from the Ontario Ministry of Municipal Affairs to simultaneously learn about the review and to recommend ways to include First Nations in the PPS, who had been excluded as specific stakeholders in previous iterations. Some of the recommended changes were as simple as adding phrases like "and the First Nations," highlighting them as distinctive stakeholders in the planning process with capacity and authority to "better influence development on First Nations' traditional territories" and treaty lands (ibid). The researchers state that language like this in planning policy will "trigger the attention of a dialogue between First Nations and municipalities" (p. 23).

The 2014 PPS marked the first time Indigenous interests were incorporated into Ontario's policy framework on planning. The following iteration of the PPS was released on May 1, 2020. The table below shows the changes that are of importance to this research:

Table #8 – Evolution of Ontario's Provincial Policy Statement recognition of Indigenous rights and responsibilities[4]

2014	2020
Part IV: **"[…]The Provincial Policy Statement reflects Ontario's diversity, which includes the histories and cultures of Aboriginal peoples, and is based on good land use planning principles that apply in communities across Ontario. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their rights and interest" (MAH, 2014a: 4).**	The Province's rich cultural diversity is one of its distinctive and defining features. Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights. Planning authorities are encouraged to build constructive, cooperative relationships through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and inform decision-making. (PPS 2020: 5).
Part V: **"1.2.2. Planning authorities are encouraged to coordinate planning matters with Aboriginal communities" (MAH, 2014a: 12).**	1.2.2 Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters. (PPS 2020: 13)
"2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources" (MAH, 2014a: 29).	2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources. (PPS 2020: 31)
"4.3 This Provincial Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982" (MAH, 2014a: 33).	4.3 This Provincial Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the *Constitution Act*, *1982*. (PPS 2020: 35)
6.0 Definitions –Built Heritage resources **"Built heritage resource: means a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V**	Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Most built heritage resources are located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or has been included on local,

[4] Sections pulled directly from the 2014 and 2020 Provincial Policy Statements. (Ministry of Municipal Affairs, 2014; 2020).

of the Ontario Heritage Act, or included on local, provincial and/or federal registers" (MAH, 2014a: 39)	provincial, federal and/or international registers. (PPS 2020: 48)
6.0 Definitions – Cultural heritage landscape "Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site)" (MAH, 2014a: 40).	Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. *Cultural heritage landscapes* may be properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act*, or have been included on federal and/or international registers, or protected through official plan, zoning by-law, or other land use planning mechanisms. (PPS 2020: 49)

The *Planning with Indigenous Peoples* collective of Indigenous and non-Indigenous researchers based out of Queens University analyzed the evolutions of the PPS from the 2014 to the 2020 iteration. They found that, generally speaking, the newest PPS update strengthened directives around four prominent themes, including process-oriented developments; development and land use; environmental planning; and relationships, culture, wellbeing (Pysklywec et al, 2020, p. 1) Additionally, they found that more instructions and policy directives were added, while policy language shifted to demand greater compliance.

One of the more significant key changes identified was within the thematic category of relationships, culture, and wellbeing. Pysklywec et al write, "The changes strengthened policy directives, as well as amplified or specified the scope of policy directives. The most significant change was the language shift to mandate relationship-building and coordination between municipalities and Indigenous communities on land use planning matters" (2020, p. 2)

Neither the 2014 nor the 2020 PPS creates a new set of Aboriginal rights, however, they do ensure that planners take existing rights into consideration in the planning process (Dorries, 2014, p 43.) However, some argue that the new PPS does not go far enough to set out any sort of process or regulatory scheme to formalize opportunities for Indigenous peoples to meaningfully influence decision making. In a

review of the draft PPS 2020, Olthuis, Kleer and Townshend (OKT) assessed that the statement does not set out any regulatory framework consistent with UNDRIP principles or s.35 of the *Constitution Act 1982* (MacPherson, 2019). They argue that this is a necessary and important measure for the provincial government to take, as it forces those involved in land use planning to familiarize themselves with the legal requirements under the duty to consult and accommodate and avoid the fallacy that accommodation cannot be triggered by municipal decisions. This step would avoid confusion on the municipality's part, frustration on First Nations part, and ultimately, failed attempts at consultation (ibid). This echoes the comments made in the AMO document on municipality's role in the duty to consult – time, funding and effort must be put into developing mechanisms that formally make space for Indigenous input in planning.

Simultaneously, there is a danger to this formalizing process. In recent years, planning organizations like the OPPI and CIIP have made moves to professionalize and certify those working in the field. As discussed previously by Dorries and Sandercock, this attempt to formalize processes can gatekeep those not informed from participating in the processes. If Canadian governments are to create regulatory schemes around Indigenous interactions with planning, they must also ensure that communities have opportunity for capacity development and education so that they may fully participate in planning processes. In the next chapter, I will also explore how planning policy and processes can embrace Indigenous perspectives, governance and ways of knowing – in effect, potential pathways to decolonizing planning, or at least making it a venue better suited for reconciliation activities.

Chapter 3: Outcomes and Impacts: Working Together in a Good Way

In the previous chapters, I have reviewed political, legislative and social contexts for planning and its interactions with Indigenous peoples as a general concept and within Ontario's planning regime.

In this chapter I will explore outcomes from shifts in policies and relationship building efforts and share lessons from academia exploring self-determination and Indigenous-led policy development. I describe the importance of continuing education and communication with planners in this realm, and briefly review my research with the Shared Path Consultation Initiative around official plans in Ontario and their conceptions of Indigenous peoples.

Third spaces

Throughout this paper I have explored how planning can be both a flexible institution, ripe for positive transformation because of its discursive nature, and a tool of colonialism that seeks to limit Indigenous decision-making powers around land use.

Matunga identifies a "need for a revolutionary pedagogy that moves planning from reflection to action," making it into a transformative institution that better incorporates and values Indigenous perspectives (2017, p. 644). In order to facilitate this, he suggests "Creating a theory-praxis and political/institutional 'third' space for Indigenous planning to 'connect' with state-based planning, and through facilitated partnerships, collaboration, 'institutional/statutory connectors between the two planning systems' and collective action to indeed 'name and change the world'" (ibid).

Despite the challenges associated with finding the political will to make transformative shifts in planning policy, especially at higher levels, I believe that it is the most natural site within Ontario's planning regime to host the type of third space that Matunga describes.

Principles of Reconciliation

In the course of its mission, The Truth and Reconciliation Commission of Canada developed the following set of Principles of Reconciliation. As planners attempt to incorporate reconciliation into their processes and policies, the principles serve as an integral guiding framework for whatever initiatives might be developed.

Table #9 – Principles of Reconciliation (TRC, 2015b)

1) The United Nations Declaration on the Rights of Indigenous Peoples is the framework for reconciliation at all levels and across all sectors of Canadian society.
2) First Nations, Inuit, and Métis peoples, as the original peoples of this country and as self-determining peoples, have Treaty, constitutional, and human rights that must be recognized and respected.
3) Reconciliation is a process of healing of relationships that requires public truth sharing, apology, and commemoration that acknowledge and redress past harms.

4) Reconciliation requires constructive action on addressing the ongoing legacies of colonialism that have had destructive impacts on Aboriginal peoples' education, cultures and languages, health, child welfare, the administration of justice, and economic opportunities and prosperity.
5) Reconciliation must create a more equitable and inclusive society by closing the gaps in social, health, and economic outcomes that exist between Aboriginal and non-Aboriginal Canadians.
6) All Canadians, as Treaty peoples, share responsibility for establishing and maintaining mutually respectful relationships.
7) The perspectives and understandings of Aboriginal Elders and Traditional Knowledge Keepers of the ethics, concepts, and practices of reconciliation are vital to long-term reconciliation.
8) Supporting Aboriginal peoples' cultural revitalization and integrating Indigenous knowledge systems, oral histories, laws, protocols, and connections to the land into the reconciliation process are essential.
9) Reconciliation requires political will, joint leadership, trust building, accountability, and transparency, as well as a substantial investment of resources.
10) Reconciliation requires sustained public education and dialogue, including youth engagement, about the history and legacy of residential schools, Treaties, and Aboriginal rights, as well as the historical and contemporary contributions of Aboriginal peoples to Canadian society.

Shared Path Research and observations from the field

In October 2019, the *Shared Path Consultation Initiative* held its annual general meeting at York University. The day featured presentations from a variety of Indigenous and non-Indigenous speakers on a host of planning-related matters that of concern to them. I was inspired by the presentations, and asked that day how I could become involved in the organization. A few months later I reconnected with the staff and requested a position with them as a student intern to fulfill my MES workshop degree requirement, which requires students to work with planning organizations to complete research projects and present tha research. They accepted and, once my time as a student intern was complete, I was hired on contract to conduct research and communications work.

My observations working for *Shared Path* as a student intern and beyond have been integral to my learning about planning and its interactions with First Nations. Its board of Indigenous and non-Indigenous planning experts have shared their wealth of knowledge with me about their real-world experiences, and I learn something new about planning and its interactions with Indigenous peoples with every new assignment.

The research I conducted for *Shared Path* featured a latent and manifest review of 322 municipal official plans to determine how many incorporated references to Indigenous peoples and in what ways this manifested. We were interested in conducting this research to set a baseline understanding of the ways municipalities conceive of Indigenous peoples and their various unique rights, and how they were reflected in these guiding policies.

Of the 322 municipalities identified in Southern Ontario, we found that 37 lower tier municipalities do not have their own plans, 156 plans contained at least one keyword (Indigenous people, First Nation, Aboriginal, Métis, Treaty, Treaties, Indian) while the other 129 did not. These tended to

show up in five contexts; archaeology, culture/cultural heritage, settlement history, consultation, and environmental management.

This research has been passed on to students in the University of Toronto's Graduate Planning program. For their capstone project, the students are analyzing our findings and developing a rating system based on concepts of consolation identified by Arnstein's Ladder of Participation. This rating system will categorize official plans depending on if and how their texts recognize Indigenous peoples and their Aboriginal and treaty rights; the duty to consult; Indigenous consent; and in what planning contexts these matters are discussed.

Analysis and Conclusions: What is Reconciliation Planning or Planning for Reconciliation?

At the outset of this MRP, I aimed to answer five questions in order to develop a better understanding of the Ontario planning regime and the ways Indigenous peoples interact with it. This research serves to fill a gap in my planning education, and has been integral in developing my understanding of the legal and political frameworks that guide planning and its interactions with Indigenous peoples in Canada. It was also conducted to meet learning requirements I set out for myself in my Plan of Study. As a refresher, here are the questions I posed:

1) Historically, how much decision-making power have Indigenous peoples held around land use planning in Ontario?
2) How do Indigenous and non-Indigenous perspectives on land use differ?
3) What legal, political and social mechanisms have been used to enforce existing decision-making structures?
4) How are changes being made in the planning system to be more inclusive of Indigenous perspectives, if they are being made at all?
5) What compels planning authorities to improve relations and work with Indigenous peoples?

Indigenous peoples have gone from being totally autonomous in their legal and governance orders to contending with, and frequently being suppressed by, colonial regimes.

Indigenous and colonial perspectives on land use come from very different relationships and philosophies each demographic has regarding property, reciprocity, and the philosophical nature of human interactions with nature. While not monolithic, Indigenous perspectives on these matters tend to be rooted in relationships developed with the non-human world over millenia, while Western perspectives view land and nature as property to be dominated, owned and utilized.

Colonial legal orders have supressed Indigenous capacities to self-govern through paternalistic and, at times, violent legislation rooted in assimilating policies. However, Indigenous governance structures have been going through a resurgence in recent decades – because of Indigenous advocacy and activism, Canadian governments have begun to publicly acknowledge their roles as colonizers and oppressors and started making space for formal Indigenous decision making. Unfortunately, more often

than not, these advances are made through adversarial processes, such as court room legal battles and tribunals, which tend to favour Western philosophies and processes. And when the processes are not adversarial, they are often placating at best.

Third spaces like policy development and agreements between First Nations and individual organizations, proponents, and governments, provide collaborative spaces that allow practitioners to incorporate multiple world views into whatever the task at hand might be. Free from the rigidities of law or the ambiguity of policy, they may help planning authorities forge and improve relationships with Indigenous peoples to mutually benefit economically and socially in collaboration and reconciliation.

The results of this literature review demonstrate that getting to common ground through planning policy can happen, but substantial changes that embrace Indigenous legal and governance orders within the institution of planning are necessary to create any sort of equitable decision-making mechanism. In order to do this work, planners need to become better informed about planning's implications in the history of colonialism and resulting impacts on Indigenous peoples. They also need to be respectful of protocols and governance systems stemming from First Nations, and find ways to substantially encode that respect into planning policy and processes. Early notification protocols and process that aim to facilitate free and prior informed consent are some basic guiding principles that should be called upon in this effort.

Finding pathways to reconciliation in planning also requires that First Nations planning authorities need to be able to technically interact with planning regimes. There are two methods that may be used interchangeable to reach that end. Funding of education and capacity development of Indigenous planning authorities should be a priority for organizations looking to engage in this work. Additionally, planners should be inclusive of Indigenous governance methods and use frameworks and agreements informed using a two-world viewing, or a two-eyed seeing approach.

"As instructors of this 'two-worlds' approach in courses, we would argue that there is indeed a 'common veneer' among Indigenous knowledges around the world, but they are also extremely specific to the people and the places that hold them. We strongly suggest that environmental educators begin with the Indigenous people and knowledges in whose territories they are situated" suggest Kapyrka and Dockstater (2012, p. 108). Such advice is prescient for planners looking to develop relationships with partnering First Nations.

Law is another interesting space to explore reconciliation but, by nature of Western legal system, is slow moving and often adversarial by nature. It is hard to forge relationships when parties are in opposition. As Borrows states, "While courts are obviously an important site for marking legal boundaries, this same drawing of legal margins also occurs 'on the ground.' Communities, politicians,

bureaucrats, and developers, through their interaction with each other, draw, erase, and redraw legal borders to include and/or exclude certain peoples, institutions and ideas" (1997a, p. 427).

He adds that the incorporation of Indigenous Knowledge into environmental planning regimes will almost certainly strengthen them:

> "…existing planning institutions throughout the hemisphere would greatly benefit by considering Indigenous knowledge. Effective consolation with First Nation communities could dismantle many of the barriers separating them from their traditional environments. Indigenous inclusion and involvement in existing institutions potentially facilitates sustainability by suggesting important reconnections of biological relationships with ecosystems (Borrows, 1997a, 427-428).

Though I feel I have addressed my learning goals, I am still left with questions for future research. How should funding for planning and reconciliatory processes in planning be provided and allocated? I had to change course in my original research project because of the COVID 19 pandemic. How can municipalities and Indigenous nation build earnest relationships with one another when they are not supposed to meet face to face for safety concerns? As always, I'm sure we will continue to adapt, and hopefully we will move forward, together, in a good way.

References

Andrew, J.S. (1999). Use of Mediation in Intermunicipal Dispute Resolution. Prepared for the *Intergovernmental Committee on Urban and Regional Research.* Retrieved from https://www.muniscope.ca/resource/dm/910511186646745479.pdf?n=file_Use_of_mediation.pdf&inline=yes.

Annibale, J.J. & Murphy, T.J. (2010). A little certainty for an uncertain process – Supreme Court confirms duty to consult not triggered or informed by adverse impacts from past actions (part I of II). *McMillan.* Retrieved from https://www.mcmillan.ca/a-little-certainty-for-an-uncertain-process--Supreme-Court-confirms-duty-to-consult-not-triggered-or-informed-by-adverse-impacts-from-past-actions-Part-I-of-IIsup1sup

Association of Municipalities (AMO). (2019). *Municipal Governments and the Crown's 'Duty to Consult': Towards a Process that Works for Local Communities.* Retrieved from https://www.amo.on.ca/AMO-PDFs/Reports/2019/AMO-Discussion-Paper-Municipal-Governments-and-the.aspx

Bartlett, C., Marshall M., & Marshall A. (2012). Two-Eyed Seeing and other lessons learned within a co-learning journey of bringing together indigenous and mainstream knowledges and ways of knowing. *Journal of Environmental Studies and Sciences,* 2, p. 331-340. Retrieved from https://www.researchgate.net/publication/257804329_Two-Eyed_Seeing_and_other_lessons_learned_within_a_co-learning_journey_of_bringing_together_indigenous_and_mainstream_knowledges_and_ways_of_knowing

Bidfell, C. & Axmann, S. (2018). First Nation of Nacho Nyak Dun v. Yukon: SCC addresses the role of courts in resolving modern treaty disputes. *McCarthy Tetrault.* Retrieved from https://www.mccarthy.ca/en/insights/blogs/canadian-era-perspectives/first-nation-nacho-nyak-dun-v-yukon-scc-addresses-role-courts-resolving-modern-treaty-disputes

Booth, A. & Muir, B. (2011). Environmental and Land-Use Planning Approaches of Indigenous Groups in Canada: An Overview. *Journal of Environmental Policy & Planning,* 13(4), pp. 421-442. Retrieved from http://dx.doi.org/10.1080/1523908X.2011.635881

Borrows, J. (1997a). Living between Water and Rocks: First Nations, Environmental Planning and Democracy. *The University of Toronto Law Journal.* Retrieved from http://www.jstor.com/stable/825948

Borrows, J. (1997b) Wampum at Niagara; The Royal Proclamation, Canadian legal history and self-government. In Asch, M. (Ed.), *Aboriginal and treaty rights in Canada: Essays on law, equality and respect for difference*, p. 155-172. Vancouver, British Columbia: UBC Press.

Burrows, J. (2001). Uncertain Citizens: Aboriginal Peoples and the Supreme Court. *The Canadian Bar Review,* 80(1&2). Retrieved from https://cbr.cba.org/index.php/cbr/article/view/3900/3893

Borrows, J. (2010). *Canada's Indigenous Constitution.* Toronto, Ontario: University of Toronto Press Inc.

CIP. (2019). *Policy on Planning Practice and Reconciliation.* Retrieved from http://www.cip-icu.ca/getattachment/Topics-in-Planning/Indigenous-Planning/policy-indigenous-eng.pdf.aspx

The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11, <http://canlii.ca/t/ldsx>

D'Elia Decembrini, A. & Imai, S. (2019). Supreme Court of Canada Cases Strengthen Argument for Municipal Obligation to Discharge Duty to Consult: Time to Put Neskonlith to Rest. *Alberta Law Review,* 56(3), p. 935-950. Retrieved from https://doi.org/10.29173/alr2530

Domínguez, L. & Luoma, C. (2020) Decolonizing Conservation Policy: How Colonial Land and Conservation Ideologies Persist and Perpetuate Indigenous Injustices at the Expense of the Environment. *Land* 9(3), 65. Retrieved from https://doi.org/10.3390/land9030065

Donald, D. (2012). Indigenous Métissage: a decolonizing research sensibility. *International Journal of Qualitative Studies in Education*, 25(5), p. 533-555. Retrieved from https://journals-scholarsportal-info.ezproxy.library.yorku.ca/pdf/09518398/v25i0005/533_imadrs.xml

Dorries, H. (2014) New Policy Directions in Ontario for Planning with First Nations. *Plan Canada,* Summer, p. 42-45.

Dorries, H. & Riddick, S. (2018). Between concept and context: reading Gilles Deleuze and Leanne Simpson in their in/commensurabilities. *Cultural geographies,* 25(4), p. 619-635. Retrieved from https://journals-sagepub-com.ezproxy.library.yorku.ca/doi/full/10.1177/1474474018778576

Dorries, H. (2017). Planning as Property: Uncovering the Hidden Racial Logic of Municipal Nuisance by-Law. Journal of Law and Social Policy, 27, 72-93. Retrieved from https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/jlsp27&id=73&men_tab=srchresults

Dorries, H., Hugill, D. & Tomiak, J. (2019). Racial capitalism and the production of settler colonial cities. *Geoforum,* In Press. Retrieved from https://doi.org/10.1016/j.geoforum.2019.07.016

Dorries, H. & Harjo, L. (2020). Beyond safety: Refusing Colonial Violence Through Indigenous Feminist Planning. *Journal of Planning Education and Research,* 40(2), p. 210-219. Retrieved from https://journals-sagepub-com.ezproxy.library.yorku.ca/doi/pdf/10.1177/0739456X19894382

Egan, B. (2012). Sharing the colonial burden: Treaty-making and reconciliation in Hul'qumi'num territory. *The Canadian Geographer,* 56(4), p. 398-418. Retreved from https://onlinelibrary-wiley-com.ezproxy.library.yorku.ca/doi/pdfdirect/10.1111/j.1541-0064.2012.00414.x

Federation of Canadian Municipalities. (2020). *Treaty 20 Friendship Accord.* Retrieved from https://fcm.ca/en/resources/cedi/treaty-20-friendship-accord

Gatrell, J.D., Bierly, G.D., & Jensen, R.R. (2012) *Research Design and Proposal writing in Spatial Science* (2nd ed). Dordrecht, Netherlands: Springer Netherlands.

Gaynor, J. (ND). R v Van der Peet, [1996] SCC Case Brief. *CanLII Connects.* Retrieved from https://canliiconnects.org/en/commentaries/31748

Hardess, L. & Fortier, K.J. (2013). Co-creative Planning: Simpcw First Nation and the Centre of Indigenous Environmental Resources. In Natcher, D.C., Walker, R.C., & Jojola, T.S. (Eds) *Reclaiming Indigenous Planning*, (p. 141-165).

Hawthorn, H.B. (1966). *A Survey of the Contemporary Indians of Canada: A Report on Economic, Political, Educational Needs and Policies In Two Volumes, Volume I*. Retrieved from http://caid.ca/HawRep1a1966.pdf (p.1-210) and http://caid.ca/HawRep1b1966.pdf (p. 211- 412).

Hawthorn, H.B. (1967). *A Survey of the Contemporary Indians of Canada: A Report on Economic, Political, Educational Needs and Policies In Two Volumes, Volume II.* Retrieved from http://caid.ca/HawRep21966.pdf

Indian Affairs and Northern Development. (1969). *Statement of the Government of Canada on Indian Policy, 1969.* (Report R32-2469). Retrieved from http://nctr.ca/assets/reports/Historical%20Reports/1969%20The%20White%20Paper.pdf

INAC, Indian and Northern Affairs Canada. (2011). *Aboriginal consultation and accommodation: Updated guidelines for federal officers to fulfill the duty to consult.* Ottawa: Government of Canada. Retrieved from https://www.aadnc-aandc.gc.ca/eng/1100100014664/1100100014675

Indigenous Foundations. (2009). *ILO Convention 169.* Retrieved from https://indigenousfoundations.arts.ubc.ca/ilo_convention_169/

Kuokkanen, R. (2019*). Restructuring Relations: Indigenous Self-Determination, Governance, and Gender.* Oxford, GB: Oxford University Press.

Kapyrka, J. & Dockstator, M. (2012) Indigenous Knowledges and Western knowledges in Environmental Education: Acknowledging the Tensions for the Benefits of a "Two-Worlds" Approach. *Canadian Journal of Environmental Education,* 10(3), 353-370. Retrieved from https://cjee.lakeheadu.ca/article/view/1069/661

Lambrecht, K.N. (2013). *Aboriginal Consultation, Environmental Assessment, and Regulatory Review in Canada.* Regina, Saskatchewan: University of Regina Press.

Law Commission of Canada. (2006). *Justice Within: Indigenous Legal Traditions.* Discussion paper for the Government of Canada. Retrieved from http://caid.ca/IndLegalTrad2006.pdf

McLeod, F., Viswanathan, L., Whitelaw, G.S., Macbeth, J. King, C., McCarthy, D.D. & Alexiuk, E. (2015). Finding Common Ground: A Critical Review of Land Use and Resource Management Policies in Ontario, Canada, and their Intersection with First Nations. *The International Indigenous Policy Journal,* 6(1). Retrieved from: http://ir.lib.uwo.ca/iipj/vol6/iss1/3. DOI: 10.18584/iipj.2015.6.1.3

McLeod, F., Viswanathan, L., Macbeth, J. & Whitelaw, G.S. (2017). Getting to Common Ground: A Comparison of Ontario, Canada's Provincial Policy Statement and the Auckland Council Regional Policy Statement with Respect to Indigenous Peoples. *Urban Planning,* 2(1), p. 72-87. DOI: 1017645/up.v2i1.850.

Ministry of Indigenous Affairs. (2020). *Current land claims.* Retrieved from https://www.ontario.ca/page/current-land-claims#section-15

Ministry of Indigenous Affairs. (2020b). *The land claim negotiation process.* https://www.ontario.ca/page/land-claim-negotiation-process

Ministry of Municipal Affairs. (2020). *Provincial Policy Statement, 2020.* Retrieved from: https://www.ontario.ca/page/provincial-policy-statement-2020#:~:text=Background,management%20of%20land%20and%20infrastructure

Ministry of Municipal Affairs. (2020). *Provincial Policy Statement, 2014.* Retrieved from: https://www.ontario.ca/document/provincial-policy-statement-2014#:~:text=The%20Provincial%20Policy%20Statement%2C%202014,3%20of%20the%20Planning%20Act%20.&text=Its%20policies%20set%20out%20the,achieve%20livable%20and%20resilient%20communities.

Ministry of Municipal Affairs and Housing. (2009). *Municipal-Aboriginal Relationships: Case Studies*. Retrieved from http://www.mah.gov.on.ca/Page6054.aspx

MMM Group. (2010). *Town of Lakeshore Official Plan.* Retrieved from: https://www.lakeshore.ca/en/business-and-development/resources/Documents/OfficialPlan/Planning-Lakeshore-Official-Plan-OMB-Approved-Nov-22-2010.pdf

Mitchell v MNR, [2001], 1 SCR 911. Retrieved from https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1869/index.do

Murdock, E. (2018). Unsettling Reconciliation: Decolonial Methods for Transforming Social-Ecological Systems. *Environmental Values,* 27, pp. 513-533. DOI: 10.3197/096327118X15321668325948

Nakehk'o, D. (2015). Dene Honi: Abdicating Abnormalities. *Northern Journal.* Retrieved from https://norj.ca/2015/03/dene-honi-abdicating-abnormalities/

Napoleon, V. (2007). Thinking About Indigenous Legal Orders. Research paper for the *National Centre for First Nations Governance.* Retrieved from http://www.fngovernance.org/ncfng_research/val_napoleon.pdf

Newman, D. (2009). *The duty to consult: new relationships with Aboriginal peoples.* Saskatoon, Saskatchewan: Purich Pub.

Noble, B.F. (2015). *Introduction to Environmental Impact Assessment: A Guide to Principles and Practice.* Don Mills, Ontario: University Oxford Press Canada.

OPPI. (2019). *Indigenous perspectives in planning: Report of the Indigenous Planning Perspectives Task Force, June 2019.* Retrieved from https://ontarioplanners.ca/OPPIAssets/Documents/OPPI/Indigenous-Planning-Perspectives-Task-Force-Report-FINAL.pdf

Porter, L. (2010). *Unlearning the colonial cultures of planning.* Surrey, England: Ashgate Publishing Limited. Retrieved from http://periferiesurbanes.org/wp-content/uploads/2013/12/Libby_Porter_Unlearning_the_Colonial_Cultures_ofBookFi.org_1.pdf

Porter, L. (2017). Indigenous Planning: From Principles to Practice. *Planning Theory & Practice,* 18(4), p. 639-666. Retrieved from https://doi.org./10.1080/14649537.2017.1380961

Porter, L. & Barry, J. (2015). Bounded recognition: urban planning and the textual mediation of Indigenous rights in Canada and Australia. *Critical Policy Studies,* 9(1), p. 22-40. Retrieved from http://dx.doi.org/10.1080/19460171.2014.912960

Pysklywec, A., Viswanathan, L., Macbeth J., and Whitelaw G. (2020). 2020 Provincial Policy Statement at a Glance: Implications for Indigenous Municipal Relations. Kingston, Ontario: Planning with Indigenous Peoples (PWIP) Research Group, Queen's University. Retrieved from https:///www.queensu.ca/pwip/publications

Reid, J. (2010). The Doctrine of Discovery and Canadian Law. *The Canadian Journal of Native Studies,* 30(2), p. 335-359. Retrieved from https://search-proquest-com.ezproxy.library.yorku.ca/docview/1009079324/fulltextPDF/7D957789F37E42B7PQ/1?accountid=15182

Reo, N.J., Whyte, K. P., McGregor, D, Smith, M.A., & Jenkins, J.F. (2017) *Factors that support Indigenous involvement in multi-actor environmental stewardship,* 13(2). Retrieved from https://journals.sagepub.com/doi/pdf/10.1177/1177180117701028?casa_token=AuDAlcKPM0kAAAAA:q3oB96xsTvMTWDQQ7GZ8DiQZMEdeB6DHp9le3v3mUHtCQqJ5_-FETHPNcMK4qwAn1xeEXwdfKPg5nQ

Sandercock, L. (2004). Towards a Planning Imagination for the 21st Century. *Journal of the American Planning Association,* 70(2), p. 133-141. Retrieved from https://www-proquest-com.ezproxy.library.yorku.ca/docview/229628309/fulltextPDF/C48B2FBA26B44BC5PQ/1?accountid=15182

Sewell, J. (1993). *New Planning for Ontario: Commission on Planning and development Reform in Ontario Final Report.* Retrieved from https://archive.org/details/newplanningforon00comm/mode/2up?q=aboriginal

Shared Path Consultation Initiative. (2020). *About Shared Path Consultation Initiative.* https://sharedpath.ca/about/mission-governance-funders/

Slattery, B. (2000). Making sense of aboriginal and treaty rights. *Canadian Bar Review,* 79(2), p. 196-224. Retrieved from https://cbr.cba.org/index.php/cbr/article/view/3803/3796

Slattery, B. (2005). Aboriginal Rights and the Honour of the Crown. *The Supreme Court Law Review: Osgoode's Annual Constitutional Cases Conference 29.* Retrieved from https://digitalcommons.osgoode.yorku.ca/sclr/vol29/iss1/20

Slattery, B. (2006). The metamorphosis of Aboriginal title. *Canadian Bar Review,* 85(2), p. 255-286. Retrieved from https://cbr.cba.org/index.php/cbr/article/view/4051/4044

Tabobondung, R. (2016). Wasauking-Vancouver-Toronto: My Path Home. In Pitter, J. & Lorinc, J. (Eds.), *Subdivided: City-Building in an Age of Hyper-Diversity* (p. 46-54). Toronto, Ontario: Coach House Books.

The University of British Columbia. (2018). *Indigenous Peoples: Language Guidelines 2018*, Version 2.0. Retrieved from http://assets.brand.ubc.ca/downloads/ubc_indigenous_peoples_language_guide.pdf

Tuck, E. (2009). Suspending damage: A letter to communities. *Harvard Educational Review,* 79(3). Retrieved from http://pages.ucsd.edu/~rfrank/class_web/ES-114A/Week%204/TuckHEdR79-3.pdf

Truth and Reconciliation Commission of Canada (TRC). (2015). *Final Report of the Truth and Reconciliation Commission of Canada Volume One: Summary.* Winnipeg, Manitoba: James Lormier & Company Ltd, Publishers.

Truth and Reconciliation Commission of Canada (TRC). (2015b). *What we have learned: Principles of Truth and Reconciliation.* Retrieved from http://www.trc.ca/assets/pdf/Principles%20of%20Truth%20and%20Reconciliation.pdf

Truth and Reconciliation Commission of Canada. (2015c). Truth and Reconciliation Commission of Canada: Calls to Action. Retrieved from http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf

Tsilhqot'in Nation *v.* British Columbia, 2014 SCC 44. Retrieved from https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do

Tuhiwai Smith, P. L. (2012). *Decolonizing methodologies: Research and indigenous peoples*. London, United Kingdom: Zed Books Ltd.

United Nations. (2007). *United Nations Declaration on the Rights of Indigenous Peoples.* Retrieved from https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

Valverde, Mariana. (2016). A Tale of Two – or Three – Cities: Gentrification and Community Consultations. In Pitter, J. & Lorinc, J. (Eds.), *Subdivided: City-Building in an Age of Hyper-Diversity* (p. 199-207). Toronto, Ontario: Coach House Books.

Viswanathan, L., McLeod, F., Macbeth, J. & Alexiuk, E. (2013). Making inroads to decolonize planning knowledge and practices in Southern Ontario. *Plan Canada,* 53(2), p. 21-23.

Walker, R.C. & Belanger, Y. (2013). Aboriginality and Planning in Canada. In Natcher, D.C., Walker, R.C. & Jojola, T.S. (Eds.) *Reclaiming Indigenous Planning* (193-216). Retrieved from: https://books.scholarsportal.info/en/read?id=/ebooks/ebooks3/upress/2014-07-18/9780773589933

Whyte, K. (2017). Indigenous Climate Change Studies: Indigenizing Futures, Decolonizing the Anthropocene. *English Language Notes*, 55(1-2), p. 153-162. Retrieved from https://kylewhyte.marcom.cal.msu.edu/wp-content/uploads/sites/12/2018/07/IndigenousClimateChangeStudies.pdf

Williamson, R.F. (2010). Planning for Ontario's Archaeological Past: Accomplishments and Continuing Challenges. *Revista de Arqueología Amereicana,* 28, p.7-45. Retrieved from https://www.jstor.org/stable/23350230

Wilson, K. (2018). *Pulling Together: Foundations Guide.* Victoria, BC: BCcampus. Retrieved from https://opentextbc.ca/indigenizationfoundations/