

Members of the Indigenous Issues Task Force

- Chris Grosset (Chair)
- Michelle Legault
- Natalie Walliser
- James Thomas
- Grant Fahlgren
- Monica Giesbrecht
- Jean Landry
- Blake Roberts

Introduction

In 2015 the component associations of the CSLA ratified the Canadian Landscape Charter (CLC). Through the CLC the CSLA upholds the following Core Principles¹:

Recognize landscapes as vital: By ensuring that all landscapes are understood and respected for their geographic, cultural, heritage, social, aesthetic, economic and environmental values, whether as cultural and/or natural features, or as physical and/or abstract entities. By ensuring that all landscapes are considered, from the most precious and well-known to the most ignored and spoiled, whether they are wild, rural or urban.

Consider all peoples: By increasing the awareness and understanding of the traditional values, ecological knowledge and practices of the various Canadian communities, including First Nations, Inuit, and Métis Peoples, which relate to customary stewardship of the land, and by considering these values and practices in both management and design.

Inspire stewardship: By embracing new knowledge, practices and tools together with traditional ecological knowledge and practices.

Show leadership: By inspiring through principles, guidelines and metrics, exchanges on the subject of landscape amongst institutions, complementary disciplines and the general population across Canada; and by encouraging knowledge development and sharing, recognition of best practices, collaboration and outreach amongst multidisciplinary practitioners.

Consistent with these principles, the CSLA Board of Directors established (on Nov 6, 2016) the Indigenous Issues Task Force (IITF) with a mandate to prepare a discussion paper on the findings and recommendations of the Truth and Reconciliation Commission of Canada.

This discussion paper seeks to answer the questions :
“Why are Indigenous issues important to our profession”, and
“how can the CSLA advance the Principles of the CLC by preparing landscape architects
for an improved and evolving relationship with Indigenous People in Canada?”

Landscape architecture offers an interdisciplinary approach that considers our environment in a holistic manner. The principles and goals of Landscape Architecture in Canada are well aligned with many of the values among Canada’s Indigenous cultures. Building on common goals and values, this discussion paper identifies knowledge and relationship gaps around Indigenous issues within our profession, and recommends a staged action plan to guide the CSLA in improving awareness and capacity for supporting Canada’s First Nations, Inuit, and Métis Peoples through landscape architecture and land use planning within our leadership, membership and schools of landscape architecture.

Background Information

The Truth and Reconciliation Commission of Canada (TRC)

The TRC was established in 2007 as part of the Indian Residential Schools Settlement Agreement, the largest class-action settlement in Canadian historyⁱⁱ. The ultimate goal of the TRC is to open up pathways of reconciliationⁱⁱⁱ.

“To the Commission, ‘reconciliation’ is about establishing and maintaining a mutually respectful relationship between Aboriginal and Non-Aboriginal peoples in this country” (What We Have Learned, Principles p. 113)

In 2015 the TRC released its Final Report including 94 Calls to Action, directed to all levels of government, all sectors of Canadian society and business, and all citizens of Canada to redress the legacy of residential schools and advance the process of Canadian reconciliation. On December 15, 2015, when formally accepting the final report on behalf of Government of Canada, Prime Minister Trudeau committed to fully implement the TRC’s Calls to Action, recognizing *“that true reconciliation goes beyond the scope of the Commission’s recommendations, and committed to renewing Canada’s nation-to-nation relationships with Indigenous peoples based on “recognition, rights, respect, cooperation and partnership.”^{iv}*

“In the face of growing conflicts over lands, resources, and economic development, the scope of reconciliation must extend beyond residential schools to encompass all aspects of Aboriginal and non-Aboriginal relations and connections to the land.” (TRC, Executive Summary p. 190)

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

The TRC considers “reconciliation” to be an ongoing process of establishing and maintaining respectful relationships at all levels of Canadian society. The Commission believes that the United Nations Declaration on the Rights of Indigenous Peoples is the appropriate framework for reconciliation in twenty-first-century Canada^v. UNDRIP contains 46 Articles that address the rights of Indigenous People, including rights to their lands and their economic, cultural, spiritual and recreational activities in the landscape. As of May 2016 the Government of Canada announced it was a full supporter of UNDRIP. The significant and important articles in the declaration related to landscape must be fully understood by the CSLA, our provincial and territorial component associations, and members.

“A reconciliation framework is one in which Canada’s political and legal systems, educational and religious institutions, the corporate sector and civic society function in ways that are consistent with the principles set out in the United Nations Declaration on the Rights of Indigenous Peoples, which Canada has endorsed. Together, Canadians must do more than just talk about reconciliation; we must learn how to practice reconciliation in our every day lives – within ourselves and our families, and in our communities, governments, places of worship, schools, and workplaces.” (TRC, Summary p21 reconciliation as Relationship p. 190)

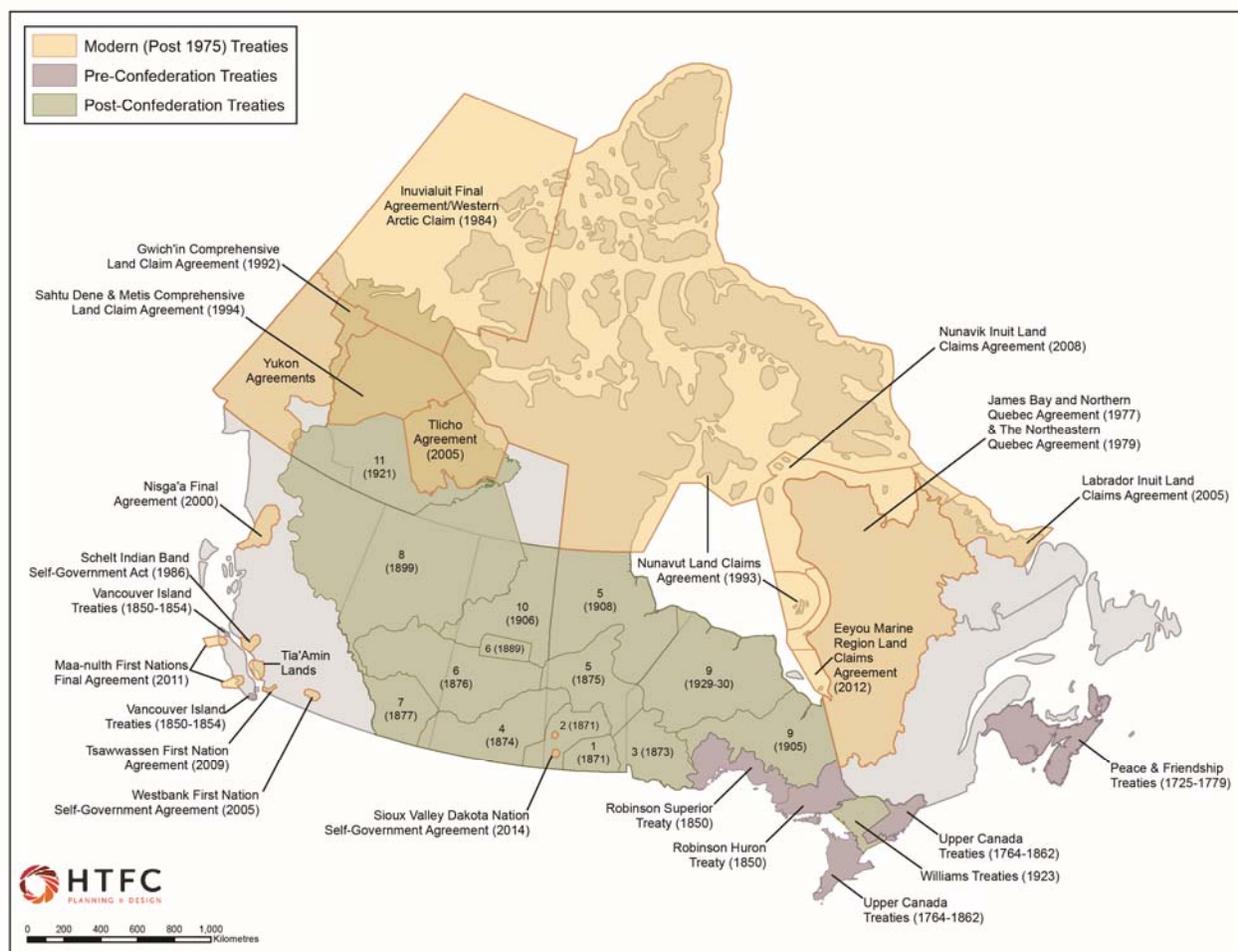
Treaties^{vi}

Canada was founded upon partnerships between its Indigenous and non-Indigenous peoples. The treaties signed by Indigenous people and the Crown outline the “promises, obligations and benefits for both parties.”^{vii} Today almost all of the Canadian land mass is covered by one or more treaties between the Crown and Indigenous people. These agreements include both historic and modern treaties as well as land claim agreements made since 1975, with much of the remaining land area subject to one or more unsettled claims. Canadian treaties encompass rural and urban areas, southern and northern Canada, and cross provincial and territorial borders. The treaties, recognized in the Constitution of Canada, are a fundamental and foundational element of the Canadian landscape.

“It is important for all Canadians to understand that without Treaties, Canada would have no legitimacy as a nation. Treaties between Indigenous nations and the Crown established the legal and constitutional foundation of this country.” (TRC, Executive Summary p. 195)

Map of Treaties and Land Claims in Canada^{viii}

Almost all of Canada is covered by one or more treaties. The majority of the remaining areas are affected by unsettled treaties/agreements and unresolved claims.”



**This map is for illustration purposes. Boundaries are approximate. It does not illustrate treaties, agreements, or claims that are not resolved at the time of publication.*

The legislative, policy and legal context in Canada continues to develop and is trending toward greater inclusion of Indigenous perspectives, as well as increased autonomy and political control over traditional lands. Among these developments is the Land Management Regime which “allows First Nations to opt out of 32 sections of the Indian Act^{ix} relating to land management. First Nations can then develop their own laws about land use, the environment and natural resources and take advantage of economic development opportunities with their new land management powers.”

Canada’s Indigenous peoples have also gained greater influence over resource extraction and development that occurs within their traditional territories through the recognition of aboriginal title from landmark Supreme Court decisions. The Taku and Haida decisions of 2004, and Mikisew Cree decision in 2005,

“established the principle of “duty to consult and accommodate,” which required governments (and companies) to inform and negotiate with Indigenous communities before starting development projects, and required appropriate “compensation” for disruptions of land, livelihoods, and community wellbeing.”^x The Tsilhqot'in decision in 2014 expanded these rights and set a precedent that will increase assertions of aboriginal title across the country^{xi}.

“Too many Canadians still do not know the history of Aboriginal peoples’ contributions to Canada, or understand that by virtue of the historical and modern Treaties negotiated by our government, we are all Treaty people. History plays an important role in reconciliation; to build for the future, Canadians must look to, and learn from, the past.” (TRC, Executive Summary p. 8)

The influence of Canada’s Indigenous peoples over decisions that impact its land and waters have extended to international agreements. The importance of the connection between cities and regions will mean that policies that affect one will in turn influence the other.

Landscape architects in Canada will increasingly find themselves encountering this developing policy terrain and will be required to understand and navigate it in the realization of their work in both rural and urban environments; within provincial and territorial jurisdictions; and extending to international agreements such as the Great Lakes Water Quality Agreement (1978, 2012).

The following allied professional organizations in Canada and internationally are working on policy and members services concerning Indigenous issues in response to the TRC and/or UNDRIP:

- Royal Architectural Institute of Canada (RAIC)
- Canadian Institute of Planners (CIP)
- The Federation of Canadian Municipalities (FCM)
- International Federation of Landscape Architects (IFLA)
- International Council on Monuments and Sites (ICOMOS) Scientific Committee on Cultural Landscapes

CSLA Awareness, Education, Leadership and Advocacy Opportunities

Development and implementation of a response to the TRC and UNDRIP is in keeping with the CSLA mandate, the principles of the Canadian Landscape Charter, and the 2015-2017 Strategic Plan: Raise the Profile of Landscape Architecture in Canada and Abroad.

The Opportunity for Collaboration

Beyond stated principles and moral imperatives there is also tremendous opportunity in partnering with Canada’s Indigenous communities in effectively and sustainably managing the landscape and waters of Canada for economic, social and cultural purposes. These opportunities for collaboration, whether local and national in scope, call upon landscape architecture to have informed awareness of the legislative, policy and legal context; and an appreciation for the unique culture and perspectives of Indigenous groups. The core facilitation, communication, collaboration and transformation skills of landscape architects give our profession the opportunity to become the bridge to an evolving relationship with Canada’s Indigenous peoples that is rooted in respect for the land and each other.

"The Commission believes that reconciliation cannot be left up to governments, the courts, and churches alone. There must also be a dialogue and action in communities across the country. Reconciliation must happen across all sectors of Canadian society. Canadians still have much to learn from each other." (TRC, p.305)

Recommended Actions

Recognizing the strategic values of the CSLA, and the principles of the Canadian Landscape Charter, the action plan will take a multi- year, staged approach that aims to:

- Increase awareness and understanding of Indigenous people and issues, opportunities and challenges among our Society, members, schools, and within our public role.
- Recognize the TRC "Calls to Action" and UNDRIP, and provide leadership and information on reconciliation for our members through communications, collaborations and strategic partnerships.
- Effectively advocate for the profession of landscape architecture on issues of national importance and Indigenous landscape.

CSLA initial action recommendations

- Examine ways to develop partnerships with national Indigenous leadership organizations, our component associations, and with our allied professional associations, to advance the role that landscape architects can offer in reconciliation, beginning with a meeting of the Society with national Indigenous organizations.
- Prepare a position paper in collaboration with the Positions Paper Working Group of the Advocacy Task Force, and submit to the CSLA Board for endorsement.
- Prepare a detailed action plan and policy/implementation framework, addressing the following:

Internal to the CSLA

- Prioritize and develop resources, or links to existing resources, to meet the needs of our members for informed awareness of Indigenous issues. This would include resources required by members on Indigenous history, current conditions and issues facing Indigenous communities and Indigenous landscapes, and the legal rights of Indigenous People in Canada.
- Inform members of external services offered through national Indigenous organizations to bring landscape architects into certification and continuing education programs (e.g. Aboriginal Awareness Training online – Canadian Council for Aboriginal Business certification for "Progressive Aboriginal Relations-PAR").

Schools of Landscape Architecture

- Working with the Landscape Architecture Accreditation Council (LAAC) and Schools of Landscape Architecture, identify the requirements for Indigenous studies programs (TRC and UNDRIP recommendations re: education, awareness, curriculum, access to education; bursaries, scholarships). Working with the schools, identify approaches to integrate Indigenous issues into the core curriculum so every new Landscape Architect graduates with a basic knowledge in this area of practice.
- Develop an education and outreach program with Indigenous communities across the country to introduce Indigenous youth to the profession of landscape architecture.

- Work with the Landscape Architecture Canada Foundation (LACF) and Schools of Landscape Architecture to establish financial supports (scholarships and bursaries) for Indigenous students.

Communications and Outreach

- Use Landscapes|Paysages magazine, the CSLA Awards of Excellence, the CSLA bulletin (when relevant), and annual Congress to present Indigenous issues to our members and the public.
- Organize workshops or webinars as part of professional development.
- Working with LACF, develop a fund and encourage specific research on Indigenous Opportunities in Landscape Architecture.

Next Steps

1. CSLA Board to endorse the discussion paper document.
2. CSLA Board to ask the IITF to continue with the mandate to undertake the identified actions, provide advice as required, and keep the Society abreast of new developments.
3. CSLA Board to instruct the IITF to conduct research and consult with national and regional Indigenous organizations, allied professional organizations, Indigenous knowledge holders, or other potential partners.
4. CSLA Board to instruct the IITF to prepare a detailed action plan and policy/implementation framework.
5. Circulate the action plan/framework to: invite comment/discussion; hold a discussion session at Congress; amend and update the action plan/framework based on comments received.
6. CSLA Board to instruct the IITF to prepare a position paper for the Society. Produce document in French and English versions.

ⁱ <http://www.csla-aapc.ca/canadian-landscape-charter>

ⁱⁱ <https://www.aadnc-aandc.gc.ca/eng/1450124405592/1450124456123>

ⁱⁱⁱ Schedule N of the Indian Residential Schools Settlement Agreement: Appendix 1 to TRC Executive Summary Report

^{iv} <http://www.pm.gc.ca/eng/news/2015/12/15/statement-prime-minister-release-final-report-truth-and-reconciliation-commission>

^v TRC, Executive Summary P.190

^{vi} Treaties include modern treaties and land claim agreements.

^{vii} Indigenous and Northern Affairs Canada (2010) <https://www.aadnc-aandc.gc.ca/eng/1100100032291/1100100032292>

^{viii} HTFC

^{ix} The Indian Act is a Canadian federal law that governs in matters pertaining to Indian status, bands, and Indian reserves. <http://laws-lois.justice.gc.ca/eng/acts/I-5/>

^x Newman (2014). <http://www.macdonaldlaurier.ca/files/pdf/MLINumber9-FPICCoates-Flavel04-16-WebReadyV3.pdf>

^{xi} Coates (2014) <http://www.macdonaldlaurier.ca/files/pdf/MLTheEndIsNotNigh.pdf>