Indigenous Intangible Cultural Heritage: Towards an Indigenous Approach to Canadian Heritage Management and Planning

by

Julia Catherine Marie Stevens

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Author's Declaration

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

I understand that my thesis may be made electronically available to the public.

Abstract

Canada's 'official' heritage is overwhelmingly comprised of designated buildings, monuments, landscapes, and streetscapes that reflect notable architectural styles or historic character, celebrated places, and key agents in Canada's historical narrative. Heritage management and planning regimes in Canada, and western societies, utilize a well-established material, or tangible, understanding of heritage recognition. Indigenous forms of heritage, which are often manifested as non-material, or intangible cultural heritage (ICH), do not readily fit within western paradigms of heritage. As a result, Indigenous ICH does not receive the same attention or support as western material heritage and remains underrepresented within the current heritage management system. This exploratory thesis seeks to examine and place the Canadian heritage management and planning regime as a colonial legacy. A review of the literature suggests that although the academic body of Indigenous planning theory and critical research is growing, there is a notable gap in understanding how heritage planning can be effectively decolonized. Further, the literature indicates that Western and Indigenous perspectives of 'heritage' differ significantly, however little research has been conducted to address how heritage planning systems can be re-imagined to include Indigenous ICH and worldviews. Utilizing a qualitative research methodology, twenty-four Indigenous and non-Indigenous heritage practitioners and planners from across Canada were interviewed. Additionally, provincial and federal heritage legislation and supporting policy documents were analysed in order to ascertain how Indigenous heritage is currently recognized within Canada's material-focused heritage planning regime. The findings that emerged from this thesis research suggest: 1) Heritage planning and management in Canada continues to be overwhelmingly material focused and displays a lack of understanding of ICH; 2) The diffusion of responsibilities between federal, provincial, and municipal governments on Indigenous and heritage related issues poses challenges of governance, legislation, policy, and programming; 3) The influences of colonialism have left a legacy of distrust between Indigenous communities and settler society, leading to reluctance by some Indigenous communities to share traditional knowledge and heritage with non-community members; 4) Many Indigenous communities and governments face pressing social concerns; as a result, heritage and cultural programming is often a lower priority for some communities; 5) Increased understanding of Indigenous intangible cultural heritage in Canadian historical narratives can potentially support the process of reconciliation, increase cultural knowledge, capacity, and resiliency in Indigenous communities, and encourage a stronger Indigenous cultural presence and understanding in Canadian society. Emergent recommendations include: 1) Increase knowledge and awareness of Indigenous history and worldviews in Canadian planning schools; 2) Amend heritage legislation and policy to include Indigenous ICH; 3) Support avenues for Indigenous-led community-based cultural heritage programming; and 4) Encourage further research in Indigenous ICH and heritage planning field. This research is significant because it provides an exploratory look into how Indigenous ICH is currently considered in Canadian heritage planning and provides practical and theoretical recommendations for further studies into the benefits of recognizing ICH in an Indigenous post-colonial context, to arguably support a paradigm shift in what we, as Canadians, value as 'heritage'.
Keywords: Intangible Cultural Heritage; Indigenous Planning theory; Canadian Heritage Planning; Indigenous Intangible Cultural Heritage

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Chapter 1: Introduction

Before delving into this thesis, I kindly ask, you, the reader, to consider this scenario:

Downtown Toronto, ON, center of Canadian built urbanism, towering skyscrapers, and designated heritage sites. Many are familiar with the Greyhound bus station on the corner of Elizabeth and Dundas Streets: grey, Brutalist in design, concrete and devoid of typical 'heritage charm.' Amongst the graffiti scaling the grey concrete bus terminal walls someone has sprawled "This is Native Land" in black spray-paint. A few blocks away, someone has plastered the word "Ishpadina" on a Spadina street sign.[1]

At first read, it is easy to conclude that the elements of historical significance are material. Save for the abovementioned two reclaiming acts demarking Indigenous presence, downtown Toronto is arguably visually devoid of noticeable Indigenous presence. Despite the fact that historic plaques adorn some buildings, and provincial, municipal, and federal heritage and cultural landscape designations protect the integrity of many neighbourhoods, Toronto's history extends significantly deeper with a rich Indigenous history. Indigenous historical presence remains in the form of stories, artefacts, landscapes, and even in the traditional practices of Indigenous peoples living there today. But if not recognized by a heritage plaque, designation, or heritage management plan, how are these elements of Indigenous intangible cultural heritage acknowledged, managed, or protected by heritage planning frameworks?

The purpose of this thesis is to provide a broad exploratory discussion on how Indigenous intangible cultural heritage (ICH) is recognized in the current Canadian heritage management and planning context and to provide recommendations for how Indigenous ICH can be recognized and protected within this context. This research is influenced by the works of Andrews and Buggey (2008), who argue that Indigenous cultural heritage is underrepresented within the material focused Canadian heritage management and planning system, as well as recent decolonial planning research that identifies notable gaps in how provincial planning legislation and policies recognize Indigenous interests and rights (McLeod, 2014). Prosper (2007) argues that heritage resource management in Canada has traditionally been guided by a material-focused definition of heritage. In this setting, 'heritage' is predominantly recognized as objects, monuments, historic sites and places – or in other words, the tangible heritage that we can see and feel, such as buildings or artefacts (Pocius, 2010). This material heritage focus, however, does not effectively recognize a broader, dynamic view of heritage, that includes non-material or 'intangible' forms of heritage.

The Indigenous experience in Canada has been significantly shaped by colonizing European social, economic, and political legislation and policy. The phrase, "to kill the Indian in the child" (RCAP, 1996, p.16) is a dark reminder of the assimilatory and often cruel state-led practices, such as residential schools, meant to extinguish Indigenous culture and history from Canadian society.

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[1] Lacey MacRae Williams. (2014) "Reclaiming Spaces/Places: Restoring Indigenous street names in Toronto." *Spacing Magazine.* http://spacing.ca/national/2014/11/04/reclaiming-spacingplaces-restoring-indiginous-street-names-toronto/

For many years, Indigenous culture and history was outlawed and relegated to archaeological digs, anthropology departments, and behind glass at museum exhibits. While most of the blatantly assimilatory laws were repealed by the end of the 20th century - with 'Aboriginal rights' included in section 35 the *Canadian Charter of Rights and Freedoms* in 1982 and the recent move towards societal reconciliation by the sitting federal and provincial governments- much of Canada's legislation and policy still overwhelmingly favours Euro-Canadian interests and remain rooted in colonial policies. This is particularly evident in current Canadian cultural heritage management and planning frameworks across the country.

According to the United Nations Environmental, Scientific, and Cultural Organization (UNESCO, 2003), Intangible Cultural Heritage (ICH) can be defined as:

> "The practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity…" (n.p.)

ICH is often referred to as 'living history.' A central component of its transmission is that it is practiced and passed down through generations. ICH is readily identified in many cultures, however it is a specifically important component to Indigenous or non-material cultures. Until recently, ICH has been an understudied and undervalued element of heritage management, specifically as it relates to Indigenous cultures. Today, Canadian heritage management and planning continues to display a propensity towards recognizing and valuing material culture over ICH.

The purpose of this exploratory qualitative study is to understand and analyze Indigenous ICH in relation to contemporary contexts of Canadian heritage management and planning. More specifically, the study draws on decolonial perspectives in heritage planning and critical indigenous methodologies to identify and recommend strategies that may enhance understanding of Indigenous ICH and its incorporation into practical areas of cultural heritage planning and management. The following research questions guide the basis of this research:

1. How do heritage guidelines and planning policy currently recognize Indigenous heritage at municipal, provincial, federal, and international levels in Canada?

2. How have current and past understanding and assumptions regarding Indigenous peoples and their culture influenced how Indigenous heritage is recognized in heritage guidelines and policy?

3. Is it possible for the definition of 'heritage' in cultural heritage recognition and management to be broadened to incorporate Indigenous 'intangible' cultural heritage?
    a. What kinds of changes are necessary to effectively recognize Indigenous cultural heritage and worldviews within the heritage sector?

4. What can be learned from cases where Indigenous communities are successfully including Indigenous heritage and TEK into their heritage planning frameworks?

5. What can be learned from current barriers and challenges to recognizing Indigenous cultural heritage in Canada? What role, if any, do settlers play?

This thesis research is theoretically grounded in critical indigenous theory and transactive, community-based, planning theory. Although the body of critical indigenous academic research on the decolonization of western planning theory is growing, research inquiry has been relatively absent on how heritage management and planning is structured to address Indigenous heritage. My research aims to begin to address this gap and to provide practical recommendations to support heritage planning practitioners, Indigenous governments, and academics in enhancing Indigenous heritage planning approaches and policy.

1.1 Thesis Structure
This thesis is organized into the following chapters:

Chapter 2, Literature Review: I begin by theoretically grounding the objectives of this thesis research and conceptual framework. I provide a brief history of colonialism and colonial structures of planning to provide context to understand the current structures and of heritage planning in Canada. I then discuss the concepts of Intangible Cultural Heritage, which I argue can help expand western ideas of heritage in order to decolonize or effectively include Indigenous heritage.

Chapter 3, Research Methods and Methodology: This chapter outlines the qualitative research approach used in this thesis and provides a rationale and discussion on researching in a critical Indigenous context. I identify the challenges and considerations that I faced while researching this thesis and also address the limitations of this research.

Chapter 4, Research Findings and Discussion: In this chapter, I address the research findings that emerged from the twenty-four key informant interviews and document review of heritage legislation. I discuss the main findings within the literature and identify the significance.

Chapter 5, Recommendations and Conclusion: In the final chapter, I identify several practical recommendations for practitioners and researchers in the heritage field. I also identify several opportunities for further research and provide concluding observations.

1.2 Reflection on Privilege and Research

I would like to declare myself to the reader. Initially, I had difficulty articulating a meaningful rationale to justify why, I, a settler second-generation Euro-Canadian would venture into this area of critical research. As my graduate advisor noted early on in the research process, despite our best intentions, white researchers do continue to perpetuate colonial hegemony in their research. Many Indigenous scholars hold that for research to be effectively decolonized, it should be conducted by researchers of Indigenous ancestry, employing Indigenous methodologies, and through a critical Indigenous lens (Kovach, 2005; Rigney, 1999; Smith, 1999; Wilson, 2008).

Despite having limitations as ally settlers, Wilson (2007) asserts that an "Indigenist paradigm can be used by anyone who chooses to follow its tenants," if allied Settler researchers participate in Indigenous research with practical recommendations.

John Ralston Saul stated that every Canadian – settler, newcomer, and Indigenous – has a role to play in Reconciliation, further reminding Canadians that 'We are all treaty people' (Ralston Saul, 2014). This statement resonates strongly with me personally, as a researcher, as a Settler ally, and now as a planning professional. It is with this in mind, and very mindful of what I represent, that I embarked on my research journey. I am mindful of my position as a values-engaged researcher and as a settler ally, and my shortcomings as I engaged with an Indigenous research paradigm for my thesis. In no way do I state that I have the ultimate answer, but I seek to present my exploratory findings and discussions to the question of how Indigenous cultural heritage is recognized in current Canadian heritage management and planning field today. I provide practical recommendations in Chapter 5 for heritage practitioners, as well as recommendations for future research.

Chapter 2: Literature Review

"Canada is a test case for a grand notion - the notion that dissimilar peoples can share lands, resources, power and dreams while respecting and sustaining their differences. The story of Canada is the story of many such peoples, trying and failing and trying again, to live together in peace and harmony."

"But there cannot be peace or harmony unless there is justice."

Royal Commission on Aboriginal Peoples (1996)

2.1 Introduction

A growing body of planning theory research has emerged in recent years, calling for the decolonization of planning theory and practice (Porter, 2010; Hildebrand, 2012) in colonized countries, such as Australia, New Zealand, the United States, and Canada. This 'decolonization of planning' seeks to align spatial and policy planning principles and theory more closely with Indigenous[2] cultural worldviews and knowledge. Although Indigenous planning theory is growing in acceptance and practice throughout the post-colonial world, the decolonization of heritage planning and conservation in Canada, specifically, has largely been underappreciated or ignored in academic and practice circles.

This master's research seeks to understand how Indigenous intangible cultural heritage (ICH) is currently defined and recognized within current heritage management and planning systems in Canada. In this sense, I argue that a more enhanced recognition of Indigenous cultural heritage by Canadian planning systems, paired with a departure of heterogeneous colonial perspectives of heritage (Prosper, 2007; Rolf & Windle, 2003), can contribute to not only successful cultural heritage protection and capacity building within Indigenous communities, but can also enhance Canadian society and support an environment of cultural tolerance.

This literature review chapter is organized into five components. *Section 2.2: Colonialism, Eurocentrism, and Planning,* provides a brief history of Canadian Indignous policy and case law, the colonial roots of planning, and ends with a discussion of the current state of heritage conservation in Canada. *Section 2.3: Indigenous Worldviews and Planning*, follows with a discussion on Indigenous Planning Theory in the context of Indigenous cultural resurgence and re-emergence of Indigenous worldviews and knowledge. These two sections set the stage for the remaining sections, *Section 2.4: Canadian Heritage Planning and Cultural Resource Management* and *Section 2.5: Decolonizing Heritage and Planning in Canada,* to outline decolonizing heritage planning and cultural heritage management in Canada, and how this research fits into broader notions of reconciliation and decolonization in Canada. Finally, I close

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[2] I will primarily use the term 'Indigenous' when speaking broadly about Indigenous peoples. When possible, I will use the traditional name when speaking specifically about an Indigenous cultural group.

this chapter with *Section 2.6: Conceptual Framework* to discuss the conceptual framework utilized for this thesis.

2.2 Colonialism, Eurocentrism, and Planning

"Our Indian legislation generally rests on the principle, that the aborigines are to be kept in a condition of tutelage and treated as wards or children of the State… The true interests of the aborigines and of the State alike require that every effort should be made to aid the Red man in lifting himself out of his condition of tutelage and dependence, and that is clearly our wisdom and our duty, through education and every other means, to prepare him for a higher civilization by encouraging him to assume the privileges and responsibilities of full citizenship."

> Department of the Interior, Annual Report for the year ended 30th June, 1876 (British Parliament, Sessional Papers, No. 11, 1877, p. xiv).

2.2.1 Canadian Indigenous Policy, Indigenous Rights, and Case Law

In order to understand the current context for how Indigenous cultural heritage is recognized and preserved in Canada, a discussion of the historical origins of Indigenous policy and law is necessary. The origins of public policy relating to Canada's Indigenous peoples can be found in the *Royal Proclamation of 1763 (Proclamation).* This document first mandated the colonial policy for settlement of Aboriginal territories by the British Crown in what is now Canada (University of British Columbia, Indigenous Foundations, 2009). Although the *Proclamation* acted as a framework for treaties respecting Indigenous territories by European settlers, it does recognize that Aboriginal peoples had an inherent title to the territory of British North America. The *Proclamation* paved the way for the Treaty-making process, outlining that no land could be directly taken from Indigenous communities unless it was first transferred to the British Crown (University of British Columbia, Indigenous Foundations, 2009). Some argue that the *Proclamation* remains valid in modern day, being enshrined in section 25 of the *Constitution Act*, which states that the Aboriginal title outlined in the *Proclamation* cannot be extinguished. Nevertheless, it is important to note the circumstances surrounding the establishment of the *Proclamation* as being a patriarchal document imposed by the British Crown with no input sought from Indigenous peoples.

The *Constitution Act, 1867* established the Dominion of Canada and plays a pivotal role in understanding the current legislative context of Indigenous policy and rights in Canada. The *Constitution Act, 1867* formed a new relationship between Indigenous peoples and the Canadian government by severely altering the power dynamics between the two groups. This new relationship "disregard[ed] the interests and treaty rights of Aboriginal peoples [,] … uniformly making them legal wards of the state" (UBC Indigenous Foundations, 2009, n.p). This power dynamic shifted from a nation-to-nation relationship, to one rooted in a patriarchal idea of Indigenous peoples as 'wards of the state.'

The *Constitution Act, 1867* also set out the jurisdictional division of responsibilities between federal and provincial levels of government; this fact is important in understanding the complexities of jurisdictional responsibilities of government. For instance, section 92 decreed

municipalities as 'creatures of the province' and gave provinces control over matters of land use planning. Heritage designation was later tasked as a provincial responsibility and has generally fallen under the responsibility of local municipal governments and provinces across Canada. Also, section 92(24) decreed that 'Indians, and Lands reserved for Indians' fell under federal jurisdiction.

The jurisdictional and policy limitations that were imposed on Canada's Indigenous peoples through colonialism were not only limited to the legislative and social realm, but manifested spatially through planning policy. A "rigid separation of municipal, provincial, and federal policy spheres of governments, … [which is the] same jurisdictional logic that allows Indigenous politics to be separated from the sphere of land use planning" (Dorries, 2012, p. 72), emerged from the *Constitution Act, 1867.* Early treaties and legislation, such as the *Indian Act 1876* and *Constitution Act, 1867*, sought to restrict Indigenous peoples both socially and physically on the landscape by establishing reservations, Treaties, and residential schools; through disenfranchisement by restricting voting and citizenship rights; and by outlawing many Indigenous social and cultural practices in favour of Euro-Christian values. Such tactics limited Indigenous peoples ability to participate within society and at the table as equal decision-makers.

From confederation onwards began a period of government legislated 'civilizing' and 'assimilation' of Indigenous peoples, which remained (and some argue still remains) well into the late 20th century. In 1867, several Acts governing Canada's Indigenous peoples were consolidated into the *Indian Act.* This marks a notable power shift between the Crown and Indigenous communities to a legislated paternalistic relationship. Not only did the *Indian Act* jurisdictionally outline the rights of Indigenous people, it applied legal definitions and limitations of what it meant to be an Indigenous person in Canada. In an effort to 'civilize,' the *Indian Act* imposed strong limitations by outlawing Indigenous cultural practices such as the Potlatch, the Sun Dance, and speaking Indigenous languages. In 1927, it became illegal for Indigenous peoples to raise funds for land claims (Godlewska & Webber, 2007, p.1), thus preventing Indigenous peoples from practicing self-determination on the landscape.

Outlawing Indigenous cultural practices and languages in order to civilize characterized the Canadian government's relationship with Indigenous peoples well into the 20th century. State and Church-funded cultural and societal assimilatory programs, such as the residential school system and the 'sixties scoop', sought to educate and assimilate Indigenous children into mainstream Euro-Canadian society by removing them from their families, culture, and communities. The rationale for these policies was based on the belief that European culture was evolutionarily superior to the so-called 'savage' Indigenous peoples. If Indigenous peoples were educated in European ways, they could more easily integrate into mainstream society. By 1920, it was mandatory for every child to attend a residential school (University of British Columbia Indigenous Fundations, 2009, n.p).

Although the last residential school closed its doors in 1996, the residual socio-cultural effects of the residential school system continue to be felt today by Indigenous peoples across Canada. Language, ceremony, and traditional knowledge have been lost as a result, and many Indigenous families and communities were severely damaged by the trauma endured from their experiences

as students. In 2008, then Prime Minister, Stephen Harper, officially apologized for the human rights abuses caused by the residential school system. He noted that the system was meant to "kill the Indian in the child" and were "based on the assumption Aboriginal cultures and spiritual beliefs were inferior and unequal" (Harper, 2008, n.p.). More recently, in December 2015, the Truth and Reconciliation Commission of Canada (TRC) published its findings and recommendations. In addition to interviewing hundreds of survivors of the residential school system and outlining ninety-four recommendations, the TRC officially called this government sanctioned assimilatory practices as 'cultural genocide' to Indigenous peoples (TRC, 2015).

The repatriation of the *Constitution Act* in 1982 and the establishment of the *Canadian Charter of Rights and Freedoms* are significant for several reasons for Indigenous peoples. Prior to the *Constitution Act*, the government's stance on Indigenous peoples was articulated in the 1969 White Paper ('Statement of the Government of Canada on Indian Policy'), which argued that "aboriginal claims to land ... are so general and undefined that it is not realistic to think of them as specific claims capable of remedy except through a policy and program that will end injustice to the Indians as members of the Canadian community" (Godlewska & Webber, 2007, p.3). Aboriginal or Indigenous rights were recognized and affirmed in section 35 of the *Constitution Act,* protecting both "Aboriginal and treaty rights" that "now exist by way of land claims agreements or may be so acquired" (*Constitution Act, 1982 s.35,* pp.1-4). Although the *Constitution Act* recognizes existing Aboriginal rights, it did not create rights or define them. Defining cultural, economic, social, and traditional rights of Aboriginal peoples are reliant on the case law of the Canadian judicial system (Asch, 1984). "The courts have told governments that Aboriginal rights are practices, customs or traditions integral to a distinctive culture of a First Nation and they may be historically connected to a particular area of land. Examples may include hunting, fishing, plant gathering and use of wood for domestic purposes. More than one First Nation may have rights in the same area and the types of rights may vary across communities" (Government of British Columbia, n.d., p.3). This is where the ever-evolving landscape of Indigenous rights continues to be defined through Supreme Court of Canada rulings.

Critics of the *Constitution Act* argue that although Aboriginal rights have been recognized in s.35, the document remains a colonial tool that solidifies the Crown's unilateral control over Indigenous peoples. The inclusion of Aboriginal rights through s.35 only occurred after strong mobilization across the country as Indigenous advocates and protesters feared their prior rights and treaties with the Crown would not be honoured. One critic, Honourable Justice Mary-Ellen Turpel, argues that the Constitution and its formation did not take into consideration Indigenous worldviews, but strongly reflects Euro-Canadian values. By accepting the Act, Turpel argues, Indigenous communities have accepted to adhere to the dominant colonial Euro-Canadian system, further placing them at the mercy of the colonial system (Aki-Kwe/Mary Ellen Turpel, 1991).

Another important concept to emerge from the *Constitution Act* is the concept of the Crown's duty to consult. Lambrecht (2013) explains that "the duty to consult is, at its simplest, intended to ensure that Crown decision making regarding development of natural resources 'respects Aboriginal interests in accordance with the Honour of the Crown'" (p. 54). This component, and further confirmed by the *Haida Nation v British Columbia (Minister of Forests), [2004] 3 S.C.R.*

511 decision, makes it mandatory that Indigenous peoples be consulted with and accommodated if there is potential for a proposed project or activity to impact their s.35 and treaty rights. Treaty rights, Aboriginal rights, and the Honour of the Crown recognizes that "… when the British Crown 'claimed' what is now Canada, "it did so in the face of pre-existing Aboriginal sovereignty and territorial rights" (Slattery, 2005, p. 436).

A body of Indigenous case law has emerged from Canadian judicial rulings that heavily influence public policy and legislation. While it is outside the scope of this thesis to discuss the Indigenous, or Aboriginal, legal landscape at length, several key Supreme Court rulings do warrant a discussion. Prior to *Calder v British Columbia (AG) [1973] S.C.R. 313, [1973] 4 W.W.R. 1*, the government "did not recognize Aboriginal title and, as a result, it saw no need to enter into further treaties with Aboriginal peoples" (Godlewska & Webber, 2007, p.3). Although the Supreme Court of Canada ruled against *Calder v. British Columbia, 1973* on procedural grounds, the majority "decided that Aboriginal title existed as a right within the common law, regardless of whether it had been recognized by the government or acknowledged in any treaty" (Ibid., p.5); the findings in *Calder v. British Columbia, 1973* paved the way for the eventual signing of the Nisga'a treaty, the first modern day treaty, in 2000, which in turn paved the way for future judicial and political opinion in favour of Aboriginal title (Ibid., p.6). In *Delgamuukw v. British Columbia, [1997] 3 S.C.R. 1010* the Supreme Court ruled that evidence based on oral history and traditions of Indigenous peoples should be given the same consideration as well accepted legal forms of evidence, such as archival and expert witnesses, and marks the first time Canada's Supreme Court recognized Indigenous title to land (McNeil, 2000; *Delgamuukw v. British Columbia,* 1997). *Campbell V. A.G. (B.C.) 2000, 189, 2000* found that the relationship between Indigenous peoples and the Crown is "an underlying constitutional value" (Campbell V. A.G. (B.C.) 2000, 189 D.L.R. [4th] 333 at para.81) and the Constitution supports such relationship.

In 2004, the *Haida v. British Columbia* and *Taku River Tlingit First Nation v British Columbia (Project Assessment Director), 2004 SCC 74, [2004] 3 SCR 550* decisions confirmed the Crown's obligation to consult with and potentially accommodate Indigenous peoples when decisions are proposed on the landscape regardless if said Indigenous groups had legal, asserted, or treaty rights (Olynyk, 2005, p.2). In *Haida v. British Columbia, 2004,* the Court went a step further and ruled that the Proponent also has a responsibility to consult with Indigenous groups (Ibid., p.2). In the landmark decision, *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage), 2005 SCC 69,* the Supreme Court of Canada confirmed that the Crown has a fiduciary responsibility to consult with Indigenous when contemplating 'taking up' lands for development on Treaty lands (Schwartz & Rettie, 2006, p.465).

The above precedent setting rulings have been influential in shaping the evolving legislative and policy environment in Canada and still do today. Two recent landmark cases warrant some discussion, but how they will influence policy is still yet to be determined. In *Tsilhqot'in nation v. British Columbia, 2014 SCC 44, [2014] 2 S.C.R. 256)*, the Supreme Court ruled that Aboriginal title exists as a fact and that it is territorial and not restricted to specific sites or reserves (Hildebrandt, 2014). This understanding of Aboriginal title departs from earlier site-specific evidence based understanding of Aboriginal title to a larger territorial focus. Most recently,

Daniels v. Canada (Indian Affairs and Northern Development), 2016 SCC 12, [2016] 1 S.C.R. 99
ruled that the Crown has the same s.35 fiduciary responsibility to Metis peoples as they do to
Aboriginal and Inuit peoples. This discussion simply scratches the surface of the complex realm
of Indigenous law. As noted, these complex case law precedents continue to shape Canada's
relationship with Indigenous peoples.

Several notable federal and provincial commissions and inquiries also form the basis for how the
Canadian government and society continue to address issues concerning colonialism and
Canada's relationship with Indigenous peoples in modern day. The Royal Commission on
Aboriginal Peoples (1996) sought to look at the overriding question: "What are the foundations of
a fair and honourable relationship between the Aboriginal and non-Aboriginal people of
Canada?" (RCAP, n.p) After six years of research, meetings, and discussions, the Commission
concluded "the main policy direction, pursued for more than 150 years, first by colonial then by
Canadian governments, has been wrong" (Government of Canada, 1996, n.p). Commission chairs
confirmed what few in Canada had officially previously noted: "A careful reading of history
shows that Canada was founded on a series of bargains with Aboriginal peoples - bargains this
country has never fully honoured. Treaties between Aboriginal and non-Aboriginal governments
were agreements to share the land. They were replaced by policies intended to:
    "...remove Aboriginal people from their homelands
    ...suppress Aboriginal nations and their governments.
    ...undermine Aboriginal cultures.
    ...stifle Aboriginal identity." (RCAP, Government of Canada, 1996, n.p)

In Ontario, the Ipperwash Inquiry (2007) fundamentally altered the province's relationship with
Indigenous peoples and marks a notable turning point. Prior, the province's relationship was
limited and deferred responsibility for Indigenous matters to the federal government.
Recommendation 36 of the Inquiry outlined the need for the provincial government to establish
"mechanisms for obtaining input from Aboriginal communities on planning, policy, legislation,
and programs affecting Aboriginal interests" (Ipperwash Inquiry, p.104), and no longer a
relationship of deferring Indigenous matters to the federal government. McLeod et al. (2015),
notes that the Ipperwash Inquiry's recommendations marks a pivotal moment for Ontario to
"…set a precedent nationally and internationally by reworking certain guiding provincial policies
to reflect meaningful and valued partnerships with First Nations" (pp. 47-48).

Most recently in June 2015, the Truth and Reconciliation Commission of Canada (TRC)
published its final report and Calls to Action. The Commission addressed what Commission's
chair, Honourable Justice Murray Sinclair, called 'cultural genocide', committed by the
Government of Canada through decades of physical, cultural, and sexual abuses by the residential
school system. The TRC spent years collecting emotional testimonies, conducting healing circles
with survivors, and researching the societal and psychological effects of the residential school
system. The 2015 TRC report, *Honouring the Truth, Reconciling for the Future: summary of the
final report of the Truth and Reconciliation Commission of Canada,* and ninety-four Calls to
Action for cultural, personal and societal healing is a landmark in establishing a new relationship
with Indigenous peoples in Canada. Upon being elected, Prime Minister Justin Trudeau

committed the federal government to implementing all ninety-four TRC Calls to Action. At the time of writing this chapter, implementation of the ninety-four Calls to Action has slowly begun at different levels of government and throughout society. Although these Commissions mainly focused on social issues, justice, and governance, the Commissions revealed the cultural and traditional effects that three hundred years of colonialism had on Canada's Indigenous worldviews, heritage and traditions.

2.2.2 Colonial Roots of Land Use Planning

"The great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change."

John A. Macdonald, 1887

European contact and colonialism have played significant roles in influencing Indigenous histories and livelihoods since the late 15th century. Colonial policy did not simply serve to limit Indigenous peoples ability to partake in the social realm, but scholars argue that land use planning was a spatial tool employed "in the colonial project, [used as] a weapon brandished to erase and eradicate Indigenous peoples or at least contain them in rural enclaves or urban ghettos" (Matunga, 2013, p.4). European colonisers sought to impose order on the 'unsettled' landscape through ascribing European cultural and economic value to land, property ownership, and organizing the landscape and its resources to benefit them, at the expense of indigenous populations (Tuck & Yang, 2012; Porter, 2010). As a result, a "colonial order of space persists in the contemporary formulation of land regulation and management in settler states" (Porter, 2010, p.105). Arguably, planning and regulation of land in Canada is a spatial outcome of colonialism through settlement, surveying, urbanism, the establishment of Crown land, and the removal of Indigenous peoples from the landscape in order to accommodate European settlement (Porter, 2013; Dorries, 2012; Tuck & Yang, 2012; Sandercock, 1998).

But why did colonial governments find it necessary to impose colonialism spatially on the landscapes of the new world? Tuck & Yang (2012) argue that government regulation and settlement was not necessarily sufficient to completely colonise new lands but required spatial, cultural, and even moral tools in order to dispossess, often violently, Indigenous peoples from their histories, cultures, and claims to their traditional territories. In essence, colonialism had to be an all encompassing re-ordering of the *status quo* in order to establish colonial control. As Matunga (2013) argues, colonial governments sought to "…remove any material evidence/reminder and memory of Indigenous communities, their places, sites, resources, and villages, and replace it with a new colonial order, ultimately creating a 'new' materiality and memory for/of settler communities" (p. 9).

Surveying new territories was a central endeavour embarked by colonial governments. Through this act, colonial officials sought to transform the 'wild', undeveloped new world into orderly colonies of townships, concessions, and lots to be distributed to settlers. Prior to surveying, lands were considered *terra nullius*, or empty and unused, thus available to be taken through treaties or violence. This notion closely follows the Lockean 'Fundamental Law of Property': if an

individual farms and works their land, then they can own it and harvest its valued economic resources (Porter, 2010, p.56). Ample historical accounts by early settlers and explorers reflect their European understanding of property ownership towards the new lands they encountered. For example, upon arriving on Nuu-chah-nulth territory on Vancouver Island, B.C., Robert Brown wrote that "it was the intention … that we should strike through the unexplored sections of the Island, carefully examine that tract as a specimen, and thus form a skeleton to be filled up afterwards" (Braun 1997, p.13, as cited in Porter, 2010, p.58). Brown's account depicts a scientific and utilitarian view of the landscape: explore, examine, and then exploit the 'untapped' resources discovered.

Through the act of colonialism, explorers, surveyors, and settlers assigned their European cultural and economic value on the landscape. Porter (2010) notes the power that this Eurocentric spatial and cultural ascription had on dispossessing indigenous peoples present on the colonial landscape: "spatial cultures—the knowing, categorizing, seeing and naming of space –helped establish a more systematic, though always contingent, geography of knowledge about a colony" (Carter 1987; During 1991; Jackson 1998 as cited in Porter 2010, p.76). By imposing new cultural and economic value systems on colonial landscapes, colonial powers could then effectively dispossess indigenous groups from their indigenous landscapes and discount the legitimacy of their traditional occupation.

Moral and religious imperatives were central tools during European colonization. Representatives of religious orders accompanied explorers to civilize and save non-Christian souls. In the United States of America, 'Manifest Destiny', or the belief that America was to be conquered and settled by pioneering Americans as ordained by God, had strong religious symbolism and racial nationalism attached (Horseman, 1981). Parliamentary sessions in the British House of Commons, and Empire, throughout the mid-18th and 19th centuries featured debates on the moral and religious duty as Christians to civilize the colonies and its peoples: "It is our duty to bring the waste places of the earth into cultivation, to improve and people them. It was the law laid upon our first parents –to be fruitful and multiply, and replenish the earth and subdue it – to restore the wilderness to its original gardenlike condition. In doing this work we are fulfilling our mission…." (as cited in Banner, 1999, p. 837) noted one New Zealand parliamentarian in 1862. As a result, these religious and moral directives had major direct and indirect implications to how Indigenous peoples were rigorously planned out of 'civilized society.' European nations were adamant that colonialism was not only beneficial to the nation, but also philanthropic and religiously charitable.

The paradigm of European racial superiority was another central element of colonialism (Said, 1978). How could non-material focused, often nomadic or semi-nomadic, Indigenous societies possibly be equal to Europeans? Indigenous 'primitivism' and nomadic cultures were attributed to racial inferiority (Battiste & Henderson, 2011). Notions of private property ownership, progress, and rational thinking were paired with racial and cultural superiority and "therefore equated to whiteness" (Harris, 1993 as cited in Canon & Sunseri 2011, p.vi; see also Porter, 2010), further validating the "…colonizer to dispossess Indigenous nations of their lands" (Canon & Sunseri,

2011, p.vi). The early development of Western planning theory was rooted in the above belief system.

As noted previously, the origins of jurisdictional divisions of government responsibility play a central role in understanding how Indigenous peoples are governed in Canada. Indigenous interests and responsibilities constitutionally fall under federal jurisdiction, while municipal matters and planning are 'creatures of the province'. The *Constitution, 1867* established the division of responsibilities: the provinces were responsible for municipalities and land use planning; the federal government was responsible for Indigenous matters and reserve lands (Cambell, 1996). As Borrows (1997) notes, Canadian provincial policy does not effectively engage with Indigenous peoples or recognize them; this fact has manifested itself particularly in many areas of planning policy. As a result, Indigenous peoples have historically been alienated in the land use planning process, in areas of environmental planning, and in the establishment of conservation and protected areas (Kuhn & Duerden, 1997; Leroux et al., 2007), including the heritage field (Hemming & Rigney, 2010).

Indigenous peoples have "often [been] submerged and invisible in their own land because the province does not make provision for a representation of their interests" (Borrows 1997, p.420). This reality can be viewed as a rigid "'legal geography of space' that marginalizes Indigenous peoples in significant environmental decision-making" (Borrows, 1997, p.420). Borrows (1997), and more recently McLeod et al. (2014), argue that as a result of Canadian federalism, Indigenous peoples have found themselves in a 'jurisdictional grey-area' when it comes to matters of planning. Dorries (2012) supports this claim: "in short, the principle of jurisdiction allows for a rigid separation of municipal, provincial and federal spheres of governance. The same jurisdictional logic allows Indigenous politics to be separated from the sphere of local land use planning" (p. 72). As a result, planning legislation and practice in Canada has historically made few provisions for Indigenous interests in land use planning or municipal planning processes (Dorries, 2012).

Recent research by McLeod (2014) and McLeod et al. (2015) confirm that considerable deficiencies remain at the provincial planning level when working with Indigenous communities. However, on a positive note, McLeod (2014) found that at a provincial level, there has been a recent change in attitudes and an appetite to develop policy to better recognize and reach out to Indigenous communities in the area of planning policy through intergovernmental partnerships and increased dialogue. Ontario's most recent Provincial Policy Statement (PPS) is an example of increased interest in identifying and addressing Indigenous concerns through consultation on planning issues (Government of Ontario, PPS, 2014).

2.2.3 From Rational Comprehensive Planning to Transactive Community-based Planning Approaches

The planning discipline developed as a technocratic 'top-down' approach of experts providing their scientific, or expert, advice to communities in the planning process; often, little input from those who live in the communities was sought by the experts making the decisions (Shipley and Utz, 2012). Known as Rational Comprehensive planning, planning adopted a rational scientific

approach to developing policy, designing cities, and allocating resources (Grabow & Heskin, 2007). Despite its rationalism and scientific focus, this style of planning did not always account for the actual needs, or input, to address the diverse socio-economic and local issues of citizens living in these communities. The top-down rational approach had the tendency to 'miss the mark' since citizens were not provided stakes in the decision-making process.

It was not until the mid-20th century that we see a departure from expert driven scientific planning to a transactive or communicative planning model. These planning theories support a more democratic, community-centered approach that supports bringing together diverse stakeholders to address a problem within the community (Murray, 2005). This emerging planning approach departs from the 'top-down' view of planning in support of stronger 'bottom-up' or community led development and control in the planning process. Ideally, stakeholders are given an active role in the decision-making process as 'experts' within the engagement and decision-making process. Mahjabeen et al. (2009) hold that "when community groups are actively engaged in planning and implementation processes, plans are likely to be more closely matched with stakeholders' needs, interests and expectations..." (p. 46).

Critics of the transactive or community-based approaches to planning, argue that the Western approach to planning continues to 'miss the mark' with Indigenous communities and local forms of knowledge. "Western constructions of culture, tradition and the past frame this context and reinforce the role of non-Indigenous experts as managers and protectors" (Hemming and Rigney, 2010, p.92). Many critical Indigenous scholars argue that tenets of the rational comprehensive model of planning remain today when planning through a western lens for Indigenous peoples. Although a transactive planning approach departs from earlier opinions that argued planning should be left to the professionals for the good of the public, issues remain within the context of planning 'for' and not 'with' Indigenous communities. Models, such as community-based land use planning, are moving closer to a more Indigenous focused and culturally conducive model for grassroots community planning (Leroux et al., 2007). Community-based land use planning, for example, involves communities throughout the planning process by respecting their 'local knowledge' (Berkes, 2004); the end result leads to a project or plan that is more aligned with the unique needs and interests of the community.

2.3 Indigenous Worldviews and Planning

"The Indian Act contains so many unjust provisions, so many Draconian provisions that it has led to almost a total destruction of the foundations of the culture of the First Nations' people of this country. [...] The Indian Act did a very destructive thing in outlawing the ceremonials... It prevented the passing down of our values. It meant an interruption of the respected forms of government that we used to have, and we did have forms of government be they oral and not in writing before any of the Europeans came to this country. We had a system that worked for us. We respected each other."

Judge Alfred Scow, *Royal Commission on Aboriginal Peoples (1996)*

There are roughly 1.8 million Indigenous peoples living in Canada (Statistics Canada, 2010) and they represent a young and increasingly urban population. Choosing appropriate terminology to refer to Indigenous peoples worldwide can be an exercise in perpetuating colonial labeling, racialization, bias and disparities. In Canada, the terms Aboriginal, Indigenous, Indian, Native, Metis, and Inuit are all weighed with legal, social, and racial implications, resulting in a linguistic minefield. These terms can be distilled further into major cultural and distinct ethno-cultural and linguistic groups. 'Indian' and 'Aboriginal' both have legal and colonial stipulations for identity attached within the Canadian context: Indian, as defined in the *Indian Act,* continues to have legal implications but is generally seen colloquially as a negative term. The term Aboriginal, as defined in Section 35 of the *Constitution Act (1982),* refers to First Nations, Metis, and Inuit groups in Canada (*Constitution Act 1982*, section 35). 'First Nations' is now widely used and according to Indigenous and Northern Affairs, grew in use to replace the term 'Indian' but does not have a legal definition (IANAC, 2016, n.p). While there is no universal definition, the United Nations understands 'Indigenous' as being "communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them" (UN Sub-Commission on the Prevention of Discrimination of Minorities, 1986, n.p.). The Canadian federal government has recently opted to utilize the term 'Indigenous' as a main identifier.

Within daily speech, many Indigenous peoples will identify as 'native' or 'Indian' colloquially; the readers will see evidence of this in the findings chapter in selected quotes by some Indigenous participants. Still, many Indigenous peoples prefer to identify with their specific community or ethno-cultural group, such as Anishinaabe, Dun-zaa, or Welastekwewiyik (Maliseet). As this thesis is a general exploratory thesis on the state of Indigenous heritage recognition across Canada, I will utilize the term Indigenous when speaking generally, and will strive to use specific ethno-cultural identifiers when possible.

Although most Canadians today are generally aware of Indigenous contribution and involvement in post-Contact Canadian history, awareness of Indigenous history and culture is largely ignored prior to European contact, despite extending over thousands of years. This section will discuss Indigenous worldviews and traditional ecological knowledge (TEK) framed in the context of colonialism and planning. Following this is a discussion on the emergence of Indigenous Planning Theory as a response to Euroscientific or Western planning theory and practice. This discussion is placed in the context of decolonization, Indigenous cultural resurgence, and re-emergence of Indigenous worldviews and knowledge.

2.3.1 Critical Indigenous Research and Resurgence of Indigenous Worldviews
Critical Indigenous research is an emerging school of thought and methodology that strives to break down 'western-centric' forms of research perspectives (Canon & Sunseri, 2011; Smith, 1999) and is "carried out on the common ground of critical and Indigenous methodologies with the purpose of addressing colonial policies and assumptions through iterative, action-oriented projects focused on community assets (Alexiuk, 2013, p.165). Anglo-Western (or Euro-Canadian) worldviews continue to dominate academic discourse in post-colonial nations and

overwhelmingly, often purposefully, ignore the world-views and knowledge traditions of the original Indigenous populations; western-centric perspectives and methods continue to be perpetuated in western academia (James, 2013; Alfred, T., 2005; Louis, 2007).

As Wilson (2008), Porter (2006; 2007), and Louis (2007) all note, indigenous research methodologies attempt to provide a more meaningful and empowering alternative means for research for and with indigenous communities worldwide and are beginning to meaningfully act as the "paradigm shift" for post-colonial discourse (Canon & Sunseri, 2011). In her influential, *Decolonizing Methodologies: Research and Indigenous Peoples,* Linda Tuhiwai Smith (2006) argues that research is in itself "…probably one of the dirtiest words in the indigenous world's vocabulary. […] The ways in which scientific research is implicated in the worst excesses of colonialism remains a powerful remembered history for many of the world's colonized peoples" (p.1).

2.3.1.1 Postcolonial and 'Decolonising' Theory

Post-colonial and 'decolonising' theory are multi-disciplinary areas of critical indigenous research found in areas of academic study, such as political science, planning, health, social, and gender studies. Both theories "… emerge[d] out of political developments contesting the colonial world order established by European empires…" (Bhambra, 2014, p.119). Postcolonial theory stems from the ideas of the 'west' and the 'other' pioneered by Edward Said (Bhambra, 2014) and is focused on the "...history and legacy of colonialism..." (Browne, et al., 2005, p.19) to critically analyze the lasting effects of colonialism on all aspects of society, particularly around the unequal power-relations and societal structures of marginalized communities (McConaghy, 1997; Browne, et al., 2005).

A central tenet of postcolonial theory recognizes the traditional knowledge systems of Indigenous peoples prior to European contact and the damage that colonialism placed on these systems when Indigenous peoples were "forced to respond to systemic and institutional application of colonial policies" (Matunga, 2013, p.5). It should be noted that postcolonial theory is not limited to the theoretical realm but is intended to be operationalized through practical community-based research that incorporates active community participation, voice, and direction (Browne, et al., 2005; Matunga, 2013). Through critical analysis of persistent post-colonial political and social structures within society, post-colonial research seeks to guide policy development that is supportive of inclusive, pluralistic policy and programming.

In recent years, decolonial research has grown in prominence by critical Indigenous researchers, such as Linda Tuhiwai Smith, who argue that the notion of post-colonial society is false as we remain in a colonial society and that the term 'decolonial' is more fitting for our reality. Decolonial thought emerged from the critical theory found within the transformative paradigm of western traditions" (Mertens, 2005, as cited in Kovach, 2010, p.42) and hinges on an emancipatory notion that "the active agency of the colonized will complete the process of eradicating the most pernicious legacies of the colonial and neo-colonial eras" (Reed, n.d; http://culturalpolitics.net/cultural_theory/postcolonial#NorthAm). Decolonial theorists question the dominant western epistemologies and presumptions and build on the worldviews and

knowledge of colonized peoples, such as Indigenous and African worldviews, in response to colonialism (M.Nakata et al., 2012). "A decolonizing perspective is significant to Indigenous research because it focuses on Indigenous-settler relationships and seeks to interrogate the powerful social relationships that marginalize Indigenous peoples" (Nicoll, 2004, as cited in Kovach, 2010, p.42). In addition to academic and intellectual contributions, decolonial expressions of art and politics have been notable for centuries in colonial societies; today, such expressions in Canada include the emergence of Indigenous art and music into the mainstream, and protest movements like 'Idle No More' and the Standing Rock protest camps in against the Dakota-Access Pipeline (USA).

2.3.1.2 Indigenous Worldviews and Traditional Ecological Knowledge

For the purposes of this thesis, a discussion on Traditional Ecological Knowledge (TEK) and Indigenous worldviews is pertinent to provide understanding of how Indigenous heritage and cultural practices have been understood in Canada. Since colonialism, Indigenous worldviews and knowledge have been overwhelmingly invalidated by dominant Euro-Canadian Christian worldviews. Euro-Western colonial social and legal policies were applied to Indigenous peoples in order to 'civilize'—these policies were infamously exemplified during the residential school period to figuratively 'kill the Indian in the child' (RCAP, 1996).

Traditional Ecological Knowledge[3] (TEK) or Indigenous Knowledge can be defined as "a cumulative body of knowledge and practice, and belief, evolving by adaptive processes and handed down through generations by cultural transmission…" (Berkes et al, 2000, p.1252), or that "TEK refers specifically to *all types* of knowledge about the environment derived from experience and traditions of a particular group of people" (Usher 2000, p.185). It is placed-based knowledge and is a direct personification of Indigenous cultural worldviews on the landscape and tradition. Although all cultures and communities have "a specific relation, physical and associative, with its environment, which is engrained in its culture, its language, its livelihood, and its sense of being and its identity which is inseparable from its relationship with the land" (UNESCO, 2010, p.17).

Blanket statements on Indigenous worldviews would be a disservice to better understanding the intricacies of specific cultural traditions of the unique Indigenous groups present in Canada today. However, it can be said with some certainty, that most Indigenous cultures share a belief of "oneness" or strong closeness with their surrounding natural environments. For example, the Nuu-chah-nulth, located on the west coast of Vancouver Island (B.C.), believe in *"His-uk-ish-t''awalk,"* a concept of "promoting diversity and sustainability… [that is] elaborated by strategies that promote diversity and sustainability through cultural elaboration of the territory in the people" (Atleo, 1998, p.7). The Indigenous understanding of culture, society, and environment, as a result, is complex and intertwined, a notable departure from western philosophies and the binary relationship with nature (Atleo, 1998; Berkes, 1999)

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[3] Traditional Ecological Knowledge is also known as: Indigenous Knowledge, Inuit Ecological Knowledge or Aboriginal Ecological Knowledge. These terms are commonly used interchangeably as they relate to the specific cultural group. For the purpose of this thesis, I will utilize the term, Traditional Ecological Knowledge (TEK).

Indigenous worldviews are particularly dependent on Traditional Ecological Knowledge (TEK) and their local environments because their predominantly non-material culture, cosmology, and oral traditions depend on it (UNESCO, 2010). Berkes et al. (2000) (see also Berkes, 1999a, b; Inglis, 1993) describes TEK as a "knowledge-practice-belief" complex (p.1252) to be actively practiced and taught in order to be realized. TEK is more than actions and practices, it often shares a spiritual element as well; "…the way in which Indigenous people regard and act out their relationship with others, with their lands and environments, and their ancestors… it is also knowledge that relates to expressive aspects of Indigenous culture such as art, dance, song, story and ceremony…[It is] part of a living cultural tradition… [and it is] constantly validated, reaffirmed and renewed" (Smallacombe, Davis, & Quiggin, 2006, pp. 7-9). TEK is place-based knowledge central to Indigenous history and the transmission of culture (Berkes, et al., 2007; Turner et al., 2000). In many Indigenous communities in Canada and worldwide, centuries of European colonial influence, laws, and western modern influences have taken its toll on the body of Indigenous TEK. The old ways have, in many ways, been forgotten.

Within this Eurocentric academic realm, Indigenous peoples have become the most arguably researched peoples worldwide. When the research is complete, the benefits to the participating communities have historically bordered on the exploitative side, with little practical benefits for the communities (Atalay, 2012; Garcia, 2009; Smith, 1999; Wilson 2004). The study and collection of Indigenous TEK is a growing area of academic research in both Indigenous and Euro-Canadian scholarly circles, as well as with resource industry. Until recently, TEK was not widely accepted as a valid form of scientific knowledge and lacked legitimacy in western academic circles because it was orally transmitted, experiential, and could not always be scientifically quantified (see Berkes). The Supreme Court of Canada ruling in *Delgamuukw-Gisdayway v. British Columbia, 1997* confirmed that Indigenous oral histories and knowledge was a valid form of knowledge and was accepted in Canadian courts. In recent years, as governments and industry became required to consult with Indigenous peoples in the natural resource sector, greater use of Indigenous TEK within natural resource decision making and research emerged. Battiste & Henderson argue, however, "Indigenous knowledge has always served as a convenient and self-congratulatory reference point against which Eurocentric society could measure its own progressive evolution" (quoted in Canon & Sunsuri, 2011, p.2).

Problematically, many western researchers continue to view TEK information through a western lens, distilling TEK values into 'polygons' or static values on the map; this way of viewing TEK is not "…truly compatible with aboriginal values [or] representative of the depth of the knowledge that First Nations possess about the land" (Houde, 2007, p.2). However, TEK is increasingly being regarded as a legitimate and important body of knowledge for western environmental resource management research, for working with Indigenous communities on planning and development issues, and for community cultural capacity building through education (Berkes, 1999a,b; Berkes, et al., 2000). Western researchers and practitioners are beginning to understand the depth of meaning associated with TEK.

Mainstream understanding and appreciation of Indigenous TEK and worldviews are quickly evolving at a policy and operational level in government in Canada as well. The Government of

the Northwest Territories has developed a Traditional Knowledge Policy that recognizes that indigenous traditional knowledge is a valid and essential source of information "about the natural environment and its resources, the use of natural resources, and the relationship of people to the land and to each other, and will incorporate traditional knowledge into government decisions and actions where appropriate" (GNWT, s.53.03 'Traditional Knowledge,' 2016, p. 1). This is a turning point that recognizes the multiple uses and values associated with wilderness and the environment, by different stakeholders (Berkes, 2008). More recently, the Vancouver Declaration on Clean Growth and Climate Change, that emerged from the March 2016 First Ministers meeting of Canadian provincial premiers, included a statement by the Prime Minister and Premiers that recognized "the importance of traditional ecological knowledge in regard to understanding climate impacts and adaptation measures" (Government of British Columbia, 2016, n.p.).

The resurgence in practice of TEK for Indigenous peoples is not only central to the transmission of culture between generations, but also serves in the healing process that many Indigenous communities are working towards in Canada today (Alfred and Corntassel, 2005; Corntassel, 2012). The longstanding effects of the *Indian Act*, colonialism, and residential schools are acute in many Indigenous communities across Canada—in some communities traditions are just now being re-discovered and taking on new forms, languages spoken, and cultural skills and craftsmanship reborn. In the area of intangible cultural heritage recognition and research, there is a missing link in how TEK and ICH is connected and in what ways it could be recognized and conserved in Canada.

2.3.2 Indigenous Planning Theory

Within the colonial framework, land use planning was employed as a normalizing process to affirm Euro-Canadian homogenous standards on the landscape and to assimilate Indigenous peoples (Matunga, as cited in Walker & Jojola, 2013; Coombes, et al., 2013). In recent decades, the growing body of critical indigenous theory has sought to support a multitude of perspectives that have been historically silenced by Euro-Canadian norms. Indigenous planning theory and practice is just one of these new forms of planning theory emerging from a new pluralism and move towards transactive, community based approaches (Sandercock, 2004; Lane, 2006).

Indigenous planning theory is a departure from Euro-Canadian Planning and has grown in significance in post-colonial nations (Sandercock, 2004; Porter, 2006) as a reactive approach that stems from the dissatisfaction with the current planning regime or societal *status quo*. Indigenous planning theory and practice focuses on community specific cultural worldviews and traditional knowledge to inform planning practices. Local individuals and cultural groups are the 'experts' in planning decisions that rely largely on local traditional knowledge and connection to the land – it is planning for the people, by the people, in a way that respects local connection to the environment and Indigenous worldviews. Indigenous planning theory recognizes that many Indigenous communities continue to actively use their traditional territories, are (or wish to be) connected to their land-base, and rely on traditional knowledge in this process (Matunga, 2013; Berkes, et al., 2005; Sandercock, 2004). Through an Indigenous planning lens, Indigenous peoples are not simply stakeholders or bystanders in the planning process, but "…active

participants in their planning…" (Matunga, 2013, p.4). This is a stark departure from western forms of property rights and ownership, land use planning, and community planning (Coombes, et al., 2013), while focusing on collective decision-making, local traditional knowledge, and a holistic connection to 'place' (Matunga, as cited in Walker & Jojola, 2014; Borrini-Feyerabend, 2004).

Community-based approaches in Indigenous planning fit within larger themes of reconciliation and Indigenous self-determination that are emerging in Canada today; additionally, it closely aligns with community-based land use planning. Garner, McCarthy, and Whitelaw (2012) note that the directives of many Indigenous communities across Canada focus predominantly on preserving and managing their traditional territories for future generations. Indigenous communities not only want more decision-making authority in how land and resources are used, but that their Indigenous worldviews are also incorporated into the decision-making and planning process. Respecting this connection to the landscape and Indigenous right to have their say in how their land is planned and developed can be seen as moving towards a form of self-government, or the work that is being done by many Indigenous communities during modern treaty negotiations and land claims today.

2.4 Canadian Heritage Planning and Cultural Resource Management

"Like the gods and totems, being human involves being non-human. Locating 'Nature in this way, enables us to examine it as a contested site of power between Europeans and Aborigines… The valorization of 'wilderness' has accompanied an amnesia of the fate of indigenous peoples."

Langton, 'Nature's Ideal' (1996, p.19)

"A culture can never be reduced to its artefacts while it is being lived."

Raymond Williams (1960, p.343)

2.4.1 Cultural Heritage Conservation and Management in Canada: A Tangible Approach
Worldwide, countries and respective governments have developed "codified and institutionalized [heritage management] initiative[s] with legislation and bureaucratic support" (Oliver, 2008, p.1). Canada has a strong tradition of protecting and recognizing cultural heritage through different levels of recognition within municipal, provincial, federal jurisdictions, including United Nations Environmental, Scientific, and Cultural Organization (UNESCO) world heritage sites recognition. Every province and territory has legislation and ministries in place to support a program of heritage conservation, the designation of heritage buildings, and the protection of archaeological sites and resources.

As noted previously, planning in Canada is deeply imbedded in European thought; the same can be said about Canada's heritage field and the dominant narrative of colonialism. Heritage recognition in Canada follows a 'values based conservation' approach for conservation (Oliver, 2008). Heritage policy and planning reflect the built environment and focus heavily on site

specific tangible values while "almost totally ignor[ing] such other inherited factors [of cultural value] such as urban form, street, and farm field patterns traditional uses, and the memories of peoples that give these spaces meaning" (Shipley, 2012, p.361). Buildings and sites are recognized for their architectural and historic merit frozen in time (Shipley, 2012); values that are defined, identified, and managed, are established by governments in support a Canadian national identity and narrative (Mackey 2002; Oliver, 2008).

The *Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines)* is a federal, provincial, and territorial collaborative guidance document to regulate and guide heritage conservation and its related processes as a standard for policymakers, planners, and jurisdictions to follow in order to recognize, manage, and conserve historic places in Canada (Parks Canada, 2010). The *Standards and Guidelines* supports traditional views of heritage conservation, focusing on a narrow view of heritage as seen in material or built culture (Prosper, 2007). As Prosper (2007) found this limited view of heritage recognition does not "...adequately accommodate the social heterogeneity and plurality of cultural landscapes" (p.118), and has marginalized non-material culture groups, such as Indigenous populations. In other words, tangible or material culture remains the primary focus of federal, provincial and municipal policy, guidelines, and plans in Canada.

How we recognize a nation's cultural heritage is strongly associated with agreed upon historical narratives and how they may be translated spatially on the landscape. Canadian scholar Eva Mackey (2002) writes of the Canadian cultural myths of multiculturalism and a heritage of tolerance. Despite these narratives of 'inclusion' that the Canadian narrative has adhered to, Mackey (2002) argues that heritage planning overwhelmingly has recognized "Anglo-Canadian core culture" (p.2) with other minority cultures acting as accessory. The over representation of courthouses, wealthy houses, churches, colonial, and military sites identified and protected as heritage in the 20th century represents this trend. Oliver (2008) notes that the Canadian government has had specific interests in "French migration and settlement (from the establishment of New France to the Treaty of Paris in 1763 when the French government ceded French territory to Britain), Loyalist settlement (the migration of colonists from the United States to Canadian territory following Britain's loss in the American Revolution), the War of 1812…and sites related to the fur trade" (p.2).

Building a Canadian culture and image in heritage has been a central part of building an identity as a nation. According to Bennett et al. (1994) settler colonies had to build these identities "urgently, and visibly" on the landscape (as cited in Mackey, 2002, p. 9) as a way to justify the new historic and cultural presence of European occupation. Laurajane Smith (2006) calls this phenomenon of official historic narratives in settler societies the 'authorized heritage discourse' (AHD) in which the state develops an authorized historic narrative based on approved ideologies, which is then manifested through cultural heritage management and legislation (see Foucault 1972, p.199, as cited in Hemming & Rigney, 2010, p.92; see also Hemming 2007; Smith 2006). Andrews & Buggey (2008) and Prosper (2007) show that Indigenous heritage has largely been excluded from the 'authorized heritage discourse' of heritage recognition and conservation in Canada. This is largely because Indigenous heritage does not necessarily fit Western standards of

heritage recognition, and because of a historical disrespect for plurality of heritage—both are themes that which stem from Canada's colonial past.

In Canada, as in other colonial nations, the role of Indigenous cultural heritage in the narratives of colonialism has been systematically ignored or relegated to an accessory in the overall Canadian historical narrative. Further, the classical understanding of anthropology, ethnography and museum studies has supported the perpetuation of the "colonial-Indigenous myth in the identity of colonial nations (Hemming & Rigney, 2009, p.101) through depicting Indigenous peoples as the "…colourful recipients of benevolence, the necessary 'others'" (Anderson 1991, as cited in Mackey 2002, p. 2). This has been manifested in museums and narratives, that Indigenous peoples are 'ancient cultures' (James, 2013), or within the colonial context, "constituted by a series of colonial essentialisms: primitiveness, authenticity, and cultural loss" (Porter, p.107, as cited in Gelder & Jacobs, 1998). Effectively, Indigenous people have been "located in the past" (Lawrence & Dua, 2011, p.21). The Royal Commission on Aboriginal Peoples and Truth and Reconciliation Commission both confirm that in Canadian society – through dominating western perspectives towards Indigenous peoples, legislation, policy, academia and museums— Indigenous peoples were essentially wiped from the landscape and had no place in a modern Canadian society (RACP, 1996; TRC, 2015).

Recently, however, there has been a pronounced paradigm shift in understanding and representing the multiple viewpoints of heritage. Critics of dominant heritage preservation narratives now question "…the longstanding identity of preservation with the governmental protection of cultural objects, and the largely unquestioned narrative that preservation bureaucracies always act for the common good" (Otero-Pailos, 2016, n.p.). Laurajane Smith (2004) argues that judging the significance of physical heritage items or places through archaeology and cultural heritage management "becomes mobilized as a 'technology of government' in the regulation or governance of social problems that intersect with claims about the meaning of the past and its heritage" (p.3). Western academics and policy makers are beginning to recognize that Indigenous communities are vibrant and active communities with a rich diverse living history (James, 2013; Behrendt, 1994, as cited in James, 2013), and should be recognized in a way that promotes Indigenous worldviews, lifestyles, and narratives, separate from the colonial heritage narrative. This more inclusive attitude of heritage, which celebrates Indigenous heritage as central to Canada's historic narrative, was recently exemplified in Prime Minister Justin Trudeau's mandate letter to Minister of Canadian Heritage, Honourable Melanie Joly. Identified as one of her top priorities: "to work in collaboration with the Minister of Indigenous and Northern Affairs to provide new funding to promote, preserve and enhance Indigenous languages and cultures" (Trudeau, Mandate Letter, 2015).

Parks Canada, Canada's federal heritage and protected areas agency, has broadened its definition of heritage. In a comparable notion to ICH, Parks Canada does recognize the 'associated values' or 'spirit of place' and has included landscapes to its designated areas. As Prosper (2007) writes, this more expansive and inclusive view of history "shift[s] … the locus of heritage value from material and morphological artefacts to the relationship between culture and place and the spatial practices and performances through which this relationship is constituted and sustained over

time" (p.122). 'Heritage' is now being recognized as a more fluid and dynamic term, displaying that cultural history is complex, taking on many forms and concepts; this arguably can include Indigenous connection with landscapes, and TEK as intangible cultural heritage (Buggey, 1999; Lee, 1998; Brown et al., 2005) by supporting the understanding that "landscapes, the places where people and nature meet, are shaped by the inter-relationships between humans and their environment. In turn, the natural setting has shaped how people live, their settlement patterns, livelihoods, cultural practices and beliefs – indeed their way of life. Landscapes encompass history and the present, the physical as well as the intangible" (Browne et al., 2005, p.3).

The realm of museums and museum studies, which have long categorized Indigenous cultural resources as antiquity, are also increasingly working towards a more decolonial lens. In a meeting of curatorial experts and Indigenous representatives from around the world, Van Broekhoven, Buijs, and Hoven (2010) found four concrete shifts in which museums could evolve in the modern times and warrant inclusion here: "(1) to stop seeing museums as storing objects of dying cultures but see them as resources to live ones; (2) to recognize that indigenous cultures, not museums, are the ultimate experts of their own culture; (3) to understand objects not as things but as animate objects that embody living, socially significant, relationships; and (4) to act on the increasing need to work in partnerships, not in isolation" (p. 13). Increasingly, governments and Indigenous communities are spearheading reparation efforts of Indigenous cultural artefacts.

Although international cultural heritage policies are outside of the scope of this research, some mention of international advances in indigenous heritage management is warranted. Internationally and historically, there has been notable lack of Indigenous involvement in the identification and protection of cultural heritage, including landscapes, under the UNESCO World Heritage Convention. Additionally, the World Heritage Convention process guidelines remain narrow in heritage site interpretation, limiting Indigenous natural and cultural heritage representation. In early 2000, a group of Indigenous delegates from New Zealand, Australia, Canada, and the Solomon Islands, proposed the establishment of a working group to investigate these issues. In 2001, the World Heritage Indigenous Peoples Council of Experts was formed in "response to the concern of indigenous peoples to their lack of involvement in the development and implementation of laws, policies and plans for the protection of their knowledge, traditions and cultural values which apply to their ancestral lands, within or comprising sites now designated as World Heritage Properties" (UNESCO-World Heritage Indigenous Peoples Council of Experts (WHIPCOE), 2001, p.2). These concerns echo that of advocacy groups to argue that Indigenous peoples have been left out of the process and rarely provide their 'free prior and informed consent' in the process of identifying and managing heritage sites and natural parks world-wide. The working group also found that there needs to be a World Heritage Indigenous Peoples Council to support mainstream United Nations Environmental Scientific and Cultural Organization (UNESCO), International Council on Monuments and Sites (ICOMOS), and International Union for Conservation of Nature (ICUN) in identifying sites of Indigenous value, and more inclusion of Indigenous worldviews and TEK in the management of sites "in a manner that that protects and respects their inherent holistic indigenous cultural values and the association that indigenous people/s have with each area" (UNESCO – WHIPCOE, 2001, p.6). The 2012 *World Heritage and Indigenous Peoples – Call to Action*, marked the 40th anniversary of the

UNESCO World Heritage Convention by calling on member nations to implement the World Heritage Convention in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) (UNESCO, 2012, p.1).

Finally, and recently within Canada, we are seeing advancements in Indigenous heritage management at the Indigenous community and government level. The Tr'ondëk Hwëch'in First Nation Government ratified their own *Heritage Act* (2016) that recognizes the community's unique understanding of their heritage, not only as tangible objects but intangible as well. Yukon First Nations Heritage is defined as, "i. The way of life and worldview inherited from previous generations; and ii. Both tangible and intangible elements of Yukon First Nations heritage" (Tr'ondëk Hwëch'in *Heritage Act*, 2016, s. 3 (k), p.5). In the section titled, "Yukon First Nations Way of Life, Traditional Laws and Core Values Pertaining to Heritage," the *Act* outlines the importance of oral aspects of heritage, the interconnectedness of Indigenous culture with nature, and the living and evolving form Indigenous heritage takes:

> "Our heritage is a way of life in which knowledge and understanding of history, culture, and survival is passed on from generation to generation by parents and Elders. The oral, cultural, experience-on-the-land basis of our heritage makes it flexible, adaptive and evolving. It is a dynamic, living heritage and culture based on traditions which are shaped by our history in a harsh environment" (Tr'ondëk Hwëch'in *Heritage Act,* 2016, p.2).

Specifically, the *Act* also states that Tr'ondëk Hwëch'in's understanding of heritage is not divided or limited as Western heritage is: "In our way we do not divide heritage into separate categories. What we consider directly related to our history and culture is not affected by western classification" (Tr'ondëk Hwëch'in *Heritage Act,* 2016, p.3). This community based, Indigenous developed, *Heritage Act* represents a vibrant and important step in the direction for decolonial heritage planning and management in Canada. As this *Act* has only recently been ratified, further monitoring and evaluation of its success, and implementation of similar Indigenous led Heritage Acts across the country, will be a notable and important step.

2.4.1.1 Nature vs. Culture Dichotomy of Heritage Recognition

This brings us to a discussion of the 'nature versus culture' dichotomy of values that emerged through Eurocentric thought and colonial policies (Porter, 2010; Cronon, 1993). This dichotomy has directly influenced the values we place on 'culture' and 'nature' in Canadian society. In post-Colonial and colonial societies, "space can be deemed either natural or cultural, named and measured through the canons of western science and made legible to certain classificatory and regulatory structures…" (Porter, 2010, p.105). As a result, policy and law emerged from these values and subsequently influenced how Western society values cultural heritage. In Eurocentric thought, 'culture,' represents "the totality of human achievement and awareness and the transmitted behaviours, arts, beliefs, institutions, and styles of human works and thoughts characteristic of a people, community, society, or class" (Battiste and Henderson, 2011, p.16). Within Canada, the urban and developed landscapes that emerged post-Colonialism represent these values ascribed by colonial governments. In *The Comeback,* Ralston Saul (2014) argues that most Canadians cannot or do not:

> "…seem to be able to think of ourselves and Canada outside of the European model in which the urban is superior and the countryside feeds the urban. Of course we know

that there is some rough nature lying somewhere out there, but it exists only for one-way exploitation or for the pleasurable distraction of the urbanite" (p.126).

Within a Euro-Canadian western imagination, the 'urban' is where culture and heritage resides, while the 'nature' ideal should remain raw, untouched and devoid of permanent settlement (Cronon, 1993). Nature, an important concept for many Canadians, is comprised of specific wild places, maintained at a stage of authenticity for the pleasure and use of urban Euro-Canadians. "Nature is rendered the backdrop to the agency of human sociality, the raw against the 'culturally cooked'" (Bennett & Chaloupka, 1993, as cited in Porter, p.80). Cronon (1993) notes that these western, colonial views of nature, are both socially and spatially constructed. Nature, according to western thought, is a separate entity from culture.

Although speaking in an American context, Watson et al. (2011) argue that the relationship between Indigenous peoples and the American wilderness is largely ignored. The U.S *Wilderness Act* legislation, which defines American wilderness as "an untrampled place defined by its opportunities for solitude or primitive and unconfined recreation" (p.1), has failed to recognize the strong cultural and social connections that Indigenous peoples have and continue to have with nature. The same can be said within a Canadian policy context regarding wilderness and protected sites. As a result, Indigenous peoples and protected areas management has been historically fraught with tensions due to a binary and exclusionary approach to protected areas (Watson et al., 2011).

As a result of these colonial constructions and values placed on culture and nature, Indigenous peoples had been relegated into the natural realm (away from the urban), while also being excluded from the wilderness ideals (Berkes, 2008). This point of view is divergent from an Indigenous viewpoint:

> "In settler states, Indigenous use of 'natural' resources in protected areas remains 'uncommon ground' (Cronon, 1995). The dominant view of protected areas as essentially pristine natural places, and human intervention as essentially destructive in its intent and outcome, is powerfully inscribed into the protected area management legislative framework in ways that foreclose on Indigenous rights to use park resources" (as cited in Porter, 2010, p.95).

An important area of cultural geography is the study of Cultural Landscapes and how humans influence and shape their natural landscapes. First introduced by Carl Sauer (1925), and later strengthened by the Berkley school of cultural geography and other researchers (Kuster, 2004), the study and recognition of Cultural Landscapes has been an important concept that broadened our concept of heritage to a natural landscape level—to include anthropogenic landscapes, and predominately natural landscapes, into the realm of heritage recognition and conservation.

As noted, discussions and analysis into how heritage is recognized at the international level is outside of this research scope. However, it is important to provide a brief discussion of the United Nations Environmental, Scientific, and Cultural Organization (UNESCO) to understand heritage management trends and how it influenced Canadian heritage policy and practice. Most notably,

UNESCO has been a strong proponent for recognizing and protecting cultural landscapes as world heritage. UNESCO serves as the international governing body responsible for recognizing heritage of 'outstanding universal value'. Since UNESCO's establishment in 1945, there have been numerous conferences and charters established in order to support world powers to recognize and protect heritage values. The International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter 1964) specifically, "remind[s] us that the term "heritage" applies "not only to great works of art but also to more modest works of the past which have acquired cultural significance with the passing of time" (Shipley, 2012, p. 377). UNESCO has had an important role in the evolution of cultural heritage recognition over the 20th century, most notably:

Table 1: Brief History of UNESCO Conventions

Year	Document/Convention	Significance
1962	*Recommendation Concerning the Safeguarding of Beauty and Character of Landscapes and Sites*	-Recognition of cultural heritage at the landscape level, not only site specific.
1972	*Convention Concerning the Protection of the World Cultural and Natural Heritage*	-"To ensure the identification, protection, conservation, preservation, and transmission to future generations of the cultural and natural heritage of 'outstanding universal value" (UNESCO, 2010, p.19).
1992	*Convention Concerning The Protection Of The World Cultural And Natural Heritage* World Heritage Committee Sixteenth session (Santa Fe, USA)	-UNESCO's World Heritage Convention adopts legal mechanisms to recognize and protect Cultural Landscapes at a global scale within operational guidelines, including: 1. Clearly defined cultural landscape designed and created by man; 2. Organically evolved landscape; 3. Associated cultural landscapes. -Committee adopts cultural heritage protection measures.
1994	*The Nara Document on Authenticity* (Nara Conference on Authenticity in Relation to the World Heritage Convention (Nara, Japan)	-Developed test of 'authenticity' for identifying and protecting heritage resources.
2001	*Convention Concerning the Protection of the World Cultural and Natural Heritage* The World Heritage Committee, Twenty-fourth Session (Cairns, Australia)	-Proposed World Heritage Indigenous Peoples Council of Experts (WHIPCOE) by Australian, New Zealand, and Canadian delegates. Formed Indigenous Peoples Working Group.
2003	*Convention for the Safeguarding of the Intangible Cultural Heritage*	-Recognizes "Living Heritage" and folk traditions as having significance; calls for nations to protect intangible heritage.
2012	*International Expert Workshop on the World Heritage Convention and Indigenous Peoples*	-Central theme of the workshop was "How to ensure that the implementation of the World Heritage Convention is consistent with the UN Declaration on the Rights of Indigenous Peoples."

Within this context, there has been a concerted push to recognize the context and setting of heritage resources and not just a single building (Shipley, 2012, p. 377), moving towards a more inclusive large-scale landscape approach. UNESCO categorizes cultural landscapes into three groups: Clearly defined cultural landscape designed and created by man are landscapes that "embrace garden and parkland landscapes constructed for aesthetic reasons which are often (but

not always) associated with religious or other monumental buildings and ensembles"; organically evolved landscapes that "result from an initial social, economic, administrative, and/or religious imperative and has developed its present form by association with and in response to its natural environment"; and associated cultural landscapes "justifiable by virtue of the powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent" (UNESCO, 2008, p.86). The definition of cultural landscapes is broad and can allow for built features, landscape modifications and natural features that in combination create a landscape with cultural, technological, religious, or historic value meaning. Intangible values are central components to the layers of meaning that can be identified on specific cultural landscapes; these layers contribute to the 'sense of place' and identity (Mahindru, 2002; Osborne, 2001).

One weakness in cultural landscape studies remains the narrow focus on the tangible or material cultural definition of heritage, which has resulted in a lack of recognition of landscapes that display little human alterations despite exhibiting strong cultural meaning (Brown, 2008). Although our understanding of cultural landscapes, and its relative broadness to encapsulate many types of landscapes and meaning, could seemingly serve as a fitting medium to recognize indigenous heritage and connection to place, Indigenous cultural landscapes are underrepresented by UNESCO's World Heritage List designations (UNESCO, 2010). While material relation to heritage is important, many cultural groups also have an equally strong association with the natural or intangible aspects of place (Brown, 2008; UNESCO, 2010). Weakness also lies in how recognition of cultural landscapes stem from discourses of power and space (Foucault, as cited in in Nelson, 2008). As mentioned, current trends in heritage recognition largely recognize dominant imprints on the land, created from the 'white imagination' or Euro-Canadian traditions (Nelson, 2008). Again, this tends to exclude marginal groups by neglecting to represent or recognize their presence on the landscape (Nelson, 2008).

2.4.1.2 Intangible Cultural Heritage
Heritage resource management in Canada has been guided by a material-focused definition of heritage (Prosper, 2007). In this setting, 'cultural heritage' is overtly accepted to include objects, monuments, historic sites and places – or in other words, the tangible heritage that we can see and feel, such as buildings, historic districts, or artefacts (Pocius, 2010). This material heritage focus, however, does not effectively recognize a broader, dynamic view of heritage to include non-material or 'intangible' forms of heritage. In this sense, heritage is understood to be 'static' and 'relegated to the past', not in a dynamic or living way. UNESCO (2003) defines Intangible Cultural Heritage (ICH) as:

> "The practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity…" (n.p).

ICH is a broad term for a wide-range of cultural practices and knowledge that is community based and 'living heritage' – it is not relegated to the past but is actively "embodied in people [and relationships] rather than in inanimate objects" (Ruggles & Silverman, 2009, p.1) and is actively being transmitted and lived between generations. It can be embodied in numerous forms and can even have tangible aspects, in the form of artistic expressions or craftsmanship. William Logan (2007) defines it as "heritage that is embodied in people rather than in inanimate objects." ICH can be expressed through "oral traditions, performing arts, social practices, rituals, festive events, knowledge and practices concerning nature and the universe or the knowledge and skills to produce traditional crafts" (UNESCO, 2003, n.p.). Although all cultural groups recognize elements of ICH to varying degrees, some cultural groups place more meaning and reliance on ICH to transmit cultural heritage. Non-material cultures, which represent many Indigenous groups, that do not have strong material presence on landscapes, are examples of how these cultures continue to be underrepresented by heritage conservation programs and policy (James, 2013; Prosper, 2007; Rolfe & Windle, 2003).

UNESCO and the International Council on Monuments and Sites (ICOMOS) have been at the forefront of research to advance understanding and conservation of world heritage (Ruggles & Silverman, 2009; UNESCO, 2003). The 2003 *Convention for Safeguarding Intangible Cultural Heritage (Convention)* held by UNESCO and its signatories marks the beginning of the paradigm shift, signifying that lived human experiences, stories, and actions can be identified and protected as heritage (Ruggles & Silverman, 2009). Today over one hundred and sixty countries have ratified the document. The ICH Convention marks the beginning of a paradigm shift in how cultural heritage is recognized and signifies that lived human experiences, stories, and actions can be protected as heritage (Ruggles & Silverman, 2009).

Since the early 2000s, ICH research has been a growing area of study and interest in Canada, the United States, and Europe amongst academics and a wide range of heritage, museum, and folklore practitioners. Although Canada has yet to sign the *Convention,* several provinces in Canada have chosen to spearhead ICH programming in their heritage regimes; Newfoundland and Labrador and Quebec are two notable examples of regimes that have successful ICH legislation and programming in place. Most recently, the Canadian Network for Intangible Cultural Heritage (CNICH) has been established to actively promote and connect heritage practitioners and researchers to advocate for increased awareness and promotion of ICH across Canada. The CNICH "aims to pursue, amplify and better coordinate work already being carried as well as to respond to the growing needs of Canadians in this domain" (Turgeon, 2015, n.p.).

Despite perceived benefits to recognizing ICH, this area of research remains in its infancy worldwide. In Canada, efforts to preserve ICH have been overwhelmingly focused on Euro-Canadian vernacular ICH, as displayed by traditional folk culture in Quebec and Newfoundland and Labrador. Newfoundland and Labrador, for example, has included ICH in their heritage mandate and policy to lauded success. While there have been some developments in the Canadian heritage field to include Indigenous representation and ICH, such as recognizing cultural landscapes or the development of Indigenous-led heritage mapping programs, the direct linkages

and similarities between ICH and Indigenous heritage have yet to be explored in a systematic manner.

Although this connection—that ICH and non-material Indigenous heritage draw similarities— seems self-evident, there remains a significant gap. Most research and work on intangible cultural heritage still focuses on Euro-Canadian vernacular festivities and cultural traditions. For example, in Newfoundland and Labrador, the folk ICH and traditions of settler Newfoundlanders are focused on by the Memorial University of Newfoundland and Government of Newfoundland (MUN; Prosper, 2007), while Indigenous representation and involvement in ICH programming is still small. Canadian perception of Indigenous heritage is limited to a history of colonization, residential schools, and negative connotations (Freeman, 2010). As a result of these continued misconceptions and lack of recognition by heritage practitioners, Indigenous intangible heritage, such as TEK or traditional sites, remain under greater threat than other heritage sites in Canada (Prosper, 2007; Rolfe & Windle, 2003). Threats to ICH include: "globalization… increasing urbanization, loss of traditional economies, communities and language, and rural decay. People and ideas now move swiftly across borders, posing serious challenges to peoples whose distinctive languages, customs, and ideas are easily overwhelmed by mass media which caters to the interests of majority communities" (Jarvis, n.d., p. 4).

The interdisciplinary nature of ICH makes it attractive to a wide range of heritage disciplines – cultural tourism, museums, library and archives, social historians, folk studies and ethnography, heritage planning and municipal governments to name a few few. Proponents argue that developing ICH legislation and policy will add value and layers of richness to historic narratives and will allow for a diverse array of cultural practices to be protected and recognized, such as place-based skill sets, the arts, TEK, cultural practices, and oral traditions. Additionally, research shows that preserving and promoting ICH has numerous economic and cultural values for communities, this includes "…promoting sustainable regional development, the revitalization of communities, cultural diversity, new museum practices and cultural tourism" (Turgeon, Canadian Network for Intangible Cultural Heritage Network (CNICH), 2015, n.p.).

The potential value of developing ICH policy to recognize and preserve indigenous cultural heritage has not yet been fully actualized in policy or practice in Canada and is limited at the world stage. Recognizing the importance of ICH is particularly crucial to proper recognition of Indigenous cultural heritage and can benefit cultural revitalization for the community along with many other social benefits. Digitization of language and oral histories can protect Indigenous languages from extinction; celebration and recognition of TEK and practices on the land can ensure their retention and even contribute to treaty and land-based negotiations; festivals and cultural practices can be shared and celebrated with younger generations. Additionally, a more balanced understanding of Canada's historical narratives can be presented, moving away from the material colonial focus of history to recognize as more diverse heritage.

2.5 (De)colonising Heritage and Planning in Canada: An Act of Reconciliation and Cultural Resurgence

"Postcolonialism and decoloniality are ... made necessary as a consequence of the depredations of colonialism, ... in their intellectual resistance to associated forms of epistemological dominance they offer more than simple opposition. They offer, in the words of María Lugones, the possibility of a new geopolitics of knowledge."

Bhambra, 2014, (p.120)

The notion of 'heritage' emerged from modernity and the emergence of the nation-state, serving as a means to develop and solidify a nation's identity and to justify its existence (Graham, et al., 2005). As such, a nation's 'heritage' can be divisive. Hardy (1988) argues "heritage [acts as both] a conservative force that supports and reinforces the dominant patterns of power, and a radical force that supports and challenges and attempts to subvert existing structures of power" (in Graham et al., 2000, p.25). A Marxist critique of heritage views this conservative force to be a symptom of the power imbalances of heritage recognition. The old adage, 'history is written by the victors,' aptly illuminates the potential power imbalances created through a nation's official historic narratives. Graham, et al. (2000) support the view that although it is not necessarily the majority who can entirely influence how we view our 'heritage,' a nation's heritage, through built heritage, reflects the dominant ethnicities and social mores of nations (see also Graham et al., 2005). Heritage "is a primary instrument in the 'discovery' or creation and subsequent nurturing of a national identity" (Graham et al., 2005, p.26). One may simply take a walk through historic Montreal, Q.C., or Victoria, B.C., to ascertain that Euro-Canadian material culture dominates heritage narratives on the Canadian landscape.

Throughout the colonial period, many Indigenous groups found their heritage and cultural practices overwhelmed or delegitimized by colonizer values and architecture. The colonized 'other' was often excluded in the narratives of the nation, or were themselves alienated – in many instances as stereotypical tropes in national narratives or by refusing to participate in the colonial narratives. As argued throughout this chapter, cultural heritage management and recognition is rooted in the colonial narrative, tied to race relations, material or built heritage, and colonialism. "Indigenous and non-Indigenous scholars have written at length about the seemingly disproportionate influence of disciplines such as archaeology, anthropology and history on race relations in settler democracies…" (see Attwood 2005; Smith, 1999, 2004; Wolfe 1999; Healy, 1997; Deloria, 1995; Young, 1990; Fabian, 1983; Langton, 1981, as cited in Hemming & Rigney, 2009, p.93). The colonizer narratives into which they have placed Indigenous peoples continue to frame the construction of Indigenous identities and how their cultural heritage is recognized and managed (Hemming & Rigney, 2009).

The concept of control over heritage is so important that in 2012, UNESCO and World Heritage Indigenous Peoples' Council of Experts (WHIPCOE) published the *World Heritage and Indigenous Peoples Call to Action,* demanding that the World Heritage Convention implementation align with the *United Nations Declaration of Indigenous Peoples* (UNDRIP) which states that Indigenous peoples have the right to control their heritage (UNDRIP, 2008).

Participation of Indigenous peoples within the planning process has until now been minimal (; Whiting, 2004; Stadel et al., 2002, in Leroux et al., 2007); Indigenous participation and consent in the identification, designation, and management of cultural resource values has historically been *ad hoc* in Canada. Not only have researchers noted the lack of Indigenous voice in the development of historical narratives, Indigenous communities often are only engaged as stakeholders at a later step of a designation process of a national site or protected area. As argued previously in this chapter, the dominant Eurocentric understanding of culture has ultimately been separate from nature. Porter (2010) notes that planning has perpetuated this dichotomous view, "deciding what counts as nature and what counts as culture…[which ultimately]… both constrains and produces possibilities for Indigenous presence and power" (p.105).

Input from Indigenous communities has evolved in many positive ways, but often has been constricted to the avenues of engagement and consultation. The results of this model can include exclusion from the lands that have been identified for protection when governments move to designate sites, or that Indigenous values excluded from protection. Porter (2010) notes that within our current system of planning and engagement, "Indigenous interests are rendered legible in state terms so that traditional knowledge, cultural heritage, and joint management [of parks and cultural sites] are reified as appropriate subjects with which to engage Indigenous people…" (p.105). Indigenous comment and input is restricted to these spheres within the dominant western system of planning. Examples from this problematic system are apparent worldwide. For example, in the United States, the native Hawaiian peoples were consulted as merely 'stakeholders' during engagement exercises for the establishment of Papahānaumokuākea Marine National Monument. Once the park was established, the native Hawaiian peoples were excluded from utilizing the lands and resources in what was once their traditional homeland because it was deemed to be a 'protected area' (Trask, 2014). This is just one of many, often, unintended outcomes worldwide of how Indigenous groups find themselves excluded from practicing TEK or ICH in their traditional territories when governments establish protected areas.

Current heritage management systems overwhelmingly have failed to adequately include Indigenous community members as 'experts' in their personal experience, history, and epistemologies and should play a central role in how their cultural heritage is recognized and conserved. The above examples reflect two issues: 1) Within the dominant protected areas planning system, we still consider there to be a notable dichotomy between nature and culture when identifying protected areas, and as a result, fail to recognize that Indigenous cultural heritage is a blended form. And, 2) Indigenous peoples still find their heritage narratives tied to the colonial narratives of the dominant settler nation.

2.5.1 Moving Towards a Decolonial Approach of Heritage Planning and Management
Moving away from the "…research 'on and for' communities towards research 'by and with' Indigenous is well underway in Native American and Indigenous studies" (McNaughton and Rock, 2003). This new approach recognizes that the dominant reliance on Western scientific approach to identifying and preserving cultural heritage (in addition to other disciplines) perpetuates colonial structures and can delegitimize Indigenous worldviews and knowledge. In *Decolonizing Methodologies: Research and Indigenous Peoples* (1999), Linda Tuhiwai Smith

argued that decolonizing research does not necessarily call for "a total rejection of all research or Western knowledge. Rather, it is about centering our concerns and world views and then coming to know and understand theory and research from our own perspectives and for our own purposes" (p.39). Not everyone agrees with Linda T. Smith, however, and there are divergent perspectives on what decolonization looks like; what roles settlers play; and at what level the dominant western system is rejected (see s.2.3 of this chapter). For Corntassel (2012), decolonization for Indigenous peoples is intrinsically linked to acts of resurgence as it "offers different pathways for reconnecting Indigenous nations with their traditional land-based and water-based cultural practices. The decolonization process operates at multiple levels and necessitates moving from an awareness of being in struggle, to actively engaging in everyday practices of resurgence" (p. 89). With settler colonialism acting as an oppressive and dominating force, decolonization provides a possibility to reject colonial concepts and ways of knowing and to actively reconnect Indigenous knowledge and ideas (L.T. Smith, 2012).

Today, Indigenous cultural heritage recognition within academia and practice has increasingly taken on new forms. It has moved out of the museums and archives, particularly as a result of the natural resource development sector, consultant-based research, and arguably post-Haida and Delgamuukw legal decisions in Canada. Traditional Land Use Studies and mapping projects are continuously shaping and re-discovering Indigenous cultural heritage. However, there is a caveat to this new notoriety and prominence in the mainstream: in some instances, there is a fear that "…archaeological and anthropological discourse and practice has been transported from museums, universities and cultural heritage management into related colonising management regimes such as tourism, natural resource management and local council planning [….] The contemporary recycling of Aboriginalist myths in management plans highlights the importance of Indigenous-driven research and the decolonisation of research methodologies across a broad spectrum of disciplines" (Hemming & Rigney, 2009). This can be argued to be a new form of modern colonialism. What is required is a concerted focus in the mainstream for "…commitment to an engagement with Indigenous social, political, economic and research programmes aimed at improved Indigenous well-being, nation building and cultural sustainability. Otherwise, the current boom in archaeological consultancies and associated university-based teaching programmes could be judged as a marker of the continuing colonising tendencies of this discipline when viewed in the face of Indigenous disadvantage and community disintegration" (Hemming & Rigney, 2009, p.95).

2.5.2 The Role of the Planning Community
Indigenous worldviews and decolonial, community focused, principles are increasingly adopted by the mainstream planning practice and government to address the power dynamics and ineffective policies relating to Indigenous peoples in Canada. Although one can consider this as a promising shift towards de-colonisation through the emergence of participatory, or transactive planning forms, planning remains strongly rooted in western worldviews. Incorporating Indigenous planning practices and theory into mainstream planning remains relatively novel and is not standard practice across Canada by any means, despite the successes.

There is notable research to support the shift towards a decolonized planning focus today. As McLeod (2014) notes,

> "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 rigid legal approaches may struggle to achieve" (p.46).

Advances are being seen at all government levels in Canada, a promising new step in Indigenous provincial and municipal relationships where there were limited relationships before. As Walker (2008) notes, municipalities are not the Crown and do not share the same responsibilities, but they "should not wait around for other governments and should improve worth with Aboriginal communities because they have the power to do so and it is impractical not to" (p.23). Provincially, and within the planning realm, there is increasing mention of Indigenous interests. The recent *Ontario Provincial Policy Statement* (2014) is one notable example of this, for the first time "has policies that recognize First Nations under the constitutional term of Aboriginal peoples, section 35 of the *Constitution Act, 1982* and the importance of consultation and coordination with First Nations, particularly on matters regarding archaeological and heritage resources, may be an indication of an emerging shift" (McLeod, 2014, p.42). The Canadian Institute of Planners (CIP) has also increased focus on Indigenous planning interests to move towards a stronger relationship.

2.5.3 Indigenous Cultural Resurgence in Canada

Battiste (2013) acknowledges that "all Indigenous communities are in recovery today from a deep colonizing culture of superiority and racism, and while there are new emergent forms of that coming back, Indigenous peoples are now reconciling with what was denied us, our knowledge and languages that leads us to the deep truths about ourselves and our connections with all things" (Battiste, 2013, p.2). An important process for healing and relations as society as a whole, will be for society to come to terms with past and current relationships between settler and Indigenous communities. Government-led reconciliation, the Royal Commission on Aboriginal Peoples (1996), the Truth and Reconciliation Commission (TRC) 2015, the launch of the Inquiry into Missing and Murdered Indigenous Women and Girls (2016), and official apologies to Indigenous peoples from the Prime Minister and many provincial premiers are recent examples of this shift in society towards reconciliation.

Cultural resurgence and decolonial movements are not restricted to academic circles or formal recognition, but can be seen at the grassroots community level across the country. One cannot deny this growing change in society in mainstream Canadian culture, such as Indigenous agency in creating, owning, and the telling of their historical and cultural narratives. Amy Lonetree (2006) powerfully explains the importance of cultural resurgence and Indigenous history within the colonial context: "Our stories of survival require telling the difficult and shameful episodes that make that very survival so amazing and worthy of celebration" (p.59).

2.6 Conceptual Framework

This thesis utilizes an overarching conceptual framework developed by pairing critical Indigenous theory and western transactive planning theory to explore how cultural heritage planning can be transformed to meaningfully incorporate and recognize Indigenous cultural heritage. This conceptual framework serves as a starting point for further research in this area.

I suggest that a paradigm shift –from the *status quo* focus on material heritage towards greater recognition of intangible cultural heritage—can serve Indigenous communities and worldviews more effectively.

Figure 1: Conceptual Framework
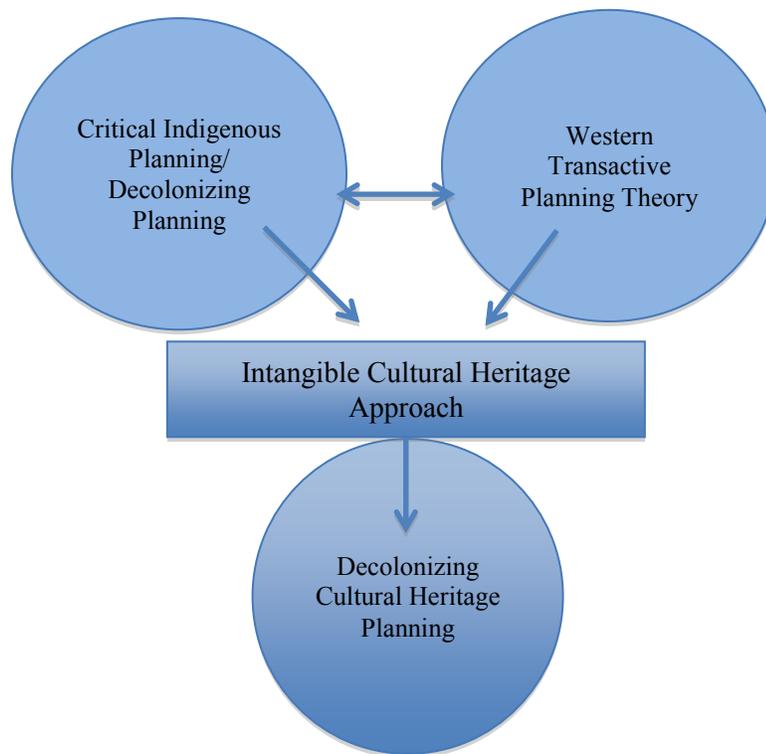
2.7 Summary

This literature review provides the historical and theoretical context and identifies several important thematic areas of academic research central to this thesis. Broadly, this chapter addresses the historic colonial roots of planning in Canada and the present day influences that persist across society, particularly in the planning realm. I then introduce the area of critical Indigenous research, and discuss the concept of Indigenous worldviews in order to identify the growing influence of critical de-colonial thought in planning world-wide in post-colonial nations. Further, a discussion regarding the *status quo* of cultural heritage planning and management in Canada, sets the stage for my research regarding the material focus of heritage designation and whether the juxtaposing concept of intangible cultural heritage could be an effective paradigm for Indigenous heritage, and contribute to real tangible elements of reconciliation in Canada.

My adopted conceptual framework brings together two main academic areas of research, critical Indigenous planning theory and transactive planning theory, in order to begin to critically examine heritage planning in Canada. This will set the stage for a discussion on how it can be 'decolonized' to more effectively recognize Indigenous intangible cultural heritage and worldviews. I introduced the concept of Intangible cultural heritage (ICH), and discussed how this model of heritage recognition could be useful for more effectively managing Indigenous heritage in Canada.

My research attempts to fill the following gaps in the literature:

- There is little written about decolonizing heritage planning and cultural management field in Canada. I want my research to contribute to this field and elicit additional discourse between Indigenous communities, heritage practitioners, and academics.
- There are notable gaps in the literature and practice to understand what, if any, are the benefits of ICH recognition and programming to Indigenous cultural heritage in Canada.
- In recent decades, and as societies embrace multiculturalism, societies today are tackling the difficult question of how to decide, "…what is heritage and whose heritage is it?" (Graham et al. 2000, p. 24).

In the theme of decolonisation and for the purposes of this thesis research, this begs the question: 'How do we decolonise heritage planning in Canada to include the more intangible Indigenous worldviews, heritage, and narratives, when the system is designed to preserve and celebrate Euro-Canadian tangible heritage?' I believe that this question serves as a starting point for further research and reflection within the Canadian heritage planning field and is now being asked by many practitioners and Indigenous peoples across Canada.

Chapter 3: Methodology

"The word itself, 'research', is probably one of the dirtiest words in the indigenous world's vocabulary."

Linda Tuhiwai Smith, '*Decolonizing Methodologies:
Research and Indigenous Peoples'* (1999, p.1)

3.1 Introduction

This research study is qualitative in design and follows an exploratory approach of research inquiry (Robson, 2002). The following chapter will address the project's chosen methodology, methods, data analysis, and limitations. This research was conducted with approval from the University of Waterloo's Office of Research Ethics, in association with the Dreamcatcher Informatics Project with the Centre of Community Mapping (COMAP).

3.2 Theoretical Groundings: Working with Indigenous and Western Research Paradigms

In *Chapter 2: Literature Review,* section 2.2 'Colonialism, Eurocentrism, and Planning,' and situated further in section 2.6 'Conceptual Framework,' I explored the concepts of critical Indigenous research and discussed how they fit within this thesis. As noted in section 1.2, I identify as a second-generation Canadian of European decent and have primarily been educated within the western academic institutions and paradigms. To reiterate, Linda T. Smith (1999) notes that research 'on' Indigenous peoples has been associated with the perpetuation of western paradigms on Indigenous communities and has lacked accountability to the people being researched; this is often unintentional, as most Western researchers believe that they approach research objectively and sincerely, with the best of intentions (Menzies, 2001).

Research 'with' Indigenous peoples should follow a fundamental principle of relational accountability "towards those with, for, and on whom we are conducting the research" (Peters, 2013; see also, Menzies, 2001; Wilson, 2001). Further, it should be perceived more specifically as a "research relationship that meets both the needs of collaborative research and looks beyond the immediate horizon of academic research (which is typically locked on the project and publication timelines necessitated by the dynamics of an academic career and funding agency)" (Menzies, 2001, p.15). With this in mind, my research design has been influenced by Indigenous methodology and critical Indigenous research paradigms, such as the decolonizing perspective, but is still very much rooted in western research paradigms. I propose practical recommendations for researchers and Indigenous communities to consider when advancing Indigenous Intangible Cultural Heritage programs and research (see *Chapter 5: Recommendations and Conclusions*).

3.3 Qualitative Research

The use of qualitative research methods has increased in popularity in academia (Attride-Stirling, 2001), particularly in the study of social sciences and human centered research. As a result, qualitative research is "no longer relegated to the marginalia of exploratory stages, or derided as anecdotal…" (Attride-Sterling, 2001, p.385). This type of methodological approach is useful particularly when "…the topic is new, the topic has never been addressed with a certain sample or group of people, or existing theories do not apply with the particular sample or group under study" (Morse, 1991, as cited in Cresswell, 2005, p.22). As addressed in *Chapter 2: Literature Review*, Indigenous ICH is underrepresented in cultural heritage management in Canada. While ICH specifically has been studied, there is little research that either connects Indigenous cultural heritage with ICH, or examines how it is recognized in the Canadian heritage planning field. As such, adopting a qualitative approach is useful for this area of study and my research purposes.

This thesis is based in a qualitative research approach for several reasons. Firstly, cultural considerations strongly influenced the research design of this project. As this research is situated in a potentially sensitive area, working with Indigenous communities and researching Indigenous culture and traditional knowledge, I needed to remain mindful of how I obtained, used, and represented the data. My chosen research methods –interviews, document analysis, and personal observations – are within standard western methodological traditions, however I adopted elements of critical Indigenous research methods in order to build on previous Indigenous planning research grounded in critical Indigenous theory. With this in mind, I utilized culturally respectful research methods, such as purposive interviews and participant observation (Louis, 2007). Kovach (2010) draws parallels between Indigenous oral and story-telling traditions and western conversational methods for knowledge transmission in research, such as interviewing. As Louis (2007) states, while working with an Indigenous community, small-scale, case-based research and relationship building is crucial. A critical Indigenous methodological perspective holds that research must have meaning for the community and practical results to benefit the community in some way, such as through concrete policy recommendations or a community plan.

Secondly, qualitative inquiry is a useful format to use when the researcher is seeking perspectives on issues or phenomena as an outsider (Bryman et al., 2009). For this study, I felt that interviewing Indigenous and non-Indigenous professionals in the cultural heritage and planning fields would allow for strong professional expert insight into how Indigenous ICH is currently recognized, and how the heritage planning field could adapt to develop policy for ICH in the future. Because this issue is currently understudied in academia and practice, I relied on context specific questions in interviews with heritage and cultural experts were important to obtaining the necessary data. Stories of past experiences and professional insights emerged from participants, providing a rich body of data. Limited published material on the subject of Indigenous ICH policy and programming in Canada meant that a document analysis, although useful, could not necessarily be relied upon as the primary method of inquiry. As such, I included a focused document analysis of Canada's provincial and federal heritage acts.

Thirdly, I also relied on participant observation—another tried and tested qualitative method of inquiry—to support the two other means of qualitative inquiry. I had the opportunity to attend

two conferences on cultural heritage management, the Ontario Heritage Conference in Niagara, Ontario (May 2015) and the George Wright Society Conference on Parks, Protected Areas, and Cultural Sites in Oakland, California (March, 2015), as well as a workshop held by the Canadian Network for Intangible Cultural Heritage (CNICH) in Gatineau, Quebec (June, 2015). By being an active participant in these three events, I was able to observe heritage professionals and obtain data outside of a structured interview, complementing the information obtained by my key informant.

Critics of qualitative research target the potential for human error and bias of the researcher conducting the research and its subjective nature. Quantitative research, alternatively, has been defended as objective, value-free, and scientific (Silverman, 1997, p.13), however, Silverman holds that there is a time and a place to use qualitative and quantitative research—and it is often dependent on one's research objectives and preferences (Silverman, 1997; 1993).

3.3.1 Exploratory Research
The purpose of this study and supporting research questions reflect an exploratory form of inquiry (Robson, 2002). Research on decolonizing planning and Intangible Cultural Heritage have generally been conducted separately in Canada; at this time, no strong connection has been made to unite the two to understand how heritage planning can be 'decolonized' or altered to effectively recognize and manage Indigenous ICH. As a result, a void exists in this area of research and questions of why and what causes this disconnect remains central. Because there has been limited critical assessment of Canada's heritage planning regime and practice as it pertains to Indigenous cultural heritage, the aim of my research is to generate a theory or begin to understand a phenomenon. It is an approach that is "…useful in new, applied areas where there is a lack of theory and concepts to describe and explain what is going on" (Robson, 2002, p.90). Brown states that "exploratory research tends to tackle new problems on which little or no previous research has been done" (Brown, 2006, p.43). The exploratory approach allows researchers to do exactly what its name suggests, to 'explore' or begin to gain insight into the phenomena being studied –and not to explicitly provide conclusive answers. Robson (2002) goes on to outline the following objectives of exploratory research:
- "To find out what is happening, particularly in little understood situations.
- To seek new insights.
- To ask questions.
- To assess phenomena in a new light.
- To generate ideas and hypotheses for future research.
- Almost exclusively of flexible design" (p. 59)

Robson's (2002) criteria were central in designing my research scope and questions. In essence, this thesis seeks to ask questions, to discover what is occurring across Canada, and to encourage further research for ICH.

Time and budgetary constraints, as well as the limited scope of a master's thesis, means that exploratory research into a subject area where limited research has been conducted will be most effective. I intend for my research findings to be used as an impetus for further inquiry into decolonizing heritage planning and ICH research in Canada. This objective fits with a main tenet

of exploratory research that states initial research can "…[form] the basis of more conclusive research" (Singh, 2007, p.64) in the future.

3.4 Sampling and Recruitment

3.4.1 Ethics
Ethics approval for this research project was obtained through the University of Waterloo's Ethics Review Board under the approval of the Social Sciences and Humanities Research Council (SSHRC) funded research project *Dreamcatcher Informatics: a Web-based and Mobile Information System to Support Land Management, Consultation and the Preservation of History, Culture and Traditional Ecological Knowledge.*

The ethics approval of this project applies to the purposive interview segment of data collection. The interviews sought Indigenous and non-Indigenous professionals within the heritage and planning fields. Interview questions sought professional opinions and not personal information (see Appendix A). There are no known risks to participants in this study and participants were informed that their identities would remain anonymous. Participants were assigned an identifying code (i.e. P1Her/Aca,) and any identifying information of their workplace was omitted or generalized to ensure anonymity.

At the outset of the interview process, I informed participants of the purpose of the research project and interview intent. Participants were then asked to read the information letter and provide written consent to participate. I anticipated cultural accommodations when interviewing some Indigenous participants and offered accommodation if requested. In several instances, participants chose to consent orally on record. The University of Waterloo Ethics Review Board approved these cultural modifications for consent previously for the Dreamcatcher research project.

3.4.2 Sampling
Mohr et al. (2001) state that in order to effectively address the research questions posed in a study, the end result of sampling must provide numerous perceptions. In light of this project's exploratory design, the scope remained broad and sought perspectives from the cultural heritage planning field across Canada. Time, finances, and geographic location limited my access to participants, making purposive sampling of expert participants the ideal strategy for this study. Ney (2008) writes on the central and yet often overlooked importance that is placed on the process of sampling within qualitative data and the potential fruitful evidence that can result from successful sampling. Purposive sampling allows researchers to "seek out groups, settings and individuals where … the processes being studied are most likely to occur" (Denzin & Lincoln, 1994, p.202). A danger of this form of sampling is that bias may emerge, since the data pool is chosen specifically by the researcher and is not random (Patton, 2002). Despite the aforementioned limiting factors, such as time, budget, project scope and sampling pool, I do not believe that the quality of data collected was compromised through the way that participants were chosen.

Participants were deliberately chosen for their expert knowledge and professional experiences within the heritage management field. I developed an initial interview list of participants with input from Dr. Dan McCarthy (University of Waterloo), my research advisor. The list of chosen experts consisted of current and retired heritage professionals, planners, and Indigenous knowledge holders across Canada. In addition to personal connections and referrals, I relied on websites of private sector firms, provincial and federal agencies, heritage professional bodies, and First Nations governments for potential participants; academics were also contacted based on their research interests and expertise.

Participants were chosen based on—but not limited to—the following criteria:
- They are a heritage professional in the private or public sectors;
- They are leading heritage or Indigenous researchers within academia;
- They have experience working with Indigenous communities in the area of heritage, planning;
- They identify as Indigenous or traditional knowledge holders or cultural practitioners.

I sought representation from private and public sectors, academia, and all levels of government. Participants represent the major regions of Canada – the Maritimes, Central Canada, the Prairies, the West Coast, and the Territories, including urban and rural perspectives. Geographic and budgetary limitations of travel did not necessarily limit my access to participants. Participants in Toronto, Ottawa, and Akwesasne were interviewed in person, while the majority of participants were interviewed by phone. At final count, roughly sixty individuals were contacted either in person or by email; only one responded declined due to disinterest participating, while thirty-five contacted individuals did not respond to my inquiry for interview. Of the sixty potential participants contacted, I successfully conducted twenty-two interviews with twenty-four participants—a response rate of forty percent (40%).

I utilized snowball sampling to supplement the participant list. Snowball sampling is one of the most widely used qualitative data collection tools for researchers in the social sciences (Ney, 2008). Although there are critics of snowball sampling, many defend it to be a useful data collection tool that allows researchers to expand their participant pools and make contact with potential unknown participants. This is exceptionally useful in instances where expert or 'information-rich' participants are sought (Department of Environment and Primary Industries, 2013) and in instances where the researcher is researching a group or phenomena as an outsider with potentially limited contacts.

Accessing participants from the public sector proved most difficult in some instances, as emails and contact information were not easily attainable to the public. Through seeking recommendations from established contacts during interviews, I was able to expand my sample pool quite easily to access these 'hidden populations' as an outsider (Fey 2008). Participants were eager to connect me with interested colleagues and individuals, opening up the metaphorical 'Pandora's box' of potential participants (Curtis et al., 2000, as cited in Ney, 2008).

I assigned the following codes (see Table 2) to each participant for the purposes of anonymity, while still ensuring that readers could quickly identify the participant's respective sector. Table 3 provides further contextual information, such as geographic representation, while maintaining anonymity.

Table 2: Participant Identification Codes

Code: P – Participant	IP – Indigenous Participant
Her – *Heritage Practitioner*	Fed – *Federal Public Sector*
Aca – *Academic*	Mun – *Municipal Public Sector*
Priv – *Private Sector*	Plan – *Planner*
Prov – *Provincial Public Sector*	TK – *Traditional Knowledge*

Table 3: Participant Code and Descriptors

Participant Code	Descriptor
P1Her/Aca	British Columbia – Academic, Heritage Practitioner
P2Her/Aca	Ontario – Academic, Heritage Practitioner
P3Her/Mun	Alberta – Public Sector, Municipal Planner
P4Her/Priv	Ontario—Private sector, Heritage Practitioner
P5Plan/Priv	Ontario – Private Sector, Planner
P6Her/Prov	Ontario –Heritage, Provincial
P7Her/Fed	Ontario/North West Territories—Heritage Practitioner, Federal
P8Her/Priv	Ontario/Nunavut—Heritage, Private sector
P9Her/Prov	Newfoundland- Heritage/Provincial Public Sector
P10Her/TK	Manitoba/Ontario—Heritage, Traditional Knowledge
P11Her/Priv	Ontario—Heritage, Private Sector
P12Her/Prov	Yukon – Heritage, Provincial Public Sector
P13TK/Her/Fed	Ontario- Traditional Knowledge, Heritage, Federal Public Sector
P14Plan/Fed	Ontario – Planner, Federal Public Sector
P15Plan/Priv	Ontario – Planner, Private Sector
P16Her/Plan/Fed	Ontario – Heritage, Planner, Federal Public Sector
IP17Her/TK	Ontario/US – Heritage, Traditional Knowledge
IP18TK/Mun	Alberta – Traditional Knowledge, Municipal
IP19TK	Ontario – Traditional Knowledge
IP20TK	Ontario – Traditional Knowledge
IP21TK	Ontario/NWT – Traditional Knowledge
IP22Her/TK	Ontario – Heritage, Traditional Knowledge
P23Her/Prov	Ontario –Heritage, Provincial Public Sector
P24Her/Prov	Ontario—Heritage, Provincial Public Sector

3.4.4 Saturation

Theoretical saturation in research occurs when new themes, ideas, or knowledge no longer emerge from interviews despite continued sampling (Creswell, 2009). In the context of this research, saturation was reached when I began to encounter repetition in participant answers, roughly after conducting twenty interviews. To ensure saturation, I proceeded to interview a total of twenty-four participants in part to obtain more expansive geographic and Indigenous

representation for the study. Twenty-four interviews provided sufficient data to form a strong picture of how Indigenous ICH is represented across Canada's heritage planning and management jurisdictions.

As mentioned at the beginning of this chapter, the scope of this study is exploratory and does not seek to solve the issue of how Indigenous ICH is to be better incorporated and recognized within Canada's heritage management and planning field. This exploratory study does seek to accomplish an understanding of what the issues are and to provide strong groundwork for future research on this topic. I felt that saturation was achieved when I obtained a strong geographic and professional representation of participants within the heritage planning field, and when repeating themes emerged from interviews.

3.5 Data Collection
This study relies on data collected through: purposive interviews, participant observation, and a document analysis.

3.5.1 Purposive, Semi-structured Interviews
Purposive, semi-structured interviews were the primary source of data collection in the study. Of the twenty-four interviews conducted, five were in person, while nineteen were conducted over the telephone. Phone interviews reduced travel costs and were often more convenient for participants to schedule time. All interviews were audio recorded and later transcribed manually.

Interviews were semi-structured and adopted a general interview guide approach to allow me to specifically identify key themes from the questions posed to participants, while allowing participants flexibility in their responses. In keeping a critical Indigenous methodological approach in mind, semi-structured interviews allowed for a more conversational approach. Kovach (2010) states that "the conversational method is of significance to Indigenous methodologies because it is a method of gathering knowledge based on oral story telling tradition congruent with an Indigenous paradigm. It involves a dialogic participation that holds a deep purpose of sharing story as a means to assist others. It is relational at its core" (p.40). The semi-structure of the interviews allowed all participants to recount personal and professional stories of their experiences in the heritage field and working with Indigenous heritage. For the participants who identified as Indigenous, a semi-structured interview approach allowed them with the space to share their personal and professional experiences with their heritage and traditions.

Interviews began with several 'ice breaker' questions and, subsequently, became more specialized and open-ended, allowing participants the freedom to recount perspectives and ideas, while still ensuring that the interview is kept on track (Patton, 2002). In the interview context, participants were asked to answer questions relating to their professional perspectives on heritage; what the current priorities of heritage planning and cultural management are in Canada; how Indigenous history and culture are represented in policy and practice; examples of whether Indigenous input and traditional knowledge were incorporated during past projects they were involved in; and what they consider to be the barriers and challenges to achieving a more

inclusive heritage management environment. In this way, I sought to "…'get inside the heads' of particular groups of people and to tell things from their 'point of view'" (Silverman, 2013, p.201).

Interview questions varied slightly between Indigenous and non-Indigenous participants (see Appendix A for *Interview Guide: Questions with Prompts*) to respect and reflect the more personal nature that they may have to their cultural heritage and traditional knowledge; however, the root of the inquiry remained consistent to that of non-Indigenous questions. I encouraged all participants to ask for clarification if unsure of a question's meaning, and I used pre-determined prompts to encourage participants to elaborate on their answers.

There were some limitations and challenges in choosing purposive interviews as the main source of data collection. As Patton (2002) states, interviews are beneficial to qualitative inquiry; however, they can pose limitations, such as the direction and quality of information received. The data obtained was invariably contingent on the participants willingness to speak and share information as well as whether s/he even had useful insight. I encountered some instances where the participants did not know how to answer the question or did not have the experience to provide an answer. In two cases, participants simply declined to answer certain questions posed because of restrictions on speaking on the subject by their employer; in this instance, the participants referred me to their ministry's website.

I designed the interview to last 30-45 minutes. In practice, my interviews varied in length as participants chose to expand on various topics – the shortest interview was roughly twelve minutes in length and the longest spanned over five hours. In the latter, my participant invited me to tour the First Nation Reserve where they worked and lived, allowing a more illustrative discussion. Two participants chose to be interviewed together. All interviews were recorded with a smart-phone recording application. Each interview was given a participant identifier and date and I kept a master list for my records.

3.5.2 Document Analysis

To supplement the purposive interviews, I chose to compile and analyse Canadian federal and provincial heritage acts and policy for content. Twenty-six provincial and five federal documents were analysed for specific wording and on the basis of how heritage management is defined (whether it is material focused), whether Indigenous heritage concerns are addressed or identified, and if ICH is considered. I analysed the following documents:

Table 4: List of Provincial and Federal Heritage Acts / Policy Statements

Jurisdiction	Type of Document	Title / Province
Provincial and Territorial	Act	*Heritage Conservation Act* (British Columbia)
	Act	*Local Government Act* (British Columbia)
	Act	*Historical Resources Act* (Alberta)
	Act	*The Heritage Property Act* (Saskatchewan)
	Act	*Parks Act* (Saskatchewan)
	Act	*The Heritage Resources Act* (Manitoba)
	Act	*The Heritage Manitoba Act* (Manitoba)
	Act	*Ontario Heritage Act* (Ontario)
	Policy	The Provincial Policy Statement (Ontario) (2014)
	Act	*Planning Act* (Ontario)
	Act	*Cultural Heritage Act (Loi sur les bien culturels)* (Quebec)
	Act	*Archives Act (Loi sur les Archives)* (Quebec)
	Act	*Heritage Conservation Act* (New Brunswick)
	Act	*Heritage Property Act* (Nova Scotia)
	Act	*Special Places Protection Act* (Nova Scotia)
	Act	*Heritage Places Protection Act* (Prince Edward Island)
	Act	*Archaeological Sites Protection Act* (Prince Edward Island)
	Act	*Museum Act* (Prince Edward Island)
	Act	*Archives and Record Act* (Prince Edward Island)
	Act	*Historic Resources Act* (Newfoundland and Labrador)
	Act	*Historic Resources Act,* (Nunavut and Northwest Territories)
	Act	*Historic Resources Act* (Yukon Territory)
	Land Claim Agreement	Umbrella Final Agreement, Ch.13, Yukon Territory
	Act	Nunavut Archaeological and Paleontological Sites Regulations (Nunavut)
	Land Claim Agreement	Nunavut Land Claims Agreement (Nunavut)
Federal	Act	*Historic Sites and Monuments Act*
	Act	*Canadian Environmental Assessment Act*
	Act	*Heritage Railway Station Protection Act*
	Act	*Heritage Lighthouse Protection Act*
	Policy	Standards and Guidelines for the Conservation of Historic Places in Canada

When analysing the documents, I made note of several key areas:

- Whether Indigenous heritage interests were considered through an archaeological or material lens.
- Whether provisions for intangible cultural heritage and cultural landscapes were included.
- Word usage was noted to assess the use of 'pre-historic' or 'early man' in reference to Indigenous material evidence.

By doing so, this helped me hone in on the overt and underlying understanding of Indigenous heritage in each document. From these three areas, I formulated five questions to guide the content analysis of each document. Did the document:

- Mention Indigenous Interests?

- Specifically identify designation or provisions for Indigenous heritage?
- Have an archaeological focus of Indigenous heritage?
- Mention Intangible Cultural Heritage (ICH)?
- Mention Cultural Landscapes or landscape level designations of heritage?

I then followed McLeod's (2014) method of reviewing legislation based on my chosen indicators above to easily identify the key wording of these documents. This is what Cope (2010) identifies as manifest content analysis, which identifies key terms and phrases within documents. Following McLeod (2014), I assigned a label of 'minimal', 'moderate', or 'significant' to each document, based on the content:
- *Minimal:* The document meets 0-1 of the listed criteria. If mention of Indigenous heritage is made, it is focused on material or archaeological heritage.
- *Moderate:* The document meets 2-3 of the listed criteria. Indigenous heritage and interests are mentioned but ICH is not considered.
- *Significant:* The document meets 3-5 of the listed criteria. Indigenous heritage and interests are mentioned and Intangible or landscape level heritage is considered.

This analysis provided me with a deeper understanding of the heritage policy context – at the provincial and federal levels – and resulted in additional recommendations.

3.5.3 Participatory Observation
Participatory observation has been a long accepted and central qualitative method of data collection particularly in cultural anthropology (DeWalt, et al., 2001) and the social sciences. I chose to include an element of participatory observation into this research to supplement data collected from interviews (Cresswell, 2014; Neuman, 2003; Patton, 2002) in order to represent a greater sampling of "… naturally occurring activities" (Silverman, 1997, p.15) in the heritage management field. Throughout my time as a graduate student, I participated in the following events:
- Two conferences on cultural heritage – George Wright Society Biannual Conference on Parks, Protected Areas, and Cultural Sites (Oakland, CA) and Ontario Heritage Conference (Niagara, ON)—attended by academics and professionals in the field at which I presented papers;
- Several meetings with First Nations representatives to discuss heritage recognition;
- A workshop on Intangible Cultural Heritage promotion in Canada hosted by the CNICH (Gatineau, Qc).

While attending these events, I was able to naturally observe the cultural heritage profession and gain insight into the issues facing ICH promotion and Indigenous heritage, while not in a formalized or contrived interview setting. I recorded my experiences and impressions in my notebook and drew parallels with my research findings and the literature. Silverman (1997) points out that observational data does pose limitations, as researchers cannot realistically record all of our experiences as participants, regardless of how strong one's field notes are. So in sum, participant observation helped me gain a stronger understanding of issues in the heritage field by supplementing the information I gained through interviews and document analysis.

3.6 Data Analysis

3.6.1 Transcribing Data

All interviews were audio recorded to ensure a record was kept for fact checking and accuracy. I manually took notes during every interview, which included impressions and key points. However, recording freed me to listen intently during the interview, rather than spending the interview writing frantically. I commenced transcription after I had completed fifteen interviews. This helped me to begin to identify reoccurring themes and determine when saturation was reached.

Although modern transcription software is available, I chose manual transcription by listening to the recorded interviews and typing in a word document, mainly due to personal preference. I do not believe that choosing to manually transcribe affected the quality of the data in any way, and no issues of obscured clarity occurred during transcription. Transcribing manually, however, proved to be a major time commitment and did affect my timelines.

3.6.2 Coding and Analysis

Coding is the process of analyzing one's research data for "…a word or short phrase that symbolically assigns a summative, salient, essence-capturing attribute..." (Saldana, 2008, p.3) to ones data in order to eventually develop theory or recommendations. Or, in other words, to make sense of the data obtained from the field (Cope, 2008). Qualitative researchers note that there is not one 'right' way to code one's research, and many researchers adopt the pragmatic approach to their context-specific research by choosing "the right tool for the right job" (Patton, 2002, as cited in Saldana, 2008, p.2).

I opted to code my research manually, rather than relying on expensive coding software. Prior to transcription, I reviewed my written field notes from the interviews for themes, patterns, and reoccurring ideas that had emerged from the twenty-four interviews conducted. The process of transcription allowed me to 're-live' the interviews and become more familiar with the data. I searched for trends, themes, and outliers in the transcribed interview data, manually annotating the code on the typed transcript. This form of coding is known as latent analysis, in which the researcher focuses his/her attention to the themes and narratives that emerge from the interviews, rather than distilling the data into singular codes (Silverman & Patterson, 2015). Under each of the five main research questions (RQs), I placed the specific dominant themes that pertained to, or answered, the RQs as subcategories and then placed the corresponding codes.

I.e. Research Question 1
      1. Subcategory
            Code/theme
            Code/theme

I was initially concerned that because I was interviewing such a diverse group of participants across jurisdictions, and considering that the area of Indigenous ICH is under-studied in theory and practice, the likelihood of similar themes would not emerge, resulting in a random collection of conflicting data. However, despite the jurisdictional differences and professional diversity in the heritage field, several strong themes and a wealth of data emerged.

3.6.3 Memo Writing

I maintained organized and systematic notes throughout the research process while I attended the above-mentioned conferences and ICH workshop. I recorded information and impressions from various presentations, and noted pertinent questions and comments that attendees raised. I paraphrased the information obtained and did not include direct quotes. The notes are useful supplementary material and expand the data that will be used to inform the findings and final recommendations. I believe the three conferences, meetings, and workshop experiences provided a wealth of knowledge, as the events brought together leading academics and heritage professionals in Canada and the United States. The impressions that I formed from these events allowed me to encounter cutting edge research and be privy to debates in the heritage field.

3.7 Limitations of Study

As with any study, I acknowledge that my study has strengths and limitations. To begin, there can be notable challenges and limitations when conducting critical Indigenous research as a settler researcher. The question: "Can and should non-Indigenous people speak about Indigenous issues?" (McConaghy, 1997, p. 83) best exemplifies this. The voices and opinions in critical Indigenous research are diverse and divided. Some critical Indigenous scholars believe that non-Indigenous scholars continue to impose colonizing hegemony through their research, despite their best intentions (Cannon & Sunseri, 2011; Louis, 2007; McConaghy, 1997;); yet others believe non-Indigenous researchers do play an integral role in the decolonizing process (Jones & Jenkins, 2008). Through many discussions with my advisor and several Indigenous community members on this topic, my opinion currently falls within this latter category. I believe that decolonization requires education, critical reflection, commitment, and resolve for change from all facets of Canadian society.

Access to Indigenous knowledge and epistemologies is also limited in this study because I am non-Indigenous and identify as a second generation Canadian of European descent. There are some areas, such as fully understanding the experiential nature of traditional ecological knowledge and oral traditions that I can only partially gain access to from my predominantly western point of view and research design. This can be a shortfall, however, I believe that the strong community-based element of this research will mitigate shortfalls.

My study's participant representation also poses as a limitation. Although I sought broad participant representation, the study lacked representation from Quebec, Saskatchewan, New Brunswick, Prince Edward Island, Nova Scotia– which occurred in part due to the project's time and budgetary constraints. In an attempt to mitigate the problem of representation, I ensured that Canada's major regions were represented: the Maritimes, the Prairies, Central Canada, the Northern Territories, and the West Coast. Furthermore, participant observation allowed me to expand the study's representation to include Quebec, New Brunswick, and the Prairies when I attended the Canadian Network for Intangible Cultural Heritage (CNICH) Workshop. Additionally, participants identified overwhelmingly as Euro-Canadian, with only six of twenty-four participants identifying as Indigenous. Indigenous participants represented Ontario, Quebec, Alberta, and the Northwest Territories.

I attempted to structure the interviews in an unbiased way that would not influence the information that respondents provided (Gubrium & Holstein, 2003). In this way, I followed my interview guide as closely as possible during the interview and allowed the participant to speak freely, guiding the participant with prompts only when necessary. Inconsistencies between questioning could also potentially occur (Patton, 2002) if I had gone off-script, however, I maintained consistency by preparing the questions and prompts ahead of time.

A final limiting factor is the trust that the researcher has placed on interview data. Although I took caution to ensure that participant data was fact checked and true, there is a lingering possibility of a "… gap between beliefs and action and between what people say and what they do" (Gilbert & Mulkay, 1983; Stimson and Webb 1975; as cited in Silverman, 1997, p.15). I believe that supplementing interview data with a document analysis of provincial and federal heritage legislation, and recorded observations from the meetings and conferences I attended with a wider range of heritage professionals from across Canada and the United States, would allow for the study's research questions to be addressed more completely.

Chapter 4: Research Findings and Analysis

"Heritage is our lives, it is what we are. We are First Nations people who have been watered down and watered down until some of us don't look First Nations but we still are."

Frances Woolsey, Elder, Taan Kwäch'än Council
'Yukon First Nations Heritage Values and Resource Management:
Perspectives from Four Yukon First Nations', 2015 (p. iii)

The purpose of this chapter is to discuss the research findings that emerged from my data collection and position them within the academic literature of Indigenous cultural heritage planning and ICH. A discussion of the results is incorporated in this chapter. It is useful at this stage to return to the original guiding purpose statement and research questions. The purpose of this exploratory qualitative study (Robson, 1993) is to understand and analyze Indigenous ICH in relation to contemporary contexts of Canadian heritage management and planning. More specifically, the study draws on decolonial perspectives in heritage planning and critical indigenous methodologies to identify and recommend strategies that may enhance understanding of Indigenous intangible cultural heritage (ICH) and its incorporation into practical areas of cultural heritage planning and management.

1. How do heritage legislation, guidelines, and planning policy currently recognize Indigenous heritage at municipal, provincial, federal levels in Canada?
2. How have current, and past, understanding and assumptions regarding Indigenous peoples and their culture influenced how Indigenous heritage is recognized in heritage guidelines and policy?
3. Is it possible for the definition of 'heritage' in cultural heritage recognition and management to be broadened to incorporate Indigenous 'intangible' cultural heritage?
   a. What kinds of changes are necessary to effectively recognize Indigenous cultural heritage and worldviews within the heritage sector?
4. What can be learned from cases where Indigenous communities are successfully including Indigenous heritage and TEK into their heritage planning frameworks?
5. What can be learned from current barriers and challenges to recognizing Indigenous cultural heritage in Canada?

This chapter presents the research findings and analysis that emerged from twenty-four semi-structured interviews conducted between January 2015 and April 2015 and a directed document analysis of current federal and provincial heritage acts and policies in Canada. I employed participant observation techniques while attending several heritage conferences and the Canadian Network for Intangible Cultural Heritage (CNICH) inaugural workshop (June 2015) (see *Chapter 3: Methods*).

Chapter 3 addresses the research rationale that I employed to identify, contact, and interview each of the twenty-four participants and structure my directed document analysis. Participants represented Indigenous and non-Indigenous planning and heritage professionals in the public and private sector across the country (see Table 3 for Participant Codes and Descriptors). The following table provides a concise breakdown of each interview participant without breaking anonymity.

4.1 How Do Heritage Conservation Legislation Guidelines And Planning Policy Currently Recognize Indigenous Heritage At Municipal, Provincial, Federal Levels?

This section presents the professional understanding that participants have on how Indigenous cultural heritage is recognized and managed within current heritage planning policy and legislation in Canada at the federal, provincial, municipal, and international levels. The findings from the directed document analysis of heritage legislation are also discussed.

4.1.1 Is Indigenous Cultural Heritage Effectively Recognized Within The Heritage Sector Across Canada?

The literature shows that heritage resource management in Canada has traditionally –and currently –been guided by a material-focused definition of heritage (Prosper, 2007; Pocius, 2010; Shipley, 2012). Heritage planning and cultural heritage management is preoccupied by material evidence, the conservation of these resources, and is overwhelmingly focused on buildings, streetscapes, artefacts, and human-altered landscapes. This is otherwise known as tangible heritage (Pocius, 2010).

Nineteen of the non-Indigenous participants interviewed agreed that although Indigenous cultural issues are "receiving more attention than it ever has" (P1Her/Aca), "…we are just at the very early days. And there is a lot of work to be done" (P9Her/Prov). When asked whether heritage management effectively recognizes Indigenous heritage and cultural values, participants voiced the following:

> *"Absolutely not, certainly not. How could it? …. You have a huge diversity of Indigenous peoples across Canada, and then you have the Metis. So there are different cultural views and practices. There is no way that we can have an all-encompassing government structure or non-government organization that can encompass the plurality of Indigenous worldviews in one policy. To not say that we shouldn't have the policies, but you know, it has to be flexible"* (P1Her/Aca).

> "My first reaction is no, of course not. I don't think we even understand their [Indigenous] culture or worldview. And it's not only that, but it's also the sensitive cultural themes on heritage" (P2Her/Aca).

In the above statements, both participants allude to a notable complex cultural schism at the outset of recognizing and managing Indigenous cultural heritage in Canada. Heritage management is values-based and the conservation of these resources has been predicated on identified 'values' that we must protect (Oliver, 2008). These sentiments were echoed by most

participants, who noted the ineffectiveness of current government policy and persistent negative colonial sentiments that relate to how Indigenous heritage values are identified and protected. Research conducted by Prosper (2007) has found that understandings of heritage, as values-based, largely continues to reflect the colonial past, given that heritage recognition in Canada does not "…adequately accommodate the social heterogeneity and plurality of cultural landscapes" (p.118) or multiple historic narratives.

Several participants stated that where heritage policies or programming do take steps to recognize Indigenous cultural heritage, in their experience, it is done on an ineffective and often tokenistic level. Jurisdictions have the tendency to "pass the buck should things need to be addressed" (P10Her/TK), particularly on Indigenous issues. For example, British Columbia's *Heritage Conservation Act* does make mention of managing Indigenous cultural heritage (see Table 6 on pp. 56-59). But although Indigenous cultural heritage sites and archaeological remains are protected by the *Act*, high-profile examples of destruction of Indigenous culturally significant sites (such as the recent destruction of indigenous burial mounds found on Grace Island, British Columbia) by urban and resource development are recent examples of how provincial legislation "is relatively ineffective and definitely not a priority of the British Columbia government" (P1Her/Aca). P1Her/Aca believes it to be a lack of political will to protect Indigenous cultural heritage on the part of the government trend across the country.

Still, not all participants agreed. P23Her/Prov, P24Her/Prov, and P3Her/Mun argued that the broad nature of heritage policy and legislation is effective due to its inclusive scope, making it available for Indigenous communities to use effectively. P3Her/Mun alluded to the non-discriminatory nature of heritage policy in Canada: "We don't single out groups or treat them differently." The common rationale is that, by not singling out one specific cultural group, every cultural group has equal footing under heritage legislation and can access legislative and planning tools to recognize and protect their heritage effectively without discrimination; presumably Indigenous cultural heritage is considered in this vein. P23 Her/Prov echoed this sentiment:

> "Aboriginal heritage sites can already be captured by the [Ontario] *Heritage Act.* Because… it's a very broad tool that a municipality can use in any way they want to protect anything they want. And also a First Nation band council can use the *Heritage Act* as a protective provision as well. The *Heritage Act* does not distinguish between whose heritage, it's the people of Ontario" (P24 Her/Prov).

Further, P24Her/Prov does not see current heritage legislation as an impediment to recognizing Indigenous heritage. As part of this thesis, I reviewed provincial and territorial heritage acts to determine whether such heritage acts mention Indigenous heritage. Only a small number of Acts were found to explicitly identify Indigenous cultural heritage matters within the legislation (see Table 6, pp.56-59). McLeod (2014) recently reviewed to what extent Indigenous interests were considered in Ontario's planning legislation and policy. Although he did not find outright exclusionary wording in planning legislation, he noted that by not labelling Indigenous interests separate from settler interests, planning legislation "failed to recognize and identify the distinct spaces and relationships that diverse First Nations occupy within the Canadian landscape…" (McLeod, 2014, p.33). This supports research conducted by Porter (2006), who identifies that

western planning "…fails to appreciate… [Indigenous peoples'] …unique status as original land owners of country that was wrestled from them by the modern colonial state" (Porter, 2006, p. 389). The same can be argued in the heritage planning realm.

P3Her/Mun, P23Her/Prov, and P24Her/Prov were the only participants who argued current heritage legislation is sufficient to recognize Indigenous heritage. The remaining twenty-one non-Indigenous and Indigenous participants argued the opposite, that the existing legislation and policy do not effectively recognize the distinct cultural heritage of Indigenous groups, nor is it conducive to recognizing the intricacies of Indigenous cultural heritage. This notable difference of opinion can be understood in several ways. As argued by Hardy (1988), heritage management tends to uphold the conservative, dominant power structures and worldviews, which then becomes the 'authorized heritage discourse' (Laurajane Smith, 2006). The study of Indigenous cultural heritage and ICH remains on the fringe of academia and practice today. Simply put, only some provinces and territories have officially embraced ICH legislation and policy (Turgeron and Tran, 2016). The perpetuated division of culture and natural heritage management in government, and arguably the authorized heritage discourse, remains unchallenged and accepted by governments and academic institutions. Heritage planning professionals are still overwhelmingly taught within a Euro-western paradigm and rely on theories rooted in Euro-scientific worldviews. Arguably, Indigenous material heritage is managed the same as western heritage through legislation and policies pertaining to the management of archaeological remains and the designation of sites with outstanding heritage value for example.

4.1.2 Material Focus of Heritage in Canada

The Canadian heritage management and planning field has adopted a material approach to cultural heritage; "…what we have in Canada in terms of our systems and infrastructure that deal with heritage are really based on western ideals of what heritage is" (P9Her/Prov). As noted in section 4.1.1, and supported by James (2015), Prosper (2007), and Rolf & Windle (2003), participants overwhelmingly agreed with this admission of 'material focus' as being "a fair general statement across the board in Canada" (P3Her/Mun). Participants recognize that their career and educational experiences within this western heritage system "have definitely been [focused] on the built environment" (P3Her/Mun). Tangible objects, such as buildings, artefacts, and streetscapes are protected with "… government policies … around heritage that is tangible" (P9Her/Mun). As a result, non-material culture has been underrepresented within this system, "so that has been an issue with Indigenous communities because [our current system]… is an almost false creation of what heritage is" (P9Her/Prov).

Indigenous participants agreed that Canada's heritage system focuses disproportionally on material heritage. The material focus of heritage management present in Canada today, departs from heritage priorities of Indigenous cultural institutions and communities, which recognizes that Indigenous peoples rely strongly on oral traditions and non-material connection to heritage and the landscape. As to why, participants offered some explanation. IP22Her/TK noted the problematic weight that western institutions place on establishing 'proof' of historical evidence. Non-material cultures, such as those of Indigenous peoples, do not have the material imprint on the landscape as most western cultures do (James, 2015). To western institutions, "proof…is

something you can touch and feel…"(IP22Her/TK), such as artefacts or documentation. IP22Her/TK states that for most Indigenous communities, it is difficult to obtain "pre-contact things, [because] most of our history is organic so things have not lasted that long." This invariably poses challenges for Indigenous communities to convey their history within this material norm and legislative framework: "…Telling our pre-contact story is difficult as far as artefacts go. Because when people are talking about a museum collection, they are thinking in terms of settler collection. They want to see items. It's a different perspective" (IP22Her/TK).

As a result, many Indigenous communities have adopted a western artefact-centered approach in their cultural centers to fit within this material approach and official narratives. This is what Otero-Pailos (2016) sees to be the result of "…the longstanding identity of preservation with the governmental protection of cultural objects, and the largely unquestioned narrative that preservation bureaucracies always act for the common good" (n.p). As such, Indigenous heritage thus needs to fit within the dominant official narratives in order to be recognized, preserved, and funded. IP22Her/TK distinguishes between the artefacts and resulting narratives. Much of what is displayed in Canadian museums is post-contact or displays settler influence. As a result, Indigenous historic narratives risk being re-'colonized': "Just because an Aboriginal person owns something, like a piece of equipment, it doesn't make it Aboriginal…. It doesn't give the story of our people. Or at least it isn't the story that I want to tell" (IP22 Her/TK).

Separating the settler influence from the Indigenous historic narrative means that Indigenous heritage professionals, even non-Indigenous practitioners, must 'dig deeper' and depart from the material reliance on historical evidence to display Indigenous narratives:

> "I've been to the (Smithsonian) Native American Museum in Washington, DC…. They tell the nastiness of what happened. And they explain how important it is to see that. So that's not done here [in Canada]. Here, its still the Hollywood version of what people want to see…"(IP22Her/TK).

4.1.3 Whose Jurisdiction is it Anyways?

As stated in Chapter 2, s.2.4.1 governance over heritage in Canada falls primarily to provincial and territorial jurisdiction, with some federal and municipal influence. Although heritage legislation and policies differ by province, there are shared traits due to federal influence from national heritage organizations, such as Parks Canada and National Trust for Canada (formerly Heritage Canada), and follow guiding policies like the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Despite some legislative similarities, participants stressed "…it's apples and oranges across the country…" (P6Her/Prov).

The following sub-sections will broadly discuss the jurisdictional environment of heritage management in Canada and the ways that differences and similarities may affect how Indigenous heritage is recognized across the country.

4.1.3.1 Canada A "Balkanized" Nation

The regional "Balkaniza[tion]" (P11Her/Priv), developed in part by how Canada evolved as a federation, contributes to the difficulty in understanding the "national pulse" on heritage policy in Canada (P11Her/Priv). All participants recognized provincial differences have been a limiting

factor to understanding heritage trends and forming partnerships between provinces. As P6Her/Prov notes, "what you do here is different in Quebec, than from British Columbia, and totally different across the Territories. So it is really hard to compare notes, it's hard to say there are trends happening as a practitioner in Ontario."

Overwhelmingly, participants agreed that heritage priorities differ nationally, provincially, and even between municipalities. As P1Her/Aca stated wryly, "whatever is happening nationally isn't a priority here on the West coast. In Ontario, there is often the tendency to think 'what is happening there is happening on the national level.' Definitely not here." This *ad hoc* nature of heritage legislation in Canada is seen as a contributing factor in influencing how Indigenous heritage is recognized, differing regionally and per jurisdiction. These jurisdictional differences stem from the establishment of the *Constitution Act*, which sets out a "rigid separation" (Dorries, 2012, p.72) of government responsibilities. P1Her/Aca believes that how Indigenous cultural heritage is recognized "… depends on the level [you're] talking about. Whether you're talking local, provincial, national, or even regional…Again it's piecemeal and *ad hoc*." P1Her/Aca, speaking in the context of British Columbia, says these jurisdictional issues create an:

> "…Awkward situation… where local government can't do anything about it because relations with Aboriginal communities are delegated to provincial and federal powers. The government says we can't do anything about this because this is on private land and the treaty process only deals with public crown land."

The legislative and jurisdictional complexities present some challenges to recognizing Indigenous heritage, since most Indigenous legislation and policy fall under the realm of the federal government.

4.1.3.2 Provincial and Territorial Jurisdiction of Heritage

Provincial and territorial governments are integral to the development and administration of heritage management policy in Canada. The *Constitution Act, 1867* set out the divisions of responsibilities between the federal and provincial level of government, and established municipalities (Sanction, 2011). Each province and territory has developed legislative and policy frameworks to address issues of cultural heritage and Indigenous relations amongst other responsibilities. For example, Ontario's *Heritage Act* is the responsibility of the Ministry of Tourism, Culture and Sport, while in Saskatchewan, the Ministry of Parks, Culture, and Sport oversees *The Heritage Property Act*. Most provinces have arms-length Crown agencies responsible for heritage programming as well.

Invariably, heritage legislation is the first step of many to inform policy and programming. I conducted a document analysis of provincial and territorial heritage acts and supporting policy to assess to what extent, if any, are Indigenous heritage interests considered. The reader will note that the document review is not restricted to the thirteen heritage acts, but includes some complimentary legislation pertaining to land use planning, parks, archaeology, or museums. This reflects the close ties that heritage planning and management has to the planning field in Canada. Following McLeod (2014), I assigned a label of 'minimal', 'moderate', or 'significant' to each piece of legislation, based on the content:

- *Minimal:* The document meets 0-1 of the listed criteria. If mention of Indigenous heritage is made, it is focused on material or archaeological heritage.
- *Moderate:* The document meets 2-3 of the listed criteria. Indigenous heritage and interests are mentioned but ICH is not considered.
- *Significant:* The document meets 3-5 of the listed criteria. Indigenous heritage and interests are mentioned and Intangible or landscape level heritage are considered.

Table 5: Provincial Heritage Legislation and Policy Overview

Province	Heritage Legislation	Mention of Indigenous Interests?	Specific Designation or provisions for Indigenous Heritage?	Archaeological Focus of Indigenous Heritage?	Mention of ICH?	Mention of Cultural Landscapes?	Finding
British Columbia	*Heritage Conservation Act*	Yes. Mentions treaty rights & agreements.	Yes.	No.	No. Material focus.	No.	**Moderate**
	Local Government Act	Yes.	No.	No.	No. Material Focus.	No.	**Minimal**
Alberta	*Historical Resources Act*	No.	No.	Yes. Archaeological sites, resources, "prehistoric."	No. Material Focus.	No.	**Minimal**
Saskatchewan	*The Heritage Property Act*	Yes. Recognize *Indian Act.*	No.	Yes. "Prehistoric or early historic human activity." Archaeological findings brought to nearest Indian Band.	No. Material Focus.	No.	**Moderate**
	Parks Act	Yes.	Yes. Reserve boundaries considered for parks boundaries.	Yes. "Prehistoric."	No.	No.	**Moderate**
Manitoba	*The Heritage Resources Act*	No.	No.	Yes. "Heritage objects and human remains." Archaeological, paleontological, pre-historic, historic, cultural, natural, scientific, or aesthetic features.	No. Material focus.	No.	**Minimal**
	The Heritage Manitoba Act	No.	No.	No.	No. Material focus.	No.	**Minimal**
	Ontario Heritage Act	No.	No.	Yes. Archaeological sites, ruins, burial grounds,	No. Material focus.	No.	**Minimal**

Province	Heritage Legislation	Mention of Indigenous Interests?	Specific Designation or provisions for Indigenous Heritage?	Archaeological Focus of Indigenous Heritage?	Mention of ICH?	Mention of Cultural Landscapes?	Finding
Ontario				petroglyphs, earthworks.			
	Provincial Policy Statement (2014)	Yes.	Yes. (s. 2.6.5) "Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources."	Yes. Includes archaeological sites as defined by *Heritage Act.*	No.	Yes. Includes cultural landscapes and 'associated values.'	**Significant**
	Planning Act	Yes. First Nation as described by *Indian Act*	No.	No.	No.	No.	**Minimal**
Quebec	*Cultural Heritage Act (Loi sur les biens culturels)*	Yes.	Minister consultation and agreement; "local municipalities" include Aboriginal communities	Yes. Includes: ICH / Heritage Cultural Landscape focus	Yes. "Cultural heritage" includes ICH designation to: site, historic figure, or event, Cultural landscape	Yes.	**Significant**
	Loi sur les archives	No.	No.	N/A	N/A	N/A	**Minimal**
New Brunswick	*Heritage Conservation Act*	Yes. Recognizes Treaty/ Aboriginal rights.	Any objects of Aboriginal origin sites 'held in trust' on behalf of First Nations people and their communities; Minister agreements and consultation.	Yes. Recognizes places and objects of cultural heritage significance to First Nations. Archaeology.	No. Material Focus.	Yes. Cultural landscapes included.	**Significant**
	Heritage Property Act	No.	No.	No.	Yes. Material Focus; but heritage value includes	Yes.	**Minimal**

Province	Heritage Legislation	Mention of Indigenous Interests?	Specific Designation or provisions for Indigenous Heritage?	Archaeological Focus of Indigenous Heritage?	Mention of ICH?	Mention of Cultural Landscapes?	Finding
Nova Scotia					'cultural social, or spiritual importance.'		
	Special Places Protection Act	Yes.	Yes. Aboriginal interests can be represented on Advisory Committee on Protection of Special Places.	Yes. Palaeontology and archaeology.	No. Material focus.	No.	**Minimal**
Prince Edward Island	*Heritage Places Protection Act*	No.	No.	Yes. Palaeontology and archaeology; "prehistoric."	No. Material focus.	Yes. Heritage trails or corridors can be designated.	**Moderate**
	Archaeological Sites Protection Act	Yes.	Yes. Show deference to Aboriginal community practices for human remains and artefacts.	Yes. Archaeology and human/material remains.	No.	No.	**Moderate**
	Museum Act	No.	No	No.	No	No.	**Minimal**
	Archives and Records Act	No.	No	No.	No	No.	**Minimal**
Newfoundland Labrador	*Historic Resources Act*	Yes.	Yes. Labrador Inuit Rights (*Labrador Inuit Land Claims Agreement Act* has precedence over Act).	Yes. Palaeontology and archaeology.	Yes. "Registered provincial cultural Resource" (site, event, person, or cultural tradition).	No.	**Significant** *Note: NL Heritage Foundation has ICH mandate.

Province	Heritage Legislation	Mention of Indigenous Interests?	Specific Designation or provisions for Indigenous Heritage?	Archaeological Focus of Indigenous Heritage?	Mention of ICH?	Mention of Cultural Landscapes?	Finding
North west Territo ries (*Same as NU)	*Historical Resources Act*	No.	Yes. Limited Act, see Land Claims Agreement.	N/A	No.	No.	**Minimal**
Yukon Territo ry	*Historic Resources Act*	Yes.	Representation on Yukon Heritage Resources Board – Aboriginal representation; guide minister; First Nation governments.	N/A	Yes. Indigenous priority of heritage act.	No.	**Moderate**
	Umbrella Final Agreement – Ch. 13 (Land Claims Agreement)	Yes.	Representation on Yukon Heritage Resources Board with Aboriginal representation; promotes representation of indigenous sites.	Archaeological remains discussed.	Yes. Indigenous priority of heritage; Intangible heritage and skills important.	No.	**Significant**
N u na vu	*Historical Resources Act*	No.	Limited Act, policy and Land Claims Agreement more thorough.	N/A	No.	No.	**Minimal**
	Nunavut Archaeological and Paleontological Sites Regulations	Yes.	Inuit Owned Lands; to consider cultural benefits of excavating sites.	Yes.	No.	No.	**Minimal**
	Nunavut Land Claims Agreement	Yes.	Yes. Article 7l Article 33: Archaeology; Article 34: Ethonographic objects Archival Materials.	Yes. Note special rights and connection to lands and objects.	Yes. Recognizes Inuit Ecological Knowledge, land use, practices, etc.	No.	**Significant**

In total, twenty-six documents were reviewed. Fifteen made reference to Indigenous interests. This includes at the very least defining "indigenous" or "native" in the preamble, stating Indigenous groups as interest groups to be consulted, or referencing various treaty agreements or the *Indian Act* to be considered in heritage matters. Out of the thirteen heritage acts, six referenced Indigenous interests to be considered if heritage resources, such as archaeological remains, were found. These provinces include: British Columbia, Saskatchewan, Quebec, New Brunswick, Yukon Territory, and Newfoundland and Labrador. The provinces whose heritage legislation in the analysis did not make mention of Indigenous interests and are material focused were: Manitoba, Saskatchewan, Alberta, and Ontario.

Reference to Intangible Cultural Heritage (ICH) was limited in the documents analysed. Quebec and Newfoundland and Labrador are the only Canadian provinces that have "policies and a legal framework to protect the ICH" (*Canadian Declaration for the Safeguarding of ICH,* 2016, n.p). Quebec's *Loi sur les biens cultural (Cultural Heritage Act)* was the sole heritage legislation to explicitly include ICH in the definition of cultural heritage in Canada. Newfoundland and Labrador's *Historic Resources Act* did not define ICH, however it did state that a registered provincial cultural resource can include a site, event, person, or cultural tradition—additionally, Newfoundland and Labrador Historic Trust recently mandated in the form of policy that ICH be recognized (2013). The supporting documents analysed from Nunavut, Yukon, and the Northwest Territories recognized the cultural significance of intangible or Indigenous traditional ecological knowledge and skills.

Of note are the Comprehensive Land Claims Agreements negotiated with Indigenous governments present in the Territories and Newfoundland and Labrador. Although some Territorial heritage acts did not explicitly include reference to Indigenous heritage, Traditional Ecological Knowledge, traditional practices and land use, the Comprehensive Land Claims Agreements that have been adopted have considerable influence and even take precedence over the respective Territorial heritage acts with deference to Indigenous heritage considerations. The Comprehensive Land Claims in Nunavut, Yukon, and Northwest Territories have specific sections on Indigenous heritage resources and interests. Although not analysed in this thesis, there are a growing number of Indigenous led heritage acts that are being ratified, such as the Tr'ondëk Hwëch'in *Heritage Act* (2016) (see Chapter 2, s.2.4.1.1).

Additionally, I noted how the documents defined cultural heritage and whether the definition was narrow (material focused) or whether it was broadened to include associated values and a large landscape approach not limited to a specific property or site. In these areas, provincial legislation fared better. Of the thirteen heritage resources acts, four provinces—Quebec, New Brunswick, Nova Scotia, and Newfoundland and Labrador—recognized cultural landscapes and associated values. Other provinces that included cultural landscapes within supporting legislation are: Ontario and Prince Edward Island. Several provinces have legislation pertaining to archaeology, separate from their heritage acts, while other provinces include archaeology in heritage acts. Reference to Indigenous heritage in these acts is overwhelmingly centered on archaeological or paleontological remains and evidence—displaying strong material priorities of Indigenous heritage. In sum, only five documents—Nunavut Land Claim Agreement; Umbrella Final

Agreement (Yukon Territory); *Historic Resources Act* (Newfoundland and Labrador); *Heritage Conservation Act* (New Brunswick); *Cultural Heritage* Act-*Loi sur les Biens Culturels* (Quebec); and the Provincial Planning Statement (Ontario) were found to have significant consideration for Indigenous cultural heritage or interests.

4.1.3.3 Indigenous Issues 'On The Radar' Of Provincial Government
I asked participants for their professional opinion on how they consider their respective province or territory takes into consideration Indigenous cultural heritage. The general impressions I formed are that all issues surrounding not only Indigenous heritage, but also indigenous socio-economic and political concerns, have increasingly become a priority for political parties in recent years. P4Her/Priv notes in the context of Ontario:

> "I think the province definitely is going in that direction, they are not completely there yet. I think they're recognizing the importance of it. A lot of ministries that deal with First Nations have an Aboriginal secretariat or Aboriginal branch…. And it seems like a priority of this [Ontario] government…. But I don't think they know 100% what they want to do."

This assumption is supported by the rise of 'Idle No More' Indigenous social justice movement (2013), the publication and findings of the Truth and Reconciliation Commission (TRC) (2015), the TRC's ninety-four Calls to Action (2015), Canada's endorsement of the United Nation's Declaration on the Rights of Indigenous Peoples (2016), the National Inquiry into Missing and Murdered Indigenous Women (2016), as well as recent ministerial mandate letters (2015), have all served to bring Indigenous issues to the forefront of national concern and government priority. This will potentially have subsequent effects, through legislation and policy, for how Indigenous cultural heritage is recognized and protected across Canada.

P24Her/Prov notes the trickle down effect that the significant political and policy shift in government priorities is having pertaining to Indigenous interests across Canada. In the context of Ontario, the Ipperwash Inquiry (2007) was a significant watershed moment for how the province of Ontario interacts with Indigenous communities. McLeod et al. (2015), note that the Ipperwash Inquiry's recommendations marks a pivotal moment for Ontario to "…set a precedent nationally and internationally by reworking certain guiding provincial policies to reflect meaningful and valued partnerships with First Nations" (pp. 47-48). Although outside of the scope of this thesis, it is important to note that the recent 2015 findings and ninety-four recommendations of the Truth and Reconciliation Commission have begun to impact government mandates across jurisdictions. A departure from the siloed approach of government, towards a more holistic approach, is emerging in recognition that Indigenous issues are no longer, simply, a federal responsibility.

While heritage planning policy is where the metaphorical 'rubber meets the road,' participant views differed across jurisdictions as to how effective heritage policy actually is, when it comes to Indigenous interests. P11Her/Priv noted, "…Policy is ahead of practice in most cases [with regards to planning]…. In Ontario, what we have to work with is quite sophisticated." Six participants stated that the 2014 changes of Ontario's Provincial Policy Statement (PPS) are significant to not only "the recognition of aboriginal interests in land use planning" (P24Her/Prov), but also for advancing "perspectives on cultural heritage…" (P6Her/Prov) and for

promoting a "…broadening of heritage" (P14Plan/Fed). With successive iterations, the language of the PPS has been getting "…stronger and broader in scope" (P14Plan/Fed), which, to many participants, adds to its usefulness as a broad provincial policy document. Despite this, participants see that structural problems, and a lack of political will, may result in ineffective policy implementation. P11Her/Priv frustratingly points out that progressive heritage policy can only go so far when the Ontario Municipal Board continues to be "quite the Achilles Heel..." (P11Her/Priv) to the heritage field. The heritage planning system is "more about the regulatory land use, …so within the land use planning process, within the legal protective mechanisms… to protect and encourage the conservation of our cultural heritage. What was often called our built environment; those sites" (P6Her/Prov).

The legal implications of heritage recognition can also serve as a limit to effective Indigenous policy in heritage. At the federal level, heritage policy appears to be influenced by the potential legal implications of recognizing Indigenous cultural claims to land, and "in terms of policy, there has not been much done" (P16Her/Plan/Fed). P16Her/Plan/Fed believes that "there has always been a reticence in terms of how to articulate things in policy at times because of the fear of land claims and what that means." Similar implications stand for the provincial and municipal levels.

A disconnect between provincial ministries was also cited to be a limitation to effective Indigenous heritage policy, particularly when responsibility for cultural heritage is diffused across government. P24Her/Prov considered the diffusion of responsibilities within Ontario's provincial governments, which arguably has led to a lack of focused policy on Indigenous cultural heritage:

> "One of the things that we struggle with in the Ministry [of Cultural, Tourism, and Sport (MCTS)] is that heritage legislation is not the only legislation that deals with cultural heritage. Cultural heritage is captured in a broad range of legislation, ministry responsibilities, and policies and programs. It's very diffused… For example, the Ministry of Natural Resources and Forestry has policies and programs in place to incorporate Traditional Ecological Knowledge into their decision-making process. The Provincial Policy Statement under the *Planning Act*…[2014] has statements in it for the recognition of Aboriginal interests in land use planning. Things like Aboriginal languages they are supported by the Ministry of Education's Aboriginal Language Program. So there's no kind of one Ministry responsible for everything that has to do with culture and heritage. Although the MCTS administers the *Heritage Act*, and that is one piece of legislation in a multitude of instruments that deal with the conservation of heritage."

Several participants also raised the disconnection between provincial ministries as an issue. P4Her/Pri, an archaeologist, noted with frustration his experiences consulting with Indigenous communities in northern Ontario and dealing with confused ministry staff. Evidently, staff in one ministry had no idea what other ministerial staff was doing or what protocols were across the province. There appears to be confusion, across the board, as to what ministerial responsibilities are for Indigenous issues.

4.1.3.4 Indigenous Jurisdiction of Heritage
It would be an entirely separate thesis to analyse the policies and laws that Indigenous communities and governments have developed. Whether a treaty regime or settled land claim is

existent can affect how, and to what extent, the government interacts with the Indigenous community in question, particularly with regards to managing cultural heritage. P13TK/Her/Fed, on speaking of this complexity, notes: "It depends on the part of the country, whether there were firm treaty regulations in place." Again, it is difficult to develop all-encompassing statements in order to understand the intricacies of practice and policy across the country. The Territories, for example, have a strong Indigenous self-government regime, where many Indigenous communities have assumed cultural heritage control of artefacts and sites, programming, and planning. The Yukon Territory's 1986 *Umbrella Final Agreement* between fourteen First Nations communities is an example of this and management of Indigenous heritage is clearly defined and discussed. Elsewhere, for example British Columbia, modern treaty negotiations are ongoing in many communities and continue to influence the extent of control that Indigenous communities have over their traditional territories and cultural heritage.

It is important to note that many Indigenous governments or band councils have implemented separate cultural heritage policy and employ heritage practitioners. The treaty and political structures of Indigenous communities differ significantly across provinces and territories. Ontario serves as an example where European presence and treaties have been the reality for several hundred years, with Indigenous population comprising a smaller percentage of the population and where provincial heritage control dominates. The Yukon Territory provides us with a sophisticated example of how indigenous considerations and First Nation self-governments are at the forefront of legislation development, including in the heritage field (Carcross-Tagish First Nation, et al., 2015). Chapter 13 of the *Umbrella Final Agreement* outlines heritage policy for Indigenous communities, but also strongly influences the priorities of heritage planning in the province. The Yukon's *Historic Resources Act* recognizes Indigenous interest in territorial heritage "and there is a sense of traditional knowledge and intangible values recognized" (P12Her/Prov). In the Yukon, "[communities] recognize the importance of Traditional Knowledge, stories, songs, traditions, as well as sites and places…the physical resources. The system is set up to allow for a balance for this and a balance of voices" (P12Her/Prov). P12Her/Prov notes that within this system, Indigenous communities work closely with ministerial staff to ensure equal recognition. Further, we are witnessing a development of strong heritage policy that recognizes Indigenous knowledge. The Tr'ondëk Hwëch'in *Heritage Act* (2016) is one example of a self-governing First Nations government ratifying its own heritage act. The Government of the Northwest Territories' Traditional Knowledge Policy is another strong example of mainstream government developing policy that recognizes indigenous traditional knowledge as a valid and essential source of information about the "natural environment and its resources, the use of natural resources, and the relationship of people to the land and to each other" and that commits to incorporating "traditional knowledge into government decisions and actions where appropriate" (GNWT, 53.03 'Traditional Knowledge', p. 1).

4.1.3.5 Municipal Jurisdiction of Heritage

In Canada, municipalities are creatures of the provincial government and controlled by respective municipal and planning legislation. Heritage management has increasingly fallen under the responsibility of municipalities in recent years as provinces transfer responsibilities due to budgetary constraints and lack of political interest. Since Indigenous responsibilities fall within

the realm of the federal government, municipalities have been historically absent from the table. P12Her/Prov notes this challenge, "[Municipalities are] creatures of the provinces, so what they can and can't do tends to rely on that."

Municipalities have the power to pass bylaws that pertain to the heritage management of heritage buildings, districts, and even cultural landscapes. Many municipalities have heritage branches in their planning departments, and citizens' heritage advisory boards and heritage registries are encouraged. However, the dominant trend appears to be that planners and heritage practitioners do not consider Indigenous heritage as being within their scope; responsibility resides, instead, at the provincial or federal level. P1Her/Aca cites Victoria, British Columbia as an example: "I think in Victoria, it [Indigenous heritage] is usually dealt with through city planning, not really heritage planners, but through the relationships that have been developed between the Aboriginal communities there" (P1Her/Aca). The relationships between many municipalities and Indigenous communities are frequently limited to the broader treaty or lands claims process. As a result, many municipal governments have been reluctant to recognize Indigenous heritage within municipal heritage planning for fear of potential implications. From P1Her/Aca's experience on a municipal heritage board, "there is not a tendency to necessarily see Indigenous heritage … because when we say 'heritage' we usually see it through a settler lens, we see it commensurate with settler heritage…." Municipalities, in this light, have overwhelmingly concerned themselves with the specific built heritage of the settler municipality, while Indigenous claim or connection to the land, is often secondary. This has created an environment in which "in a municipal setting, planning happens separately [to Indigenous relations]. They are not incorporated into each other" (P15Plan/Priv).

Issues of legality and recognition of Indigenous claim are known to affect a municipality's relationship with an adjoining or nearby Indigenous community. However, this reality appears to be increasingly shifting. P16Her/Plan/Fed notes in the context of the city of Ottawa, "…more and more people are saying: 'yes, we can have a relationship and the land claim process can [still] go on behind the scenes.' But that doesn't mean we can't do anything together and work on things together in a meaningful way. So I think the city and the province are seeing things differently now."

4.1.3.6 Federal Jurisdiction of Heritage
Participants across the board cited a notable "…retreat from formal processes…" (P7Her/Fed) and responsibilities for heritage matters by the federal government in the last twenty years. As mentioned previously, according to many of the participants, the federal heritage priorities of the Harper Conservative government had been to "appropriate the recognition of history for a political means" (P7Her/Fed) and to fund heritage programs and monuments with political benefit.

As with the provincial acts, I analysed federal heritage legislation and supporting documents to obtain a sense of whether Indigenous interests or Intangible Cultural Heritage perspectives have been included.

Table 6: Federal Heritage Legislation

Legislation	Indigenous Mentioned?	Intangible Cultural Heritage?	Material Focus of Heritage?	Cultural Landscape Focus?	Finding
Historic Sites and Monuments Act	No.	No.	Yes.	No.	**Minimal**
Canadian Environmental Assessment Act	Yes. Reference to Indian Act and Treaty Lands.	No.	No.	No.	**Minimal**
Heritage Railway Stations Protection Act	No.	No	Yes.	No	**Minimal**
Heritage Lighthouse Protection Act	No.	No	Yes.	No.	**Minimal**
Standards and Guidelines for the Conservation of Historic Places in Canada	Yes.	No.	Yes.	Yes. Recognizes cultural landscapes and associated values of landscapes.	**Moderate**

Of the five documents analysed, only two explicitly referred to Indigenous interests. The *Canadian Environmental Assessment Act* referenced considerations the *Indian Act*. The Standards and Guidelines for the Conservation of Historic Places in Canada –the hallmark heritage guidelines accepted across jurisdictions in Canada –also makes mention of Indigenous interests in heritage, centered on a cultural landscape approach. All of the documents analysed support a material centered approach to heritage, and there is no mention of ICH.

In light of budget cuts and jurisdictional complexity, and compounded by the fact that heritage management is provincial while First Nations affairs are a predominantly federal responsibility, several participants feel that "…a cycle of passing the buck with regards to land use issues, which are very often heritage issues…" (P1Her/Aca) has been created at all levels of government. Additionally, there has been a "rollback" in engagement at the community level for heritage management (P12Her/Prov)—so effort to engage local communities and interest groups has fallen, in general. This said, as of 2015, the current Trudeau Liberal Government has brought Indigenous issues to the forefront of its mandate. An increased focus on "promot[ing], preserv[ing] and enhance[ing] Indigenous languages and cultures…" (Trudeau, Mandate Letter, 2015, n.p) was outlined in Prime Minister Trudeau's Mandate Letter to the Minister of Canadian Heritage. He also called for Canadian Heritage to work with its counterparts in Indigenous and Northern Affairs Canada to do this work. This signifies a significant step towards collaboration between departments at the federal level to work towards enhanced Indigenous policy and programs.

4.1.3.7 Past Federal Heritage Initiatives

Several federal heritage initiatives in the 1980s and 1990s were mentioned as notable attempts to create stronger heritage programming at the national level, and to mitigate the balkanization of heritage programming across the country. In particular, Parks Canada's *Historic Places Initiative* was one such attempt to start a national heritage conversation. P7Her/Fed was directly involved with the initiative and noted that the conversations and engagement for the initiative differed, notably, from previous attempts for a national dialogue on heritage: "It was really an invitation

into the discussions, to form a plan, develop principles, and build relationships," something that prior to this, "there [were] very few examples of a collaboratively developed Canadian tool [for heritage]" (P7Her/Fed). The initiative was national in nature, but included strong community-level focus.

The 1980s and 1990s also saw a newfound focus at the national level to expand national heritage narratives to include the underrepresented historic narratives of individuals or groups, such as women and First Nations, and to include them further "in planning, in engagement, [and] in the processes" (P12Her/Prov). Through the *Historic Places Initiative*, "one of the things that became very apparent as that project unfolded was that Indigenous stories and history and places were not really represented in the official lists across Canada" (P9Her/Prov). As a result, there was an effort to "give priority to Aboriginal, women, and ethno-cultural histories" (P7Her/Fed). Unfortunately, these programs saw varying results, and ultimately, did not amount to more representation of Indigenous heritage.

The *Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines)* is another federal example stemming from the 1980s that sought "a codification of sound conservation practice in Canada and in the Canadian context" (P7Her/Fed). Whether heritage is provincially regulated or not, the *Standards and Guidelines* have been overwhelmingly adopted nation-wide to "set criteria across the board… [providing]… a common set of rules and language for [heritage practitioners] to understand…" (P14 Heritage/Federal).

Parks Canada, the federal agency responsible for heritage at the national level, has made significant strides in how it engages with Indigenous communities. Since the 1980s, Parks Canada has been party to discussions that recognized the need for "… a more diversified representation of …history and heritage…something more than old, dead, white guys" (P7Her/Fed). In practice, relationships between the federal agency and Indigenous communities shifted significantly, as well. P13TK/Her/Fed saw positive progression over the course of their career with how Parks Canada operates with Indigenous communities. Over thirty years ago, "this didn't happen, we went in and established the park and particular traditional practices were not permitted" (P13TK/Her/Fed); Indigenous communities were notably left out of, or were second thought, to the conversation with heritage agencies.

Today, Parks Canada follows the Duty to Consult and Accommodate process, as outlined by the *Haida* legal principles (*Haida v. British Columbia, 2004)* and considers Indigenous communities to be "'privileged partners', not just stakeholders" (P14Plan/Fed) in a process that is "now more inclusive and… has a strong role with Aboriginal communities…" (P14Plan/Fed). Where relationships previously were non-existent, "there is [now] a dialogue and sharing relationship happening between government officials and local communities…" (P13TK/Her/Fed). Co-management and co-ownership agreements, "where Aboriginal communities are not just represented, but are involved in the management themselves…" (P14 Pla/Fed), have become standard "particularly in the north…" (P14 Plan/Fed) for how some parks and cultural sites are managed.

Consideration for the traditional and local knowledge of a community –whether Indigenous or not – has also evolved over the past decades, when it was previously "ignored for many years…" (P13TK/Her/Fed). As found by James (2013), Western academics and policy makers are increasingly recognizing the vibrant, unique, and rich cultural history that Indigenous communities have. Policy is beginning to increasingly reflect this in order to adequately promote Indigenous worldviews and histories separate from the colonial heritage narrative. TEK is now given credence in developing richer interpretation and management of Parks Canada's sites. "It's not just built heritage or archaeology that's important. It's the Elders and stories" (P14Plan/Fed). P13TK/Her/Fed notes that although consideration for TEK is " improving… especially with the scientists, ecologists, foresters, they are still struggling to listen and struggling with how to take this Traditional Knowledge and fit it and use it within their own scientific paradigm. But it's coming" (P13TK/Her/Fed). Further, the Vancouver Declaration on Clean Growth and Climate Change that emerged from the March 3, 2016 First Ministers meeting included a statement by the Prime Minister and provincial and territorial premiers that recognized "the importance of traditional ecological knowledge in regard to understanding climate impacts and adaptation measures" (Government of British Columbia, 2016). Albeit in the realm of climate change policy, this does signal a significant step forward in how the province and federal government are beginning to work together to identify the importance of Indigenous worldviews in policy.

Despite successes, it would be a misrepresentation to say that government heritage institutions and Indigenous communities have a strong relationship. Battiste & Henderson support this statement, noting that Indigenous knowledge has often "served as a convenient and self-congratulatory reference point" (as cited in Canon & Sunsuri, 2011, p.2) for Western institutions. P14Plan/Fed concedes that the strength of relationships "varies from site to site from park to park," and is still a work in progress. Despite efforts to engage with Indigenous communities and remedy imbalances in historic narratives and representation, several participants claim that Parks Canada has fallen short in their relationships and programming with Indigenous communities. P8Her/Priv remarked that Parks Canada's intent to engage with Indigenous communities has been largely tokenistic: "they're always saying the nice lines of First Nations, but there's not that much evidence of them wanting to or even going beyond the surface to work with First Nations, beyond the totem poles…."

Budgetary and program reductions in the mid-2000s have also had considerable negative influence on the capacity of Parks Canada to engage with communities. P13TK/Her/Fed saw many cases where despite having developed engagement processes and programming in place at the policy level, on the ground there was "often… the sense that park managers wanted to know ways to get around things: 'Just tell me what to do, just advise me and I'll do it…. But there was a lot more at stake for the First Nations descendent communities than just trying to be consulted" (P13TK/Her/Fed).

4.1.3.8 International Heritage Influences in Canada
Although the scope of this thesis is on heritage management in Canada, a brief discussion on the international heritage regulatory process is important. The United Nations Environmental Scientific and Cultural Organization (UNESCO) and the International Council on Monuments

and Sites (ICOMOS) are the international leaders in heritage and cultural programs and have been at the forefront of expanding heritage management to focus on larger scale landscape levels (Shipley, 2012; Ruggles & Silverman, 2009; UNESCO, 2003). Canada is a member of UNESCO and was signatory to the non-binding World Heritage Convention in 1976. Canada did not sign the 2003 UNESCO Convention on the Safeguarding of Intangible Cultural Heritage (Convention), despite having one hundred and sixty ratifying countries. The Convention marks a notable paradigm shift, at the international heritage level, towards how heritage can be recognized and protected (Ruggles & Silverman, 2009). P2Her/Aca argues that ICH will be become more important in the next few years within the heritage field in Canada, and "this is the new debate that we should be pushing, perhaps in Canada, more than anywhere."

Participants did not comment extensively on the state of the international heritage community. P14Plan/Fed saw a major hurdle to UNESCO's effectiveness in recognizing and protecting Indigenous traditional knowledge and ICH, despite its movement towards protecting ICH and cultural landscapes. This is because UNESCO is a 'Western unit' invariably rooted to European notions of heritage, despite its movement towards protecting ICH and cultural landscapes. Simply, the UNESCO structure of recognizing heritage 'sites' within the World Heritage Framework shows its continued tendency towards "physical designation" (P14Plan/Fed)—which, despite advances, has arguably lessened the likelihood of recognizing the intangibilities of Indigenous heritage.

The recently established Canadian Network for Intangible Cultural Heritage (CNICH) (2015) is a new avenue to raise awareness of Intangible Cultural Heritage across Canada. I was invited to participate in the inaugural workshop of the CNICH with heritage practitioners (representing museums, archives and libraries, heritage planners, folklorists, and academic institutions) from numerous provinces, and UNESCO representatives, on June 3rd 2015 at the Canadian Museum of History (Gatineau, Canada). The purpose of the workshop was to discuss the status of existing ICH research and recognition occurring (haphazardly) in jurisdictions across Canada and to strengthen connections between these jurisdictions to promote standardized ICH recognition at the provincial and federal level. At the CNICH workshop, participants felt strongly that action and organization are required, immediately, within each jurisdiction, rather than petitioning the federal government to sign UNESCO's Convention on the Safeguarding of ICH.

More recently, Dr. Laurier Turgeron, Canadian Research Chair in Intangible Cultural Heritage, and Dr. Van Troi Tran, in partnership with the CNICH and Folklore Studies Association of Canada (FSAC) conducted a survey of Canadian heritage professionals (2016) in which three hundred and seven participants responded. The survey asked respondents "Do you, or your institution, organization, association have an interest in Intangible Cultural Heritage?" Ninety-seven percent (97%) of respondents agreed, while three percent (3%) said no. When participants were asked, "Do you think Canada should commit to sign the UNESCO convention?", seventy-nine percent (79%) responded yes; one percent (1%) responded no; and twenty percent (20%) were unsure (Turgeron & Tran, 2016). These findings are significant and showed that: "The vast majority of those who responded showed great interest in ICH and its usefulness, whether the organizations were involved with tangible or intangible heritage. Moreover, 80% of the

organizations are in favour of Canada's ratifying the Convention, 19% are undecided and only 1% against" (*Canadian Declaration for the Safeguarding of ICH*, 2016, n.p).

The result of the National Survey on Intangible Cultural Heritage informed discussions at the May 2016 Annual Meeting of the Folklore Studies Association of Canada (FSAC) and the Canadian Society for Traditional Music (CSTM) in Quebec City, Quebec. Over two hundred "participants, representing civil society, the federal and provincial governments, the First Nations, 32 Museums and NGOs in the field of heritage from 7 of the 13 provinces and territories, and 21 Canadian universities, adopt[ed] the [*Canadian Declaration for the Safeguarding of Intangible Cultural Heritage]* of principles and recommendations intended for the safeguarding, study, development and promotion of the ICH across Canada" (*Canadian Declaration for the Safeguarding of ICH,* 2016, n.p).

Although the National Survey on ICH and findings were not specifically focused on the advancement of Indigenous ICH, but on ICH in general, they are significant for several reasons. Firstly, many participants surveyed agreed that ICH is important to their heritage work with Indigenous communities, particularly for capturing oral histories, skills, and TEK for Traditional Land Use Studies; secondly, recommendation seven of the *Canadian Declaration for the Safeguarding of ICH* specifically identifies the importance of ICH to Indigenous heritage and calls for the protection of Indigenous intangible cultural heritage (CDSICH, 2016, n.p.) to align with the Truth and Reconciliation's findings and UNDRIP; finally, the findings are consistent with my thesis findings in support of ICH heritage legislation and policy to better incorporate Indigenous heritage and worldviews. The findings and subsequent proceedings from the May 2016 Quebec City Conference in support of ICH legislation and policy and ratification of the *Canadian Declaration for the Safeguarding of ICH* display that there is considerable support and momentum for ICH work amongst heritage practitioners across Canada, particularly in relation to Indigenous heritage.

4.2 How Have Current And Past Understanding And Assumptions Regarding Indigenous Peoples And Their Culture Influenced How Indigenous Heritage Is Recognized In Heritage Guidelines And Policy?

4.2.1 Legacy of Colonialism in Canada

All participants acknowledge the legacy of colonialism and the toll that it has had with regards to cultural retention and traditional life for Indigenous communities – this was further supported by the literature (Porter, 2013; Dorries, 2012; Tuck & Yang, 2012; Sandercock, 1998). As the Royal Commission on Aboriginal Peoples noted, "a careful reading of history shows that Canada was founded on a series of bargains with Aboriginal peoples –bargains this country has never fully honoured…They were replaced by policies intended to: ...remove Aboriginal people from their homelands ...suppress Aboriginal nations and their governments ...undermine Aboriginal cultures ...stifle Aboriginal identity" (RCAP, Government of Canada, 1996, n.p). Colonial legislation, in particular, targeted Indigenous ICH by outlawing cultural ceremonies and through 'civilizing' actions, such legislation and supporting residential schools. Land use planning, urbanism, and development solidified a "…colonial order of space…" (Porter, 2010, p.105; see also, Porter

2013; Dorries, 2012; Tuck & Yang, 2012) on the Canadian landscape and used as a "weapon brandished to erase and eradicate Indigenous peoples" (Matunga, 2013, p.4). The residential school system, in particular, sought to "… destroy these stories and knowledge through cultural genocide" (IP20TK). As a result, Indigenous communities across Canada were "forced away from [their] traditions" (IP19TK) and made to be the legal wards of a colonial state in an effort to civilize Indigenous peoples (University of British Columbia, Indigenous Foundations, 2009; Godlewska & Webber, 2007).

IP21TK believes that the persistent refusal to recognize that "there has been a genocide or human rights violations by our government…" has perpetuated colonial attitudes towards Indigenous peoples and their culture. IP20TK argues that former Prime Minister Harper's Conservative government (2002 -2015) pushed colonial attitudes at the federal level. The resulting policies reinforced the "myths and negative stereotypes" (IP17Her/TK) of Indigenous peoples and cultures. This "is detrimental to not only First Nations but to all Canadians and to the rest of the world, detrimental to the environment" (IP20TK).

These colonial attitudes are evident in how Indigenous heritage and worldviews has been regarded by Canadian society and mainstream heritage institutions, despite the positive efforts made by some Indigenous communities to promote cross-cultural engagement. IP18TK/Mun recounts organizing sessions on "Indigenous protocols, our relationship to the lands" for City staff but was disappointed by their reaction and lack of engagement: "I felt city staff were not engaged to come back." IP18TK/Mun notes, "…. we are ready to do this. We are an Indigenous community going forward and presenting this to the city. We are ready but the [Settler] recipients are not ready yet."

4.2.1.1 Settler Awareness of Indigenous History and Culture
The continued influence that colonialism has on the Canadian landscape and how it manifests in society occurs on a daily basis in many forms. Bennett et al. (1994) argue that colonialism was manifested "urgently and visibly" on the landscape in order to support European claims (as cited in Mackey, 2002, p.9). This is manifested by Euro-Canadian concepts of property, settlement, and ownership of land:

> "We have essentially inserted, whether it's British or French, grid systems; the idea of private property has been mapped across the country. Our heritage planning systems have, for the most part, changed to that sense of property, that particular idea. So to think about other ways, to 'un-colonise' and 'un-settle' one's mind in one way will help recognize that private property is a myth—one of our myths of our culture…" (P12Her/Prov).

Through colonial acts of clearing, surveying, using, and selling, "settlers have to constantly assert claim over land" (P1Her/Aca). P1Her/Aca's research centered on the Cowichan Valley in British Columbia and "how settlers have laid claim to Indigenous lands. In particular, the ways in which the process of dispossession is not relegated to the past, but is ongoing" (P1Her/Aca). P1Her/Aca and P12Her/Prov assert that colonialism is ongoing and spills over to how we recognize, or even validate, Indigenous presence on the landscape – through cultural heritage recognition. According

to Eurocentric views, 'culture' and 'heritage' represent "the totality of human achievement and awareness" (Battiste & Henderson, 2011, p.116).

Colonial assertions are ongoing, according to Tuck & Yang (2012), as settlers continue to place economic value on land through property ownership and ascribed heritage values through heritage designations. This is what Cronon (1993) refers to as a spatially and socially constructed understanding of our landscapes developed in a settler space. Settlers created a dichotomy of values between nature and culture that emerged from colonial policies and Eurocentric thought (Porter, 2010; Cronon, 1993); this dichotomy was a tool in the colonial project. Despite this, public awareness appears to be growing incrementally and settlers are generally more amenable to learning about Indigenous history as opposed to several decades ago. There is a growing interest in understanding that the land settlers live on has history that extends beyond European settlement. IP20TK believes that "the people who think we aren't here and then find out we are here, they become interested." And this is a growing trend across Canada; for example, within the Toronto District School Board (ON), it is now policy that schools pay daily tribute to Indigenous traditional lands.

4.2.2 Official Canadian Historical Narratives
The dominant historical narratives accepted by mainstream Canada – and endorsed by governments –continue to be informed by past understanding and assumptions regarding Indigenous peoples, and their role, in the founding and development of Canada as a nation (Smith, 2006; Prosper, 2008; Andrews & Buggey, 2008). These official historical narratives, or 'authorized heritage discourses' (Laurajane Smith, 2006), rely on colonial assumptions that, unlike European settlers, Indigenous peoples were present but did not use the land in a productive way, thereby making their claim to the landscape void. Freemen (2010) and Mackey (2002) argue Canadian perception of Indigenous heritage has been coopted to an 'Anglo-Canadian core culture' of history of colonization, residential schools, and systemic racism. With European settlement came a regime of treaty making, 'civilizing' legislation, and residential schools, through which the Canadian government sought to extinguish Indigenous claim and presence on the landscape. This colonial assumption has arguably influenced how Canadian society views Indigenous culture, how natural and historic parks were formed, and the content of museum exhibitions, amongst other things. P4Her/Priv echoed these sentiments through a striking childhood memory:

> "…I remember once as a child going to the interpretation centre at Algonquin Park and asking, 'where did the Indians live?' I was basically told that no Indians lived there, they just travelled through…. so their whole history and culture of the area has been forgotten and ignored…."

Appreciation of Indigenous heritage has predominantly followed this line of thinking: Indigenous presence and use of the land is presented in the 'past tense' and, if found, could be detrimental to the value of the site. When remains were discovered, "the primary physical remnants of an Aboriginal presence on the land has been seen as 'cultural contamination' in the same way as environmental contamination — it can be recorded, assessed, cleaned up, and removed so that development can continue. For quite some time that happened" (P6Her/Prov). Settler opinion and

reaction to discovery of Indigenous presence has been, and continues to be, based in fear: "people wouldn't even talk about previous Aboriginal sites because they're worried about aboriginal claims and ownership" (P4Her/Priv). Speaking from experiences in Newfoundland, P9Her/Prov says that this tension and reluctance to recognize Indigenous presence continues in many settler communities:

> "I can go out and talk about Newfoundland and Labrador heritage as much as I want and no one would bat an eye. But the moment we start to do projects with Aboriginal groups there is almost resentment among non-Aboriginal groups for us to even try to do this work. People don't think of Aboriginal heritage as being part of Newfoundland heritage. I think people still have this vision in their heads as there being Newfoundland heritage and then Aboriginal heritage as other…."

Indigenous cultural heritage has largely been presented through anthropological and archaeological lenses, encased behind glass in museum exhibits. In such exhibits, the dominant narrative is from "a non-Indigenous expression of the culture or explanation of culture done by non-Indigenous people that had tried, likely, to be done in a positive way. But it's more of an archaeological or 'somebody else's perspective on the culture'" (P10Her/TK). Although many museums and art directors have sought a more balanced historical perspective through increased engagement with Indigenous communities today, the narrative may still be very 'anthropological' and perpetuates the "colonial-Indigenous myth in the identity of colonial nations" (Hemming & Rigney, 2009, p.101). P6Her/Prov expands on this point:

> "If you go to the Museum of Civilization (now Museum of History) and to the First Peoples Hall –it's great stuff, increasingly presented with consultation with Aboriginal communities, but it still presents in a fairly traditional Victorian style, as a museum with cases and tags and certain definitiveness to it. Rather than presenting conflicting perspectives… [that is] not as common yet."

In the 1980s, Parks Canada began a program to "increase historical stories from women, Aboriginal perspectives…" (P12Her/Prov), and specific groups who had been absent or underrepresented in Canada's historic narratives. However, whether this program went far enough to bring their historic narratives to an equal playing field is debatable. Some argue that the program failed to properly advance and include more diverse historic narratives that stood apart from official national narratives. P12Her/Prov felt that the program simply "…plugg[ed Indigenous and women's narratives] into a national narrative rather than an Aboriginal narrative that doesn't have to do with Canada…." These histories were arguably still cemented in the context of official colonial narratives, and not interpreted separately. Again, we see a lack of Indigenous voices in the dominant historic narratives in Canada, where "…there may be a perspective presented, and they may have resources, and they may present the history at a certain level of authenticity. But its not an Aboriginal voice speaking and it's not even an Aboriginal collaboration speaking…" (P6Her/Prov).

Indigenous participants agree that historical narratives of Canada's history focus mainly on European settlement and successes. "[T]he history of Canada is all wrong with how the Native people have contributed to society" argues IP21TK. Indigenous participation in historic narratives

tend to be secondary and downplayed, even though, notes IP21TK, if it was not for the "food and welcoming" offered by the Indigenous peoples on first contact, Europeans would not have succeeded.

IP17Her/TK displayed frustration as he listed off mainstream heritage events and commemorations that sought Indigenous participation, but in his opinion missed the mark. From IP17Her/TK's experience, Indigenous participation in mainstream heritage events have been tokenistic; "[l]ately they whitewash us right out of [the commemorations]" (IP17Her/TK). The recent two hundred year commemoration of the War of 1812 illustrates this. Although Indigenous support throughout the war was crucial for the British cause, the commemorations failed to display this:

> "The banners in Cornwall (ON). There is absolutely no native presence in them for the War of 1812 memorial…. [O]ur [Mohawk] warriors were all over Cornwall keeping watch, on guard. And that's not recognized, we don't even exist."

For IP17Her/TK's Mohawk cultural re-enactment group, participation in mainstream War of 1812 commemorations only caused greater frustration:

> "They put our travelling troupe right in front of the outhouses. It was like a big circle created by the port-a-potties, and there are our singers and dancers doing a little demonstration with two lines going through each. It was disgraceful. I was so mad. I'm laughing about it now, but at the time I wanted to cry... I don't know how they actually managed to muscle us into this little territory between the outhouses, but there were just people coming and going, and I just said 'Enough of this,' because I was carrying Wampum reproduction. This is cultural stuff…"

Although these examples display specific experiences of one Indigenous group partaking in a mainstream historic commemoration, they reflect larger frustrations that many communities feel when they offer to share cultural knowledge, only to be met with indifference or disrespect by mainstream settler organizations. When many Indigenous cultural groups take part in events, they are attempting to open the dialogues between culture and community, "trying to show that [Indigenous culture] is accessible to the public…." IP17Her/TK notes that now they think twice before agreeing to participate in large mainstream events: "We come away from it thinking 'why did we do that?'… We're not going to participate in any more of [this] silliness."

4.2.3 Persisting Colonial Perceptions in Policy and Settler Attitudes
Several participants echo debates in the academic literature, positing that Canada remains a colonial society, despite being labelled as a 'post-colonial society' since the *Charter of Rights and Freedoms* was adopted in 1982. Past colonial policies and attitudes continue to influence current relations with Indigenous communities in many aspects of society. P13TK/Her/Fed noted how these historic policies and persisting colonial attitudes were a daily challenge "across the country [for those] who were doing Aboriginal affairs work, that we had to undo. Undo a lot of mistrust developed from twenty to one hundred years earlier" (P13TK/Her/Fed), when colonial governments sought to "remove material evidence/reminder and memory of Indigenous

communities" (Matunga, 2013, p.9). Even to this day, as P2Her/Aca cynically mused, "Canada has been in the United Nations' black books in terms of our treatments of First Nations."

P5Plan/Priv witnessed examples of strong colonial influences while working with Indigenous communities in Nunavut and northern Manitoba with Indigenous communities: "We don't think about that of ourselves in that way, as a colony. But we are not that different…. No, I would argue we are still colonial… it's like 'hyper-colonial'… It's a very weird thing to experience. It's like a [colonial] hang-over." P8Her/Priv sees this 'colonial hangover' and institutional racism as major hurdles to pass and persistent remnants of what Matunga (2013) calls "a new colonial order…" (p.9) within Indigenous communities. As such, P8Her/Priv believes that her Boomer generation is "a lost cause":

> "[The] depth of ignorance to the depth of the conditions of Indigenous people, the legal history of Indigenous people, the potential for Indigenous people to make Canada a better place, and… the cultural loss that we suffered through residential schools and other things that we've done to indigenous people…"

This is so damaging that many argue a conscious shift in society needs to take place, if reconciliation is to occur in Canada.

Indigenous participants felt that awareness of Indigenous history and culture in Canada was sorely lacking and even "non-existent …" (IP18TK/Mun) amongst settlers. IP20TK feels that "in today's society, there are people who are interested, there are people who don't even know we're here, they think we are gone, and there are a whole bunch of people who don't want us here and wish us to be gone." Evidence of Indigenous presence, in a Canadian city, is often limited to a few road or place names. For example, the City of Calgary has named several roadways after major regional tribes, such as the Sarsee Trail, Blackfoot Trail; however, IP18TK/Mun argues that naming these roadways is meaningless when there "isn't enough information [available to the public] to show what they mean and why they are significant for the people and the tribes behind these roadways."

A lack of understanding of Indigenous culture is apparent in how Indigenous heritage is managed, or as some participants see it, a reason why it is not managed. There does not appear to be "so much a blatant resistance" from all government ministries, but rather, "some obvious resistance within certain ministries" (IP19TK) to engage. A lack of awareness of Indigenous heritage can potentially be attributed to past colonial policy and ignorance: "I think it is not managed simply because there's no understanding that our culture even exists. I think that's huge. Any research that I've done or any researchers that I've worked with don't know that some of our cultural sites exist" (IP18TK/Mun). This lack of awareness of Indigenous heritage has been a strong reason why it remains a secondary consideration for policy makers and heritage practitioners. Speaking on Calgary (AB), IP18TK/Mun explains the heritage management environment:

> "Heritage and planners for example—in Calgary—they don't even consider our cultural sites. Their primary consideration is the preservation of older buildings and those kinds of sites. And so there's very, very, limited knowledge of the cultural sites that could be a

part of the city's landscape. If you don't know what you don't know, then how can you begin to preserve something that you don't know about?"

Currently, there is a significant dearth of settler recognition of 'official' Indigenous presence on the land and in Canadian cities. P8Her/Priv asserts that there is "virtually no recognition for spaces within urban environments where Indigenous people can feel comfortable and practice their cultural traditions that we may not see as cultural but may be very important…." In this way, 'indigenous' continues to be synonymous with only wild environments and the 'noble savage' tropes of thought, separate and irreconcilable with the built-up urban settler landscapes (Cronon, 1993). Overwhelmingly across Canada, "…indigenous peoples in cities are somehow considered to be not quite indigenous, not to be real Indians, and are therefore not necessarily deserving of spaces. We have pushed them only into ceremonial spaces, like the museum of civilizations…." (P8Her/Priv). This is something that we must work on to "really integrate them [Indigenous heritage] into our storied and cultural landscapes" (P2Her/Aca). To do this, "First Nations need to be better integrated into our imagination…rather we must integrate their values, their range of values, into our multicultural nation state. They are very much part of our identity" (P2Her/Aca).

4.2.4 Understanding Different Worldviews: Indigenous Intangible Cultural Heritage
Ignorance and lack of understanding towards Indigenous cultural heritage can be attributed to past colonial mandates. Although Canada has been heralded as a multicultural nation that has accepted people of all races, cultures, and creeds, there appears to be a concerted reluctance by many Canadians (both citizens and politicians) to recognize the diverse range of Indigenous culture in Canada. P12Her/Prov believes that this reluctance:

> "…Stems from our ignorance of the complexity and subtlety of First Nations issues in the country. Even just understanding that they're not all the same. Just as there's diversity and richness of cultures in Europe, there is even more so in Canada and the U.S— recognizing that they are distinct culturally with their own traditions."

Difference in how Indigenous worldviews and settlers define and understand 'heritage' can possibly be argued as a major factor to why settlers have difficulty recognizing Indigenous ICH, "...because it is such a foreign concept" (IP20TK) to European worldviews. Porter (2010) argues that Indigenous peoples were dispossessed on the colonial landscape. Indigenous landscapes were wiped clean as settlers mapped and named spaces. This created a new space devoid of Indigenous knowledge. Colonial, or Euro-Canadian, heritage is dominant on the landscape, making other forms of heritage 'foreign' and underrepresented as heritage (Carter, 1987; During, 1991; Jackson 1998, as cited in Porter, 2010). This lack of respect towards Indigenous worldviews and culture translates firmly into the heritage field, as P2Her/Aca witnessed at public consultation sessions for the ongoing Algonquin land claim (ON) process:

> "I went to several meetings and it was fascinating to look at the faces of people from my culture [settlers], smiling and giggling or rolling their eyes. They didn't get it at all. They did not understand the concept. It's beyond their [Western] comprehension…"

Part of this lack of understanding arguably stems from the material focus of heritage that Euro-Canadian museums, archaeologists, historians, and heritage planners have ingrained. Referring

again to the Algonquin land claim, P2Her/Aca noted the strong intangible component in the justification of the land claim, showing the "importance [and] power to the intangibilities of their culture," which is foreign to Western sensibilities. Generally, when heritage sites are discovered to have an Indigenous connection it "tend[s] to be focused on the more tangible aspects of 'this was a campsite, this was a hunting site or a particular hunting technique happened here,' as opposed to understanding and appreciating worldviews" (P10Her/TK). This can pose as a limitation for non-material cultures that have limited material presence or alteration on the landscape. Interest in Indigenous heritage by the Settler community is generally limited to "people who are aware of it, or are part of the school system... so its specific people…" (IP17Her/TK). Annual powwows and cultural days are successful events for many communities and often bring in "tonnes of people" (IP17Her/TK) from Indigenous and non-Indigenous communities. Despite apparent irreconcilable differences in worldviews, IP20TK believes that settlers can learn if they keep their minds open and finally recognize that Indigenous culture is present and active in Canada today.

4.3 What Can Be Learned From Cases Where Indigenous Communities Are Successfully Including Indigenous Heritage And TEK Into Their Heritage Planning Frameworks?

4.3.1 The Importance of ICH and Traditional Ecological Knowledge to Indigenous Communities

Participants reiterate the importance of Indigenous traditional practice and culture to their every-day lives and many actively participate in traditional ceremony: "It's the basis of the worldview that I follow, it's the fundamental part of everything I do," noted IP22Her/TK. Indigenous heritage can by no means be limited to a static value, but is meant to be practiced and transmitted. IP20TK believes that Indigenous teachings represent something more than just what you learn but is innate, "…and that is blood memory, some of it is built in." IP21TK sees it as being more than taking part in traditional ceremony, but part of a way of "… being respectful to the world around us and the environment."

Traditional knowledge and ceremony is practiced on a daily basis by many Indigenous peoples, on and off reserve, worldwide; however, not as much as should be, argue some participants. For ICH to be transmitted across generations, UNESCO (2003) states that ICH must be "constantly recreated by communities and groups in response to their environment, their interaction with nature, and their history…" (n.p). Interview participants cite modern influences and cultural loss as a result of western policy and colonialism. Settler perception has often held that unless an Indigenous person is in a rural setting, they do not partake in traditional practice. Not true, argues IP18TK/Mun, who has brought city employees and developers to sacred Sundance and cultural sites that have prominence in the Blackfoot community within urban Calgary (AB):

> "The Elders wanted to demonstrate that we still actively use the lands for ceremonial and spiritual activity. That some of the land is still sacred to us. Also to demonstrate how the uses of plants on site still have a medicinal and spiritual purpose for us; how we use the land within the modern day context to sustain ourselves. …"

The challenge then is to show non-Indigenous society that those sacred sites and traditional practices are actively coinciding with modern western society and can do so, successfully. Finding the space to practice within urban environments makes it more difficult for urban Indigenous communities to partake in traditional life. IP18TK/Mun believes that the lack of cultural spaces is a challenge for urban community members:

> "We've been asking for that for urban people. I'm fortunate; I go back to my home reserve to practice. But in an urban context, we need these cultural places to practice. And we don't have one in Calgary. It's really up to the city to designate areas for us to practice. But hopefully that's forthcoming."

Not only can traditional practices be incorporated into everyday life, but some participants believe that "…ceremony should be a very important part in everything that we do, even in a government structure…" (IP22Her/TK*)*. UNESCO (2003) supports this notion, noting that ICH "provides [Indigenous peoples and practitioners] with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity…" (n.p). Adopting ceremony or worldviews into government structure could lead to more effective dialogues between Indigenous and non-Indigenous communities and promote stronger cultural retention.

As noted, participants feel that connecting with and partaking in cultural practice is very important to Indigenous life. However, many Indigenous communities continue to face "problems from what we call 'the outside forces'" (IP21TK) since settler contact. Participants note that reviving tradition and ceremony is important for honouring ancestors and Elders: "to try to revive them –ceremonies, storytelling, ways of preserving, foods, gathering foods, different foods to eat, traditional medicine. And to bring that back, even the study of plants and observing animals and observing their traits" (IP20TK). But more so, it is also a means for many communities to heal, from past and current traumas –"there are a lot of people who are falling by the wayside and people not following their teachings" (IP21TK). IP20TK believes that if "you bring that [traditional] knowledge back, … the people [will] begin to realize that what they've been told is not true, then they stand up to it." It is, as Ruggles & Silverman (2009) argue, "embodied in people [and relationships] rather than in inanimate objects" (p.1).

Many Indigenous peoples are faced with a balancing act between traditional life and modern Western culture. IP21TK runs a TEK cultural camp for Indigenous youth in Ontario and notes the difficulties that Indigenous youth have navigating between these two seemingly combative worlds:

> "We want to say, it's okay to bring stuff from the outside. But what we should be doing is living in the best from both worlds, with the old ways and knowing the new ways from the white man… We emphasise this when we go into the schools to the kids and when we get invited into the communities" (IP21TK).

4.3.2 Cultural Resurgence in Indigenous Communities

Indigenous cultural resurgence is occurring across Canada at a steady, albeit piecemeal, rate in many communities and separate from settler heritage programming. Western academics and governments are beginning to recognize the uniqueness of Indigenous communities and traditions

and their importance to a community's success (Behrendt, 1994, as cited in James, 2013). As IP22Her/TK sees it, "I think that there is an awakening going on. [Indigenous peoples] are waking up and saying 'O.K., I am ready to learn…" Despite this willingness to learn about their heritage and traditions, many Indigenous peoples have "nowhere to get it" (IP22Her/TK) since communities have suffered a considerable cultural loss of language, traditional practices, and skills throughout colonialism.

Indigenous language is a prime example of an important aspect of ICH that has been experiencing resurgence across the country. Many see language as the "…key to keeping our culture together" (IP19TK). Language programs, camps, and school curricula are being produced to engage younger generations. However, "when your community has been reduced to no speakers, it's pretty hard to bring it back. But it's not impossible. And that is an intangible thing, those sounds… but there are so many things buried in the language that it isn't funny" (IP20TK).

Maintaining the energy that has emerged from the Idle No More protest movement, and from other forms of cultural resurgence, such as the arts, language, and music occurring in communities, will take a lot of work. IP22TK believes that "there needs to be a lot of background, the teachings, the oral traditions" for community members to educate themselves about their traditions, to supplement the notions "…that they need to wear moccasins, they need to bead..." (IP22TK). Cultural resurgence requires a deeper foundation, community support, and cultural understanding. IP22TK believes that the cultural awakening occurring across the country is important for showing Indigenous youth that traditional culture can be lived harmoniously with modern life. However, it is a challenge to get people to take part readily in ceremony, and move to a reality where cultural heritage is not only recognized as an annual event, "that happens over there, on the cultural grounds" (IP22TK), but also, as a daily occurrence. Part of what heritage practitioners are doing within communities, is to support cultural programming to help the community –"… to try to re-connect, and make some of those [cultural] re-connections," (IP22TK) –in order to have information available for the community to learn, and to "build up the energy [in the community] and expand from there" (IP22TK).

4.3.3 Current Heritage Priorities in Indigenous communities
Participants noticed differences between Euro-Western and Indigenous heritage recognition priorities. Although Indigenous communities do have similar concerns as Western institutions for preserving and recording material culture, it is not limited to the static notion of heritage or big events. "[W]e don't really think in terms of those big commemorations, because for us it's a live, active thing that we do year round. We have a calendar of ceremonies and activities for each season, so it's an ongoing, living thing, and we don't go in for the huge centennial things" (IP17Her/TK). The following subsections discuss some Indigenous-led heritage priorities that participants identified.

4.3.3.1 Indigenous Led Cultural Heritage Programming
Indigenous participation in heritage is important and should not be limited to procedural steps in the consultation process, dependent on settler led initiatives. IP19TK believes that "at the very, very, root, it is imperative that First Nations be involved with the collection, preservation, and storage of their artefacts." Increasing Indigenous awareness of cultural heritage can build capacity

within the community to maintain control of their heritage and not rely on outside interest. IP19TK recalls the horror that she felt when hearing tales of how Indigenous cultural heritage has been mismanaged and abused:

> "I've heard a number of times where our artefacts are just thrown in the garbage…. I heard a friend speaking as the Cultural Resource Coordinator for four First Nations communities in the Peterborough (ON) region. And she said that she experienced sitting with her ancestors and their bones. They were dug up and she sat with them and had lunch with them. And that's what we believed. We always lived with our dead, and to just be able to have them to be in a safe place, or at least, to repatriate them as well" (IP19TK).

Increased capacity for heritage management within Indigenous communities can result in more culturally appropriate policy and management. These widespread benefits may potentially carve out greater room for the Indigenous experience and voice in the larger Canadian heritage dialogues – arguably a benefit to both Indigenous and settler communities: "Most [settlers] would understand that this could benefit them too, even their early settler history. Their history follows the same rules although their history is more reachable than ours" (IP19TK). Across Canada, Indigenous communities have established their own cultural camps and centres, heritage programming, and even ratified heritage legislation. The Tr'ondëk Hwëch'in Government in the Yukon Territory recently ratified a community based *Heritage Act (Act)*. The *Act* states that "[Tr'ondëk Hwëch'in] heritage is a way of life in which knowledge and understanding of history, culture, and survival is passed on from generation to generation…It is a dynamic, living heritage and culture based on traditions which are shaped by our history in a harsh environment" (Tr'ondëk Hwëch'in *Heritage Act,* 2016, p.2).

4.3.3.2 Collecting and Recording TEK
The identification and recording of TEK and cultural practices was noted to be a very important priority for many Indigenous communities (IP18). This is a growing and new area of study for many communities and academics across Canada. Many Indigenous communities have cultural centers and employ cultural heritage planners or coordinators to lead heritage management in their traditional territory. Responsibilities include "…establish[ing] policies and procedures for collecting information about our history and culture" (IP22Her/TK) to obtain a wide array of information on "traditional fishing sites, hunting areas, known archaeological sites, as well also areas used today, like for gathering firewood—even sacred sites that we are aiming to protect" (IP18TK/Mun). These heritage professionals also support activities relating to land rights and treaty negotiation processes.

Collecting Indigenous ICH and TEK is often a challenge, particularly because many Indigenous communities "lived in an oral tradition –we didn't write our teachings down, of course no one did. And now we are at a point where we are now piecing our histories together by the histories written by the explorers and later by the archaeologists" (IP19TK). This brings a unique and notable urgency to the work of many Indigenous heritage practitioners in order to record the Indigenous voice to their histories. In some instances, this knowledge is being unearthed and recorded for the first time ever. This means many hours "sitting with the Elders and starting to make that connection to the old way" (IP19TK) and connecting with different communities in

traditional territories. This includes connecting and talking with neighbouring communities in a way that has expanded the cultural dialogue, where "it really had not been done before" (IP19TK) in modern day.

4.3.3.3 Teaching Traditional Ecological Knowledge and Ceremony to Current and Future Generations

In addition to collecting and preserving TEK, participants note the importance of teaching current generations about their culture. Participants believe that this is part of an Indigenous cultural resurgence, as "any of the ceremonies that may have been passed down, or teachings, or writings, they are held quite dear and we are trying to rebuild on them" (IP19TK). However, not everyone agrees that living a traditional life is important and tensions have emerged in some communities. "My own sister keeps on telling me 'you can't go back', and my answer is, 'I'm not trying to go back, I'm trying to bring the past ahead,'" argues IP20TK. IP20TK believes that these traditional teachings are far from antiquated and are important values to live by in the present day and key to a strong, resilient Indigenous community.

4.4 Is It Possible For The Definition Of "Heritage" In Cultural Heritage Recognition And Management To Be Broadened To Incorporate Indigenous "Intangible" Cultural Heritage?

The colonial narratives that have been placed on Indigenous peoples continue to frame the construction of Indigenous identities and how their cultural heritage is recognized and managed (Hemming & Rigney, 2009). Participants were asked to provide professional input to identify what changes to the heritage field are necessary if the heritage field is to effectively incorporate Indigenous ICH. Follow-up interview questions included asking whether recognizing ICH is possible, what changes to the system are needed, and who should be involved in the process.

4.4.1 Redefining what we Understand as 'Heritage'

P2Her/Aca spoke of the focus on technical and Western structures that the heritage field has today. "The nature of heritage legislation today is to freeze things and freeze the past…in a way, it's a museum rational for it…." This technical and museum-like focus of heritage that governments and planners have adopted can, in turn, limit creativity and as a result "…the sensitivities of planning have been lost." P2Her/Aca cites Professor Christina Cameron of Concordia University, and his own work, arguing that, "heritage must accept that culture is dynamic." By doing so could make room for the intangible, dynamic nature of Indigenous culture.

4.4.1.1 Recognizing Different Worldviews

P14Plan/Fed notes, "in the planning world, it comes down to worldviews and knowledge." These sentiments are supported by many Indigenous and non-Indigenous academics that argue that there is a "… disproportionate influence of disciplines such as archaeology, anthropology and history on race relations in settler democracies…" (see Atwood 2005, Smith 1999, 2004, Wolfe 1999, Healy 1997, Deloria 1995, Young 1990, Fabian 1983, Langton 1981, as cited in Hemming & Rigney, 2009, p.93). P12Her/Prov further supports these statements by asking, "'how can we incorporate a diversity of views?' I think it's a big conundrum for heritage conservation."

Effectively incorporating Western and Indigenous perspectives, forms, and worldviews is a difficult task, according to many participants and academics, one that requires a necessary paradigm shift on the part of the heritage field. That said heritage is being increasingly recognized as more fluid and dynamic – moving away from the more static conservationist perspective of the past (Browne et al., 2005; Buggy, 1999; Lee, 1998). This newer understanding of history and heritage has begun to recognize the multitude of perspectives, and layers of history, in narratives and on the landscapes (Browne et al., 2005). P12Her/Prov expands on this challenge for the profession:

> "Even if we recognize a cultural landscape approach and recognize different layers of values, it's not just about saying 'we are going to take this building back to 1830s time….' Because there is an emphasis on material history and documentation, photographs, it tends to value the Colonization period of Canada. So how do you balance a time when a) there is no physical evidence for that site? But also before the settlers even arrived? ... How to do you value layers especially when there is no physical remains there?"

Despite expanding our understanding of history, there is a long way to go. Canadian planning structures are a "Western construct" (P14Plan/Fed) that is not necessarily valid within Indigenous worldviews. P14Plan/Fed notes,

> "I don't know if it will be perceived in the same way in a First Nation person's eyes than it is for us… we are putting abstract patterns on the landscape like in the park plan – they are very theoretical notions, whether it's zoning or the notion of the future. But we are not feeling or reading the landscape in the way a First Nations person would."

In this way, planning and policy makers need to become more open to alternative perspectives and views on the landscape in order to ensure that their policies have real meaning to Indigenous communities. "I think it would be interesting to see a First Nations view of a plan… It's very existential and relating to time, it's a very abstract future, it's what we're directing rather than what nature is telling us to do," P14Plan/Fed mused. This is, as P12Her/Prov noted, an important aspect of the process of 're-settling' one's mind.

As identified by participants, academics, and the media, there are many examples of culturally informed projects between Indigenous communities and the public and private sectors underway across the country. Traditional Ecological Knowledge Studies and Land Use and Occupancy Mapping are growing in use and many participants believe that such studies can comfortably be incorporated, as a tool, in Indigenous heritage planning and management. P4Her/Priv sees this as a way of moving towards more effective research, engagement, and management. "When we do the TEK studies, we're recording not only place information that's specific to locations, but we're also recognizing legends and stories, and sacred places..." (P4Her/Priv). IP19TK recounted a successful project –to "identify our native values so that they can be taken into consideration for diverse environmental projects…" –with Ontario's Ministry of Natural Resources and Forestry and the Algonquins of Ontario. Recognizing the importance and indeed, sacredness, of this knowledge is central if it is to be used—and many communities show a reluctance to share this

information with outside communities. P13TK/Her/Fed speaks on this point from work experience:

>"So one of the things that I've been taught is that when you tell a story, you tell it the right way. When you remember it, you don't write it down. You have to listen, hear it several times, maybe twenty times. When you tell it the right way, you honour not only the person who told it to you, but you honour the person who told them… all the way back to creation. So every time you tell the story correctly, it adds a layer of meaning to it… It honours the ancestors and it promises the ancestors that the tradition will continue."

These studies and considerations recognize the intangibilities and worldviews of Indigenous cultural heritage, however, the broad systemic use of these studies remains "untapped" (P4Her/Priv). Recording TEK and engaging with Elders and communities is only a step, "it's the implementation of these plans where the rubber will hit the road" (P14Plan/Fed). Legislation is one element, but "what's important is the policies that go along with the legislation for it to work… usually, it's the policy that comes out of the Act where the 'meat' is; it's just process" (P14Plan/Fed).

Before reconciliation can occur, Indigenous participants believe "there has to be some validity placed on our beliefs" (IP22Her/TK). Settler engagement with Indigenous communities, and token inclusion in heritage commemorations, can only be so effective in promoting and supporting Indigenous heritage. Settler institutions need to "start listening to the people… to seriously take into consideration what First Nations groups are saying" (IP18TK/Mun). Western institutions need to separate the notion that Indigenous heritage is static or restricted to "festival heritage," like powwows, and understand that culture "is part of our day-to-day…[that] actually makes us an Algonquin or an Aboriginal person, then that's the difference" (IP22Her/TK).

4.4.1.2 Heritage Values are Relative

Many participants echoed the sentiments that "heritage is a little different than other matters" (P11Her/Priv). For example, it is "all about [the] values" (P16Her/Plan/Fed) that reflect the societal and cultural resources that a specific community believe are significant. Although difficult to finitely define and quantify, "'valued by community' is something that runs through all of our heritage statements…" (P11Her/Priv). This statement resonates strongly with the works of Hardy (1988), in which he argues the point that heritage is, in and of itself, constricted by society and "… supports and reinforces the dominant patterns of power, and [is] a radical force that supports and challenges and attempts to subvert existing structures of power" (in Graham et al, 2000, p.25).

What the majority may value may not necessarily be true for the minority. P6Her/Prov, a heritage practitioner in Ontario, used the work of Australian researcher, Dr. Laurajane Smith, to expand upon this point. Smith (2006) posits, "There is no such thing as an inherent heritage place. Heritage is a social construct we apply to our environment, it can be tangible or intangible idea. Heritage itself is a cultural idea…." Today, more and more research is emerging to support Smith's arguments that "heritage is used politically, socially, religiously, propagandistically… to support very 'authorized heritage discourses'…" (P6Her/Prov) and supports the establishment

and perpetuation of a national identity (Graham et al., 2005). Participants echoed these sentiments, noting the former Harper Conservative government's preoccupation with military history, the arctic north, and the Canadian sesquicentennial celebrations.

Despite this, the heritage field's focus of "what people think is worthy of recognizing as heritage" (P6Her/Prov) is changing. As P6Her/Prov notes, what was once the government's propensity to recognize "…the elected officials, the robber barons of industry, the significant movers and shakers, the bishops and archbishops" has now begun to evolve "towards recognizing vernacular heritage, farmsteads, industrial heritage… things that are tougher to interpret because they are not clean, neat, tidy mansions…." The same can be said across Canada, particularly in the remote and under-developed regions, such as the Yukon Territory. For many Indigenous governments in the Yukon Territory, there is a growing understanding that "heritage is not just buildings, it's kind of everything" (P12Her/Prov), and communities are seeking innovative ways to share their stories, accepting the belief of heritage as a "relativistic approach" (P6Her/Prov). This includes Indigenous governments leading the way in the protection of TEK and indigenous heritage management.

Internationally, conversations are also shifting at the academic and UNESCO level. In speaking about the roles that museums have played in colonialism, and of new priorities and the future of museums worldwide, Van Broekhoven, Buijs, and Hoven (2010) identified four crucial shifts: 1) for museums to no longer act as a depository of "objects of dying cultures but see them as resources to live ones"; 2) to recognize Indigenous peoples as being the experts of their cultures; 3) to recognize that objects have multiple layers of meaning and values, including "embody[ing] living, socially significant, relationships…"; and 4) to establish stronger partnerships with Indigenous communities (p.13). This supports a strong sense that heritage practitioners worldwide are identifying ways in which to modernize and diversify, in part, to remain relevant in the global and social media focused world, but also to recognize and rectify past historical wrongs committed on Indigenous peoples through colonialism.

4.4.1.3 Expanding Western Understanding of Heritage
Participants believe a paradigm shift in understanding what is 'heritage' is part of the process towards more equitable representation and understanding of Indigenous heritage. "We need to consider obviously the intangible and tangible. Sometimes the intangible is really difficult for mainstream to understand" (IP18TK/Mun). Nelson (2008) notes that the Euro-Canadian heritage paradigm tends to consider 'heritage' as static and occurring in the past, and single dimensional, focusing largely on white imagination on the landscape, as an object that can be touched, or placed spatially on a map. Placing Indigenous heritage in this paradigm is limiting, perpetuating "one of the myths and assumptions made by mainstream… [that we] don't practice anymore" (IP18TK/Mun) and marginalizes Indigenous heritage from Canadian narratives.

Expanding Euro-Canadian understanding of heritage to also represent something that is living and being practiced is an important step towards being compatible to Indigenous values (Houde, 2007). Indigenous heritage needs to be understood in a dynamic way, with "some sort of interactivity to it, …it [is] something that people can experience" (IP18TK/Mun). It is about

practice and a connection with the land: "We have a relationship with our Creator, we have a relationship with plants, rocks, animals, whether they're on the land, in the air, or in the water… We believe in our creation stories and also still practice. We are still practitioners" (IP18TK/Mun). Academics argue that this expansion of understanding is evident in cultural landscape recognition (Mahindru, 2002; Osborne, 2001) and Western academic recognition that Traditional Ecological Knowledge is a valid form of knowledge (Berkes, 1994).

4.4.2 Intangible Cultural Heritage

Research interest and professional discussions surrounding intangible cultural heritage "across the board…" (P3Her/Mun) are expanding from the tangible or built heritage focus of the heritage field in Canada. P3Her/Mun believes this is a positive progression to eventually lead to "a stronger link between intangible heritage and tangible heritage." This change in focus to intangible is most notably evident since the 2003 signing of the UNESCO *Convention for the Safeguarding of Intangible Cultural Heritage* and recognizes a strong paradigm shift in understanding that heritage can be part of lived experiences, the day-to-day stories, and that traditions can be protected (Ruggles and Silverman, 2009). In Canada, we can see this most notably in the provinces of Newfoundland and Labrador and Quebec, where programming and policy mandates are now recognizing ICH to preserve the unique "traditional... folk activity" (P9Her/Prov) of the provinces.

"I think, historically, in Canada, we haven't done a lot at the institutional level to recognize those different types of heritage" (P9Her/Prov). Participants acknowledged that recognizing ICH has its challenges, particularly in the current system, and participants see issues arising from a reticence in Western attitudes to 'seeing' heritage. Because it is 'intangible' or hard to see, "we don't even think about it" (P10Her/TK) making "it … difficult for people trained in a Western scientific paradigm to understand" (P13TK/Her/Fed). Acceptance of ICH programming is currently *ad hoc* across Canada. P16Her/Plan/Fed admits that it will take time for ICH to be fully accepted in Canada, despite its popularity in other nations: "It's hard to articulate these intangible values, but if people are successful in articulating these values, then people get it and understand the importance of these sites." International heritage policy, such as UNESCO's *Convention for the Safeguarding of ICH,* can be "incorporated into park planning and park management" (P13TK/Her/Fed). Further, UNESCO's 2012 *World Heritage and Indigenous Peoples – Call to Action* marked the 40th anniversary of the UNESCO *World Heritage Convention*, by calling member nations to implement the World Heritage Convention in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) (UNESCO, 2012, p.1). However, despite Canada's endorsement of UNDRIP, Canada has yet to ratify the UNESCO *Convention for the Safeguarding of ICH.*

Practitioners note the challenges of collecting and protecting the intangible aspects of heritage "when the community is gone, [since]… it tends not to be preserved as near as often as historic structures" (P6Her/Prov). We are currently in an environment that still has remnants of colonial attitudes towards Indigenous peoples, through societal attitudes and legislation. P1Her/Aca asserts that Indigenous ICH has been under siege since colonial times and a lot of it has been destroyed:

"I think there is a lack of acknowledgment for settlers and settler governments –to acknowledge Indigenous heritage and to acknowledge the destruction or attempted destruction of intangible heritage. That part of the story is often missing and that is a very important part of the story—what has happened and what is happening."

As mentioned, interest in ICH programming has grown in Indigenous communities, despite the fact that most mainstream ICH programs have not necessarily focused on Indigenous heritage *per se*. Despite these challenges, increased recognition of ICH has the potential to benefit many cultural groups. Successful examples in Newfoundland show Conn River First Nation, as well as several of Labrador's Innu communities, seeking funding to record their ICH. Practitioners from the Heritage Foundation of Newfoundland and Labrador (HFNL) were surprised by this unexpected success, which has actually allowed for the HFNL to create new relationships with Indigenous communities – where there had been none before. These communities sought funding and connections with HFNL to record oral histories, traditional skills, and language.

Participants note the differences and cultural disconnect between Indigenous worldviews and Canadian heritage management. The intangible aspect is a major factor: "[O]ur view of history isn't statues or even buildings, people, or events…[it's] a foreign thing that came to us" (IP17Her/TK). The concept of intangible cultural heritage, although difficult to succinctly define, appears to align more so with Indigenous understanding of heritage. The Indigenous understanding of culture, society, and environment is complex and cannot be defined as one or the other but is intertwined, recognizing the interconnectedness of nature with culture and must be experienced as Berkes (1999) and Atleo (1998) argue. Several participants elaborated on this point:

> "But that whole idea of intangible cultural heritage, it's a very interesting thing to look at. There are so many things, like funeral practices, how you look at hunting, how you look at the land, trees…. And even how you look at the weather, it's a whole different way of looking at things" (IP20TK).

> "I guess some of these intangibles are not only intangible. The knowledge of traditional dressmaking and the making of it – it goes from the intangible to the tangible as you make it. There are a lot of things like that" (IP20TK).

> "[T]he whole notion around the idea of preservation of land and wanting to keep this land sacred is because if we didn't have the land anymore then we could not sustain our culture. Land helps us to sustain our culture" (IP18TK/Mun).

> "And through those intangible practices or events, within those stories, is where the answers are as to why you shouldn't do that. And those are very old [stories and knowledge], they are what allowed us to live here for thousands of years without destroying the earth" (IP20TK).

ICH, for Indigenous communities, can be seen through many acts of cultural resurgence and relearning across Canada. It is embodied when individuals partake in traditional practices on a

day-to-day, even seasonal, basis; and it can be heard when community members voice traditional songs, record TEK, or when children are taught their Indigenous language in schools. Preserving ICH is an active process that many must take part in, argues IP17Her/TK. It is not restricted to a laboratory or museum, but is a part of the "… celebrat[ion of] what we always do … to bring back other things, like the quillwork and older arts that have faded" (IP17Heritage/TK). It is very much a community process.

4.4.3 Towards a Democratization of Heritage Management and Planning
Several participants believe structural changes within the heritage management field as a whole are an important component to expanding heritage to be more inclusive of Indigenous ICH and ICH, in general. Participation of Indigenous peoples and communities in the planning process has historically been low (Whiting, 2004, Stadel et al., 2002, as cited in Leroux et al., 2007) within a largely Western-scientific planning process. Borrows (1997) found that Canadian provincial planning policy does not effectively engage with Indigenous peoples or recognize them. Critics note that planning researchers and experts have not done enough and Indigenous involvement in the planning process continues to be self-serving to Western interests. Porter (2010) notes that within our current system of planning and engagement, "Indigenous interests are rendered legible in state terms so that traditional knowledge, cultural heritage, and joint management [of parks and cultural sites] are reified as appropriate subjects with which to engage Indigenous people…" (Porter, 2010, p.105).

The heritage field has developed into 'silos' of experts restricted to specific operational legislation. The "super formal structures that exist… reflect another era" (P7Her/Fed), and some argue, are an impediment to greater inclusion and recognition of local values. Participants noted a move towards "democratising and looking at community based approaches to heritage conservation, sharing the decision making processes" (P12Her/Prov) as an important shift in heritage thinking. This community-based approach relies on local knowledge, local participation, and "it's about empowering communities and including First Nations in the processes" (P12Her/Prov).

Such a democratization of heritage could be embodied in a system that is "…much more fluid, adaptive, and dynamic, de-centralized" (P7Her/Fed)—less focused on legislative process and bureaucracy, according to participants. P12Her/Prov argues "democratising and looking at community-based approaches to heritage conservation" is central to more effective heritage research and programming; "it isn't enough to just have an advisory committee to provide some heritage recommendations to the heritage planner" (P12Her/Prov). This would differ from the current system that overwhelmingly relies on planners or 'experts' to come into the community and, at the most extreme level, "will then go do what they want to do anyway" (P12Her/Prov). The value and usefulness of using local knowledge in heritage planning would inform heritage projects significantly, as local people can "express meaning associated with place on their own terms" (P7Her/Fed). Developing a system that tends toward training and skills development at the local project level, with a community-centric approach, would build capacity and ownership of heritage projects within the community (Wray, 2011; Murray, 2005). Community members are seen as experts of their knowledge, are active in all phases of the process, and more closely

reflect the interests of the community (Mahjabeen et al., 2009, p.46). Examples of community-based heritage projects and skill building can be seen in Newfoundland and Labrador. P9Her/Prov spoke enthusiastically of Heritage Foundation of Newfoundland and Labrador's community based projects that from the very beginning help "communities identify the skills that they need in order to do specific projects…."

4.4.3.1 Heritage Practitioners: Facilitators or Experts?
Along the same lines of democratization, interview participants were largely self-critical of how the role of a heritage practitioner has evolved into an exclusive and authoritative expert driven profession. "We tell people what to do and in most cases what not to do because we have heritage planning legislation that is very proscriptive" (P12Her/Prov). The credentialism of the heritage field has created a profession of highly trained individuals specializing in their 'heritage silos' – heritage planners, museum curators, archivists, folklorists, and historians—further segmenting the field. As a result, this has some participants questioning the accessibility of the heritage field to all communities, supporting the idea that heritage 'experts' are the only people fit to manage and protect Indigenous heritage (Hemming & Rigney, 2010). A central resounding question, which many heritage professionals are increasingly asking, is: "Are we the authoritative experts or are we mediators and facilitators?" (P12Her/Prov). Although considered to be 'experts,' many participants feel that it is important to value the "expertise within the context of communities" (P12Her/Prov) or, the local knowledge, as well. Disregard for local knowledge can lead to ineffective programming from 'outside experts' (Matunga, 2013, as cited in Walker & Jojola, 2014).

Several participants noted that although they are part of an 'expert' profession, "I don't think its up to me to tell a community what to do…" (P9Her/Prov). They see themselves more as facilitators, thereby giving them, in their opinion, a more effective role in the local community:
> "I think there's a certain level of professionalization that we can assist with on certain topics. So if a community group wants to do, as an example, oral history recordings. We can help with selecting which types of equipment they need, and how to do the recording, and asking the right questions and providing consent forms. I think certain technical skills that we have are useful, and can be applied to indigenous and non-indigenous communities. So I like to go where I'm wanted –where I feel that I can help the community that requires my assistance" (P9Her/Prov).

It is in this way that many participants see their role becoming more useful by providing not only professional skills and expert opinions, but also by enhancing capacity in communities for youth and citizens to be trained in audio/visual recording, interviewing techniques, and research methods. Again, P12Her/Prov notes, "it's about empowering communities and including First Nations in the processes…" and being flexible with what heritage professionals can provide a community. These arguments tie in closely with critical Indigenous, as well as Western, scholarly arguments for planning to move to transactive or community-based planning approaches, which depart from the expert-led planning processes to more democratic and local grassroots processes (Leroux et al., 2007). This would support stronger understanding of local knowledge, landscapes, and needs of said community (Berkes, 2004).

4.4.3.2 Western Institutions: Official Structures of Heritage

Indigenous participants noted encountering numerous barriers when interacting with Western institutions on matters relating to heritage recognition. Dealings with different levels of governments have often been wrought with tension. In some cases, Western institutions do not engage with non-status communities due to rigid jurisdictional restrictions, placing them in what is known to Borrows (1997) and McLeod et al. (2014) as 'jurisdictional grey zones', particularly in the planning realm. IP19TK noted times when municipal governments specifically refuse to engage with the Algonquin's of Ontario (AOO) because "we are representing both status and non-status communities… they only want to speak with the status group" (IP19TK). This can arbitrarily limit a segment of the community who may be "…non-status and very knowledgeable and they are very involved in the traditional way of life, whether ceremonial, *et cetera*" (IP19TK) from partaking.

The corporate and jurisdictional structure of projects – both in public and private sector—also affect how Indigenous communities are engaged. As Dorries (2012) notes, this "…logic allows Indigenous politics to be separated from the sphere of local land use planning" (p.72). IP18TK/Mun: "I guess the bottom line is the dollar. So they haven't considered too much at the end of the day." This notably limits the time and resources of a project, within a strict corporate paradigm, when attempting to work across cultures.

4.4.4 Decolonising settler society

4.4.4.1 Education

Education is the key to "combat racism across Canada…." (IP20TK). Participants believe that what is taught in elementary, high-school, and universities about Indigenous peoples can play an important role in combating persistent colonial attitudes, misconceptions, and can expand understanding of Indigenous worldviews. "We need a more extensive way to teach these things…" (IP21Her/TK). "[S]o if you expose [students] to them the history and the truth, then you will combat racism" (IP20TK). Although speaking within an American context, IP21Her/TK believes that we must teach not just the "doom and gloom... [about] what happened at the Trail of Tears, Custer's Last Stand…" (IP21Her/TK) but rather mandatory education of Indigenous issues, the residential schools, culture and worldviews, will expose all Canadians to "the truth."

The Truth and Reconciliation Commission's Calls to Action (2015) touch on the need for Indigenous cultural heritage and history to be taught in schools. While Calls to Action 62-65 ask for school curricula and programming across the country to be developed to focus on Indigenous peoples and reconciliation. Call to Action 57 specifically calls

> "…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."

As IP21Her/TK sees it, "the truth isn't very pretty. But when you go past that, you can move past the awkwardness" towards a more accepting society.

4.4.4.2 Building Meaningful Relationships

Participants overwhelmingly believe that strong and meaningful relationship building is the foundation to effective heritage management. Getting to this, however, is easier said than done, particularly if that means departing from the business oriented project view of deadlines and budgets. As one participant noted, when building relationships with Indigenous communities, hundreds of years of mistrust and wrongdoing often had to be addressed first: "It's a very difficult thing to do" (P4Her/Priv).

Some Indigenous communities may view mainstream settler organizations with mistrust, especially when it comes to sharing traditional knowledge and sacred objects. P7Her/Fed believes that how one reaches out to the community sets the tone of the relationship and is crucial to the success of the project:

> "I think it's about actively reaching out. [It] goes beyond the consultation and engagement process. Part of the approach is 'we think we have items or places that may have significance to both of us. Would you like to sit down and talk with us.' It is an invitation to a conversation, it's not about 'we are doing part of a renewal of a five year heritage plan…. Blah, blah, blah…' this is a very different discussion. Through this approach, you can identify shared significance, a new identified approach, [and] ways of working together"(P7Her/Fed).

Meaningful relationships take time to developed and require "… a lot of public input, engagement, and work" (P4Her/Priv). This may act as a deterrent for some Indigenous communities or organizations. As P13Her/TK/Fed noted above, there is simply no fast rule across the board for successful engagement. How a project is run, whom to include, and at what levels to engage the community is contingent on geographic location, project timelines, cultural traditions, and a community's capacity to take part. All of which takes time and can pose a challenge to Western timelines and budgets.

Effective engagement and relationship building needs to be small-scale and focused on the community or specific Indigenous group –not restricted to large-scale policy or consultation checklists. P13Her/TK/Fed noted the important learning curve for heritage practitioners and planners when engaging with Indigenous communities:

> "Respect cultural protocols no matter where you are. People have to be taught to give tobacco, what to do in ceremony, in smudges, those kinds of things. Again for some groups it's very important and others not so much; when to have Elders in the room and when not to, when to be dealing with the First Nations on a political level and when to deal with them on a personal level or cultural level –because you could have several layers of involvement with a community."

An alternative view may be that the most effective kind of engagement and support is to "…giv[e] the Indigenous community the space and required support level in protecting [a site or heritage] themselves…" (P13Her/TK/Fed). Rather than having an outside organization in control

of the process and product, the organization could take on a more effective role as facilitator and support the community through the research process and recognize the differences in viewpoints when coming to agreements.

A community's capacity to respond to external requests has been mentioned as an important element to how and to what extent an Indigenous community can participate. This is a limiting factor for many Indigenous communities to fully participating and devoting resources to heritage programming and research—and it will be discussed further in the Barriers and Challenges section of this chapter (see s.4.5). As P8Her/Priv notes, "one of the ways that we can make it fairer is by ensuring they have the capacity to respond to planning actions." Financial resources, personnel, time, are all factors in this issue of capacity building:

> "So give them money to do the work themselves or to hire consultants – because they don't have the money. Give them the time to respond to planning applications. Give them the tools to do planning applications…. Give them the tools to create the land use and occupancy studies. And mapping is really critical to that. Make archaeological reports accessible. So those are practical things, like training people…" (P8Her/Priv).

Capacity building can help bring heritage programming to more communities and make it more attainable. Ultimately, it should be "about empowering communities and including First Nations in the processes. It also recognizes that First Nations have certain rights that are special and unique than the public" (P12Her/Prov).

4.4.4.3 More Dialogue between Practitioners, Policy and Indigenous Communities
More meaningful dialogue between communities and decision-makers is crucial for informed and effective policy formulation. The shift towards a more decolonized planning paradigm in Canada is where academics and practitioners are seeing increasing successes; for example, McLeod (2014) found this shift in attitude manifested increasingly at the provincial planning level. "There should be more sharing and more effort to reach out to the Native community," says IP21Her/TK. While increased Indigenous involvement and dialogue is occurring through intergovernmental partnerships in planning, participants want to see more involvement in heritage related matters to protect Indigenous interests "when there are major developments happening and the land is broken" (IP19TK).

Legislation can only go so far and municipal and provincial involvement with Indigenous matters are limited by common law, argue participants. Political and bureaucratic will are important components to expand dialogue and understanding between Indigenous groups and settlers. Bureaucrats are "influential to getting the politicians to do things. The politicians know nothing, it's a revolving door" (IP21Her/TK). The Government of Canada's Duty to Consult and Accommodate process makes consultation necessary if proposed projects have the potential to effect Aboriginal and Treaty rights. Drawbacks to this practice and legal requirement have resulted, since municipalities tend to abstain from partaking in consultation and accommodation if "they feel that they do not have any Crown land…. [And] there is nothing in the legislation that says that municipality needs to adhere to" (IP18TK/Mun). This can result in an environment of

miscommunication, gaps, and process confusion during proposed developments (McLeod, et al., 2014; Dorries, 2012; Borrows, 1997)

IP18TK/Mun and IP19TK believe that Indigenous communities must also strengthen their involvement and willingness to participate in the heritage dialogue. "It's important to work with our neighbours," notes IP19TK, and "to educate themselves and to educate their [settler] neighbours." This will have a positive effect on heritage matters and will also help to raise awareness of Indigenous cultural values in the mainstream. IP18TK/Mun makes this point: "We want [settlers] to know … that we have history there, and that we want them to think about ways that we can preserve our history there. And, if there is going to be development there, how can we actively participate in the monitoring of the archaeological remains. That's what our Elders ask. They want to participate in the monitoring, if they would consider that."

4.5 What Can Be Learned From Current Barriers And Challenges To Recognizing Indigenous Cultural Heritage In Canada?

The following section will present current barriers and challenges that both Indigenous and non-Indigenous participants see as potentially hampering a broadening of our understanding of heritage towards effective inclusion of Indigenous ICH and worldviews. Although the identified challenges and barriers are not exhaustive, they illuminate both high-level philosophical barriers and on-the-ground practical issues faced in both the heritage field and within Indigenous communities. The main challenge areas identified in my research are as follow:
1. Persistent legacy of colonialism in Canadian society and Indigenous communities;
2. Need for cultural capacity building within Indigenous communities;
3. Need to promote meaningful dialogue and relationships between Indigenous and settler communities;
4. Need to reform heritage field to expand understanding of heritage and promote a 'holistic' ICH approach to heritage management to recognize Indigenous ICH.

4.5.1 The Legacy of Colonialism: "De-settle" our Minds

Participants commented on the persistent colonial attitudes and structures that continue to influence planning and Canadian society today (Porter 2010). Although Canada is considered to be 'post-colonial,' for all intents and purposes, the legacy of colonialism remains through entrenched social attitudes, policies, and legislation. P5Plan/Priv remembers feeling this colonial legacy while working with a First Nations community in Northern Manitoba: "when you walk into that space, you realize who you are. You are different from the people in that room … I felt that burden of the [Colonial] legacy, I never experienced that before." P5Plan/Priv felt the importance of being personally and professionally cognisant of what she represented as a white female planner from southern Ontario. This informed how she approached the planning process: "You go as a listener. If you go as an expert, you are likely to get nothing. And it's for good reason, because of this [colonial] legacy. If you go in and say: you have questions, you're here to listen, and you're genuine. You hear some amazing storytelling" (P5Plan/Priv).

At a macro level, P16Her/Plan/Fed noted persistent colonial influences in Canada, even at the international stage extending to ICOMOS and UNESCO. "Aboriginal presence was virtually non-existent [at the ICOMOS General Assembly in Florence, Italy (2014)] …there were not even a handful of presentations about Indigenous heritage. And those presentations were not presented by Indigenous peoples but by people of European decent" (P16Her/Plan/Fed). With low Indigenous participation, P16Her/Plan/Fed saw it not as an issue of lack of interest, but rather as a structural, systemic problem: "it really showed…that the origins of heritage conservation stem from European principles and theories." This is what Hemming & Rigney (2009) see as a continuation of colonializing management regimes into a modern form of colonialism.

Participants admit that considerable work needs to be done before many Indigenous communities can get to a stage where they are fully in control and active in the management and planning of their cultural heritage. A lack of cultural awareness within some Indigenous communities can be attributed to the culturally destructive Canadian policies that extended through the colonial period. Further to IP18TK/Mun's earlier question: "If you don't know what you don't know, then how can you begin to preserve something that you don't know about?" IP18TK/Mun argues that first and foremost, "we need to get better about bringing cultural knowledge to the forefront of any activity [within Indigenous communities]." IP20TK agrees that Indigenous communities need to reconnect with traditional practices and knowledge:

> "Within our own community we need to bring back the knowledge of the intangible cultural heritage and traditional knowledge. We need to know our creation stories, number one. We need to know where we came from before we know where we are going."

Reconnection to the past and recognizing traditional practices has to "start within the community" (IP20TK); this will take time within both Indigenous and within settler communities. Corntassel's (2012) findings point to the idea that decolonization is closely linked to acts of resurgence as it "offers different pathways for reconnecting Indigenous nations with their traditional land-based and water-based cultural practices" (p. 89).

4.5.2 Capacity Building for Heritage within Indigenous Communities
Participants believe that the capacity of a community to respond or take part in heritage management is a major factor in how Indigenous heritage is represented today. Some communities have the personnel and resources to participate in heritage studies and associated planning processes, some communities only have "money for a certain project for a couple of months and then it's over" (P9Her/Prov), while still others, do not have the organizational stability nor consistent funding streams to allow them to "develop long-term contacts within the community, or to develop long-term vision for their own programming" (P9Her/Prov).

Socio-economic and political challenges that Indigenous communities face were identified as being an important factor in an Indigenous community's capacity for heritage. As P1Her/Aca experienced, "a lot of indigenous groups and leadership don't have the time or resources to devote to these projects. They're busy doing all the other things they need to be doing for self-determination and for the people. And it has the potential to become a burden if various groups

want to engage them to talk about heritage." P6Her/Prov recalled rescheduling a meeting repeatedly with an Ojibway council to discuss a heritage project within the community:

> "When we finally connected through teleconference I found out why things were delayed. They had had three suicides in the community in the last month. And they were busy with mourning and grieving. Whether issues of health, economics, you could only imagine the more pressing issues…."

Many Indigenous communities tend to be inundated by "a barrage of projects…" (P16Her/Plan/Fed), stretching their limited budgets and personnel, particularly since recent changes in consultation practices: "all of a sudden [Indigenous communities] have to be consulted and now everyone is coming to them with a project, an issue, or having a conversation" (P16Her/Plan/Fed). As a result, the ability for an Indigenous community "to engage in external capacities is [generally] limited…so they have to pick and choose and be judicious about…what they engage in" (P7Her/Fed).

"One of the ways that we can make it fairer is ensuring they have the capacity to respond to planning actions" (P8Her/Priv). Increasing a community's capacity to take part can help with representation within the heritage field and allow a community to be active players in the field. However, the steps towards increased capacity are not necessarily straightforward and participants offered different opinions. P8Her/Priv believes that practical changes of increasing money, time, and training are major factors in a First Nation's capacity to engage in heritage or cultural activities. P16Her/Plan/Fed states that when engaging with Indigenous communities "…it's important to approach…in a respectful way…that is not overwhelming [and not] just sending hundreds of pages of documents and asking 'What do you think?'" P1Her/Aca thinks that this may influence the level that effective engagement is conducted on, "whether it's hyper-local or national" in light of current capacity issues. But to all participants, engaging with a community is about long-term meaningful dialogues that are "… sustainable for both communities involved and trying to work together to understand each other's perspective" (P16Her/Plan/Fed).

4.5.2.1 Understanding Community Priorities
Understanding and respecting a community's priorities is very important. As P8Her/Priv noted, "the reality is that in many cases what we think is important is not really for First Nations." Many Indigenous communities across Canada are grappling with pressing social issues or economic priorities. For a community, devoting time and resources into preserving cultural heritage "may not be the most important thing for Indigenous peoples at the moment we ask them. It may be getting a health centre, or whatever, just like we make decisions, it is up to them decide" (P8Her/Priv).

Additionally, whether a community is even interested in participating in the formal recognition of their heritage should also be considered. P7Her/Fed questions this difference in worldviews:

> "[T]here are some places where [heritage and culture] is formally recognized and the communities are involved in the recognition process…but I don't know how strong a movement is within First Nations, themselves, to recognize places. Maybe because many of the communities are so small, people just know what's important. It's part of the oral traditions, so why do we want to go and do something formally?"

P1Her/Aca notes that settler heritage practitioners and organizations should recognize that heritage management may not necessarily be a community priority at present, but that does not mean it is unimportant for future generations. Organized heritage in Indigenous communities may be "…down the road a ways...because quite frankly there are core life and death things going on in the communities" (P6, Her/Prov).

4.5.2.2 Cultural Resurgence and Trust Takes Time

All Indigenous communities are in the process of re-learning traditional practices and culture. Battiste (2013) calls this the "recovery…from a deep colonizing culture of superiority and racism…" (p.2). IP20TK sees many socio-economic issues as being directly related to this loss of culture:

> "Part of the problem that I see is a lot of our own people have never learnt their own traditional belief system until they go to jail—and you have someone like myself go in and talk to them. That's the sad truth. You meet a lot of people who say they never heard about it until they went to jail. And it's kind of late when they went to jail but it's not too late.

Noting this, heritage management faces an uphill battle in many communities since "it's …hard to reassemble that [Indigenous knowledge]" (IP20TK). Cultural resurgence is an important element in building community resiliency and pride for Indigenous populations across the country, but it also serves in the healing process (Corntassel, 2012). Battiste (2013) acknowledges "…Indigenous peoples are now reconciling with what was denied us, our knowledge and languages that leads us to the deep truths about ourselves and our connections with all things" (p.2).

Cultural programming and research is growing in many Indigenous communities "to restore the [traditional] teachings; to redistribute the teachings; and to just have people exposed to them so that people can incorporate them into their own lives" (IP22Her/TK). Interview participants see a two-part process to cultural resurgence: acceptance and resurgence of cultural practices and knowledge within Indigenous communities, and then, sharing it with greater settler society.

Re-building cultural knowledge and accepting it takes time. As was discussed previously, TEK and ICH is place-based knowledge that is central to Indigenous identity and history; it is as much cultural practice as spiritual (Robson et al., 2009; Berkes, et al., 2007; Berkes, et al., 2006; Turner et al., 2000). Through centuries of colonialism, considerable Indigenous cultural knowledge, which must be "constantly validated, reaffirmed and renewed…" (Smallacombe, Davis & Quiggin, 2006, pp.7-9), was lost. As a result, there is considerable work to be done if the damage of colonialism on culture and pride is to be reversed. Decolonialism, according to Linda T. Smith (2012), provides this avenue to reject the dominant settler worldviews in order to reconnect with Indigenous worldviews and ways of knowing.

IP20TK is active in traditional activities; however, he is met with resistance from some community members, including members of his own family:

"…[I]f I were to take my drum and start to sing a traditional song, they would get up and leave… They are so brainwashed into believing that our traditional practices are evil, worshiping the devil, and all that Christianity crap… They are so ashamed of their ancestors."

Many communities are currently reconciling with how they wish to share their culture within their communities and with the wider public; "there is still that mistrust that resonates throughout Indigenous people to share […] traditional culture too widely; we are still testing the waters" (IP19TK). IP22Her/TK thinks that caution is appropriate in order to protect cultural knowledge, "I'm more concerned with [our] people learning this stuff than the public. The public is interested in this stuff they want to learn everything. And I don't really want to give it to them. They have their own faith systems that they should be using and not trying to usurp ours" (IP22Her/TK). While noting that some do argue that Indigenous "culture and traditions need to be hidden, that we need to protect it," IP19TK believes that this is an antiquated view that was influenced by colonial reality when "we were at one point forced to hide our cultural practices, they were forbidden" (IP19TK).

Cultural resurgence within Indigenous communities is an important component to improving how Indigenous ICH is represented, transmitted, and protected. Indigenous communities can build upon these cultural foundations. Many communities are seeking ways "…to bring back these lost arts and let them thrive again…" (IP17Her/TK). A resurgence of traditional skills, crafts and arts in communities can be supported by ICH programming, legislation, and protection. Powwows are an example of the growing cultural pride across North America, and where settler visitors are invited to attend. IP19TK represents the new generation of opinion that we are now in a new "age where it's okay to be Anishinaabe, to be quote, unquote, 'Indian' or 'Indigenous'. To actually be proud of our culture and heritage, and to be able to teach people."

4.5.2.3 Recognizing Indigenous Worldviews and Complexity of Cultures
Heritage planning and management remains largely rooted in Western-European worldviews, research perspectives, and ideas of property ownership (Canon & Sunseri, 2011; Smith, 1999). P6Her/Prov explains, "in our [Western] world we think of firm geographical and legal boundaries — 'the street ends here, the property starts there.' In Canadian law someone owns land, has title, sells it, there's a degree of personal responsibility, finality." This can contradict Indigenous worldviews where heritage and important sites can be "…amorphous — not, where does the point end? Where does the peninsula start? — Land is not a gridded, charted, and finitely mapped out area. It's an extension of the people. It's quite different, so those types of things are tricky to manage in our pluralistic society" (P6Her/Prov). What can then result from these differences in worldviews is a mismatch of what a community wishes, as it is forced to fit within the western models of heritage management. P6Her/Prov goes on to note that Indigenous communities offer consensus, but cannot give absolutes, regarding their heritage resources:
> "[I]f you want approval to do something, now and forever, we cannot actually do that. We don't own forever, we only have a handle on now and if you look Seven Generations hence or if you're asking us to relinquish something that we've been charged with protecting or holding or doing. We don't actually own the right to do that because we

only have inherited the right, and we're obliged to pass that right on. But it's not ours to give up."

Considering Indigenous worldviews is important and goes beyond simply asking for a community's input. It is about actually recognizing the value of heritage and ownership from an Indigenous point of view. In the current model, Canadian heritage systems follow a Western paradigm of heritage:

"…We are either asking to consult and find out things or … want to approve things — we're asking for things that do not compute and cannot be granted [in an Indigenous worldview]. And it's a challenge because we're asking for things that are not even yours to give. And even if its fantastic, they may say that it is O.K. now, but must ask tomorrows people if it still is" (P6Her/Prov).

"First Nations are starting to say 'no, our sites should be preserved full stop, they are sacred sites and they should be recognized'; and this is a significant change. It's the tangible part of the heritage but it's tied to all of these things. The challenge here is that our legal, structures, our political structures, and our planning constructs are generally European based, Western; it's a different process, it allows us to parse up things and say 'there is land, and stories, and pieces' — we can deconstruct it…" (P6Her/Prov).

Remaining in a Western heritage paradigm can result in a mismatch of priorities between Indigenous and Western communities and will lead to ineffective protection of Indigenous heritage. Several interview participants attended the 18th General Assembly (Florence, Italy, November, 2014) for ICOMOS and noticed a promising marked shift towards a stronger holistic approach in heritage. P16Her/Plan/Fed was struck by the irony that ICOMOS was just then beginning to recognize a holistic approach to heritage management– breaking down the binary of tangible and intangible heritage –while the Chinese and Eastern delegates already had the holistic understanding "like it was innate, the intangible" (P16Her/Plan/Fed). The United States and Australia have been working on these issues more proactively, and Canada increasingly so. Nevertheless, P16Her/Plan/Fed believes that more can be done to "bring these issues to the table…."

4.5.2.4 Working within the Mainstream System, in an Indigenous Way
Indigenous communities are often embracing Western structures and processes despite an apparent mismatch in worldviews and heritage priorities. In successful examples, we see Indigenous communities utilizing or working within the "…contemporary, Western scientific approach to further their goals and, at the same time, participating in it and learning it…. In some respects they say, 'Yes this is good, it's helping us.' While in other cases, they may be saying 'We do not necessarily agree with it but we'll use it…'" (P10Her/TK). Alternatively, there is a notable shift, by some settler practitioners, towards decolonizing planning processes and utilizing indigenous methodologies supporting a post-colonial discourse (Canon & Sunseri, 2011).

An important component to this is utilizing Indigenous knowledge and ICH to inform the Western planning or research process. Indigenous planning theory and practice is just one of the

new forms of planning theory emerging from a new pluralism that aligns closely towards transactive and community-based approaches (Lane, 2006; Sandercock, 2004). P5Plan/Priv speaks to the depth of knowledge that emerges from sessions with Elders that are often translated onto maps. "We map every single piece of knowledge that people want to share with us. We map trap-lines, snowmobile routes, grand-parents cabins, traditional knowledge" (P5Plan/Priv). These land use and occupancy, or TEK, maps tell the story of the landscape through oral histories and help inform the planning process.

P14Plan/Fed notes the successes of 'picking and choosing' between Western scientific processes and Indigenous TEK in management plans and park planning. The resulting plans prove to be richer and act as "a discovery for [Settlers] and a re-discovery for First Nations… So we're focusing on learning and identifying opportunities… establishing relationships with people and the lands" (P14Plan/Fed). Education and awareness among planners is growing and McLeod (2014) notes "planning can provide an opportunity to create spaces of common ground… it has the potential to facilitate cultural changes through bridging understandings and strengthening individual relations across communities that a continued dependence on rigid legal approaches may struggle to achieve" (p.46). However, there is a caveat to this apparent success. The balance of power and influence remains in the hands of settler institutions, and Western-centric perspectives dominate planning processes (James, 2013; Corntassel, 2005). Indigenous peoples must begin to be seen as more than stakeholders but as active participants, leaders, and owners of the planning process (Matunga, 2013).

4.5.3 Relationship Building: Engagement, Co-ownership, Co-management
Participants with experience working with Indigenous communities found that regardless of whether policy and programming for Indigenous engagement is in place and followed, "ultimately it's communication" (P11Her/Priv), respecting local knowledge and aspirations, and strong relationships between parties that will determine the success of a project (Matunga, as cited in Walker & Jojola, 2014; Borrini-Feyerabend, 2004). P15Plan/Priv recounted a project where it was "definitely after we built up that trust" that the community entrusted them with information. P15Plan/Priv also had experiences where "communities didn't want to tell us certain things because they thought by telling us it would lose something or that the trust was not there yet" (P15Plan/Priv). This is another case of going beyond the Crown's fiduciary duty to consult by building a strong and culturally respectful relationship. Participants weighed in, further, on the importance of building strong relationships:

> "Planners have the responsibility to engage the community. And engage not in just a tokenistic way but in a meaningful way. And then to take their feedback and use it and represent it" (P15Her/Plan).

> "If there's more and more progress in partnerships, working together, and co-management [with] First Nations … If those kinds of things continue to happen and they build a confidence, then it creates an opportunity for developing a greater understanding for their worldviews and beliefs…. But if those kinds of things don't happen then, again, I think people will only feel they will be ridiculed or misunderstood from a deeper sharing and understanding of their worldviews" (P10Her/TK).

"I think the organization understands, at least, at the highest level, that there is a need to build these relationships with the Aboriginal communities across the country who are connected to these places. And it's in everyone's interests. So the work that's being done: there's healing, there's dialogue, conversations, there's relationship building that's meaningful…. Of course there are a lot of problems and it may vary here and there; but there is goodwill with Aboriginal communities as well" (P16Her/Plan/Fed).

As several participants noted, meaningful relationships often require planners to depart from Euro-Canadian worldviews and methodologies in order to incorporate Indigenous worldviews into the planning process. P13TK/Her/Fed described the *Gwaii Haanas Agreement* (1993) between Haida Gwaii and Parks Canada as a successful example:

"When it was negotiated, it took around 10 years, and it was never one agreement. It was two columns: it was Parks Canada's understanding of the situation, point by point and it was Gwaii Haanas' understanding of the situation, point by point. They never signed off on the same thing. 'You think of it this way and we look at it this way.' And that was the basis with how they decided to go ahead with the National Park Reserve negotiations. And that was really, really interesting because that was two different worldviews. And they were equal, on the same page, but not 'the government reserves the right, etc."

In this example, cultural worldviews were respected and the community was given "the space and comfort level" (P13TK/Her/Fed) to settle the agreement. Building and maintaining relationships, or co-management agreement of sites, require considerable "…public input, engagement, and work..." (P4Her/Priv). This, however, may act as a deterrent for municipalities or organizations and can be hampered by an organization's business responsibilities of timelines and budgets.

Consultation, engagement, and increased dialogue, although steps in the right direction, are not enough when, ultimately, the colonial institutional structures dominate policy and attitudes because they "…have an end result with a white dude in a room making the decision. It just doesn't change – no matter how much [engagement] is there…" (P5Plan/Priv). The Yukon Territory is one of the only jurisdictions where cultural heritage is co-owned by the government and First Nations and where they are working together on an "equal playing field" (P12Her/Prov). Advances for Indigenous participation and ownership of heritage are being made slowly in Canada. Participants overwhelmingly believe that this situation is not solely unique to Indigenous communities but rather, a "…challenge we need to address" (P9Her/Prov) in the planning profession as a whole. "…We really need to come to grips with our policies for First Nations, on all aspects of life" (P2Her/Aca).

4.5.3.1 Building Trust and Relationships with Settler Society
Participants cited the need for trust between settler and Indigenous communities to grow if meaningful relationships and Indigenous policy are to occur. Racism towards Indigenous people and lack of awareness of Indigenous history and culture are still prevalent across the country. IP22Her/TK believes that it is important to progress to a time where "we don't have to hide [our culture and practices] anymore…."

Evidence of Indigenous presence on the landscape is limited in jurisdictions across Canada. Increased recognition on the landscape can raise awareness of Indigenous presence and history, expanding Settler understanding of Canada's history beyond three hundred years of Euro-Canadian settlement. IP18TK/Mun speaks to these challenges in Calgary (AB): "I want all Calgarians to know we're sitting on a goldmine of history that we haven't begun to pay attention to… it is a part of Calgary's character, in addition to the old sandstone buildings—we are sitting on over 12,000 years of history that we haven't even begun to investigate."

However, mistrust in government interference remains strong for many in Indigenous communities. "[D]o I trust them? …Do I trust anything that has to do with the government? Definitely not. There's no reason to trust anything they do, there is a long history of what happens when you trust the government… just look at the history books" (IP17Her/TK). Despite this, some participants are open to sharing cultural knowledge outside of their community, under the assumption that it can promote understanding and tolerance:

> "The stuff that we share, there's plenty that we are allowed to share, but other things we keep to ourselves. We're trying to, not to create a reverence, but a respect, in the outside world for it [our heritage]" (IP17Her/TK).

4.5.4 Bringing Indigenous Issues to the Table: Expanding the Dialogue Across the Board
As P7Her/Fed noted previously, successfully working with Indigenous peoples is about "actively reaching out [and it] goes beyond the consultation and engagement process." Participants note that it is about moving beyond what is legally required, and the bare minimum, in order to start a dialogue in government. With willingness by settlers, "…then there are ways of both respecting and reflecting the different narratives of place…the structures themselves are not necessarily an impediment" (P7Her/Fed). P16Her/Plan/Fed notes the importance of "expand[ing] the dialogue…to invite and ask those questions."

Participants were well aware of the growing social mobilization and unrest in Canada surrounding Indigenous socio-economic, political, and environmental issues. Although interviews were conducted prior to the release of the Truth and Reconciliation Commission's ninety-four key recommendations in June 2015 (see *Chapter 2: Literature Review*), participants recognized that in order for reconciliation and mutual respect between settler and Indigenous communities to emerge, a notable societal paradigm shift must occur. P6Her/Prov succinctly summarized the legal progression in Canadian society with:

> "Some key points where things have changed. Things really changed with the White Paper in the 1960s (Aboriginal culture across Canada), 1982 *Constitutional* changes and the *Charter*, and the Supreme Court changes (several), and in Ontario, Ipperwash was huge (Ipperwash Recommendations); there was a whole chapter on heritage and burials which is cited chapter and verse in land use discussions and which is driving things. So it's a changing landscape."

Indigenous issues have increasingly become the priority of many provincial governments across Canada. Provinces are "…evolving [their] relationship, both [their] kind of legal treaty relationship, and … constitutional requirements under the Duty to Consult and Accommodate" (P24Her/Prov). This shift in legal and political priority will invariably have ramifications for how

Indigenous heritage is recognized. Speaking about Ontario's provincial ministries, P23Her/Prov and P24Her/Prov note this:

> "…shift in government priority; you can see that within the internal government ministries. The Ministry of Environment has an Aboriginal Branch, so does the Ministry of Transportation and Ministry of Natural Resources and Forestry… again it's a shift that maybe ten years ago we didn't have that" (P23Her/Prov).

> "[The] shift that is taking place right now in terms of policy, building relationships, building relationships with Aboriginal communities and involving them in developing policies that affect their lives in terms of heritage and culture. I wouldn't say it's the same as the *United Nations Declaration on the Rights of Indigenous Peoples* but it is an echo of it, the spirit of it is there" (P24Her/Prov).

Despite this shift in priority across the board, some participants alluded to the potential for a diffusion of responsibilities and resulting ineffective programming, particularly in heritage related matters. P4Her/Pri noted similar problems when dealing with the most recent Ontario *Mining Act*: "When the new *Mining Act* came into effect they didn't even think about heritage, they thought, lets go ask the First Nations [because assumedly they would have all the information] about sacred and cultural sites." P24Her/Prov confirms the problem of diffused of responsibility across government:

> "[A]s well as the Ministry of Aboriginal Affairs, [the] Ministry of Consumer and Business Services … administers the *Funeral Burial and Cremations Act*. That act has specific provisions that deal with aboriginal burial sites. So that's again an example of how diffused it is across the government, because Ministry of Culture, Tourism, and Sport does not deal with burial sites."

When asked whether a diffusion of responsibility of Indigenous matters and heritage across Ontario's ministries is problematic, P24Her/Prov stated: "I can't really give much of an opinion, it is what it is and that is the context that we work in."

Commitment to support Indigenous heritage management by the public sector is growing, however. The Pimachiowin Aki UNESCO World Heritage Site nomination is an example that "certainly reflects the strong commitment at the provincial levels to supporting both a cultural and natural heritage interest" (P10Her/TK). The Pimachiowin Aki project was supported by two jurisdictions –provinces of Manitoba and Ontario— in partnership with several First Nation governments with "…innovative legislation to support and encourage First Nations involvement with land use planning and a kind of willingness by governments to be more open to cooperation and even co-management to areas that are planned" (P10Her/TK). The designation work is headed by the Pimachiowin Aki Corporation, a registered charity, which operates at arm's length of the provincial or federal institutions.

4.5.4.1 Political and Legal Barriers

Political and legal barriers persist as an impediment to improved Indigenous ICH policy and management (Turgeron, 2015; Prosper, 2007; Rolfe & Windle, 2003; see also Burrows, 1997;

McLeod, 2016). Despite advances towards addressing Indigenous concerns in social housing and health, municipalities and planning departments (McLeod, 2014; Walker, 2008) have remained hesitant to acknowledge Indigenous historical presence in cities, not only in the heritage sector, but across the board, according to IP18TK/Mun. IP18TK/Mun is frustrated by the prevalent municipal stance that, legally, "they do not have to consult," despite the "ethical and moral obligation… for the city to develop relationships with … First Nations communities." The position that many municipalities take remains a challenge for Indigenous communities—to be taken seriously by municipal heritage and planning departments—and has ramifications for how Indigenous heritage is considered and protected by municipal heritage departments. As a result, "there is a huge deficit of [Indigenous] heritage sites within municipalities" (IP18TK/Mun).

Walker (2008) argues that municipalities "should not wait around for other governments and should improve [the relationship] with Aboriginal communities because they have the power to do so and it is impractical not to" (p.23). As to how these changes can occur, IP18TK/Mun holds that relationship building and informed policy development will be the most effective. IP18TK/Mun does not believe that we can wait for improved attitudes: "If I sit back and wait for the attitude shift, it would never come about…. [I]t needs to happen through policy before the attitudes change." Despite building "great relationships" across the municipal sector, IP18TK/Mun is still met with "many resistors…" And believes that "cities need to deconstruct their colonial structures to make room for [improved Indigenous policy]."

4.5.4.2 Time and Money: Corporate Agendas

The corporate structures of Western heritage institutions and projects can also act as barriers to establishing relationships with Indigenous communities. Participants see this as a major impediment that colours how Western institutions meaningfully engage with Indigenous communities. Strong relationships and use of culturally respectful engagement take time but can result in positive relationships and informed decision-making. Corporate structures and limitations on projects, such as strict timelines, budgets, and deliverables have been a barrier in several projects that P13TK/Her/Fed has been involved with. However, the positive outcomes that result from more culturally focused Indigenous engagement are immediately noticeable:

> "[S]ometimes the negotiations take longer and you learn a lot more. You learn a lot about the community, their underlying interests, what they're trying to protect, the love they have for the land and their children, for those generations that are coming. And then although it seems it takes a lot more time in the meeting, you take a lot less time later without the finger pointing" (P13TK/Her/Fed).

Projects become more about solution and relationship building, rather than the bottom line. This is not easy to obtain, "this sense of working in partnership, that there will be respect shown…" (P10Her/TK). For this to occur, "first and foremost the people in power have to be the most patient and open to the changes" (P10Her/TK).

Reliability on capacity funding for Indigenous heritage programming poses problems. Funding is often contingent on external sources – short term cultural grants, industry-led TEK studies attached to a natural resource project, or *ad hoc* provincial or federal government heritage

funding. Indigenous participants had different experiences and opinions regarding funding and support for heritage programming from mainstream cultural organizations and government departments, like Canadian Heritage or Parks Canada. Funding appears to be present for certain cultural heritage programming in the form of grants, or in connection with a national park, or Euro-Canadian historic site.

While IP19TK believes that government grants are an important source of funding to support the development of long-term programming to "build capacity….", not all participants agree: "We get hesitant and nervous about funded things," remarked IP17Her/TK. IP22Her/TK believes that the timelines and grant structures currently available are problematic and "not very effective." Speaking on her experiences organizing funding for language preservation programs, IP22Her/TK explains:

> "Part of it, in my experience in accessing the funding for language retention, is that the money is awarded late, the end of the contract is soon, and you have to rush into it to get it done. So there are no long-term goals and you don't know that you have the project until it's almost too late to finish it."

Funding for programming appears piecemeal and some participants claim to never see funding from the government to promote Indigenous culture or programming. IP21TK notes that:

> "I've never seen any money from Indian and Northern Affairs…and not that I want to. Parks Canada has only funded their own people to go to the camp for workshops. None of the departments have put 'X' amount of money towards this cultural program…"

IP17Her/TK's experiences are similar, noting that there has been very little money granted to the travelling cultural group he leads, even when asked to represent a native presence at celebrations or festivals. In the case of War of 1812 commemoration festivities:

> "[T]he money was already divvied up… by the time we got the invitations… And so we were just the afterthought, and they'd call us up a month or two before their events and get us to do something. It felt like you were just above the level of a vendor, somebody who's there to sell lemonade *(laughs)*. It was very tokenistic."

As a result of this treatment, IP17Her/TK notes that they now tend to decline official events, choosing to attend more "grassroots organizations" and festivals. There is a notable sense of pride in supporting the programming within the community, by the community, rather than relying on outside funding.

4.5.5 Reform in the Heritage Field

4.5.5.1 Heritage Priorities Still Material Focused and Settler Dominated
Several participants note that the heritage field's "constant engagement and attention to preservation or conservation of settler heritage is itself a barrier to acknowledging Indigenous heritage" (P1Her/Aca). From a technical and theoretical perspective, heritage planning and management remains grounded in European tradition (James, 2013). As a result, colonial narratives and material heritage resources tend to be protected. P16Her/Plan/Fed believes this to

be problematic for not only society but also for the heritage profession, "…because we embraced the European ideologies, we've definitely missed out." Continuing in this direction can have negative effects on heritage in Canada, even perpetuating colonial attitudes:

> "The more attention we give to settler heritage or conservation, the more that it works to write over or erase Indigenous heritage… The more that we believe it's important to protect our own culture, when that culture is built upon the colonization and erasure of indigenous cultural heritage, then it will just continue to be imbalanced despite how great the policies are in the field" (P1Her/Aca).

P6Her/Prov echoes these sentiments through a broader multicultural lens, explaining that "…people get involved on committees when they're old, people want to recognize their heritage, their youth… If you begin to add this stuff up, you can quite quickly carve your standard archetypical heritage volunteer –and it is definitely not a young aboriginal woman, nor is it a south Asian immigrant single mother" (P6Her/Prov). Representation in heritage overwhelmingly fails to reflect youth and multicultural society. Speaking in the context of Ontario, P6Her/Prov explains: "…the more the people [partaking in heritage committees and events] begin to reflect Ontario's society, the more successful heritage will be. The more inclusive and engaged, the better it will work." Youth committees, such as the Architectural Conservancy of Ontario's Next Gen committee, youth programming and scholarships, and engaging immigrant and Indigenous communities in programming, will potentially engage a more diverse representation of Canadian heritage and will move away from colonial narratives. But "…we have a long way to go to both recognizing Aboriginal heritage as being important in the heritage community as well as the planning community, more generally" (P16Her/Plan/Fed). Bringing ICH into the mainstream through increased engagement in diverse communities is arguably a crucial component to success.

4.5.5.2 Towards a Holistic Approach: From 'Silo' to Holistic
The heritage field has evolved into, as some participants argue, numerous 'silos' of heritage professions, conducting research and working separately. This may act as an impediment to effective recognition of ICH and working with Indigenous communities. More dialogue and partnership across silos could lead to stronger collaborative heritage research and a broader understanding of what heritage is. The system in place, currently, looks like this:

> "We have Parks Canada, who do not talk to Canadian Heritage. Then you have museums developing their own thing using the traditional knowledge of their sector; then you have natural conservationists doing their own thing, heritage conservationists going off to do their own thing…" (P12Her/Prov).

The heritage field in Canada has been increasingly segmented into distinct fields of experts: folklorists, museum curators, historians, archaeologists, conservationists, and heritage planners. P12Her/Prov is frustrated with this segmentation and wasted potential in a system where "we're all talking about the same thing, we're all dealing with the same issues! We've just all adopted different operational languages." P4Her/Priv, an archaeologist, noted that in some cases, socio-economic analysts have been employed to conduct TEK research for communities or mining operations. Although the socio-economic analysts can obtain a record of TEK and what it means, their analysis may have spatial limitations: "I think that archaeologists are familiar with not only

locating sites geographically in space, but also understanding what those sites look like on the ground. I think they're the best trained for this sort of research. And often archaeologists are not called in to do that" (P4Her/Priv).

More connectivity between heritage fields is important. We are moving towards a reality where 'heritage' is understood to be a dynamic idea that can assume many forms and concepts in society. This arguably can include Indigenous connection with landscapes and TEK as intangible cultural heritage (Browne et al., 2005; Buggey, 1999; Lee, 1998) by supporting the understanding that "landscapes, the places where people and nature meet, are shaped by the inter-relationships between humans and their environment. In turn, the natural setting has shaped how people live, their settlement patterns, livelihoods, cultural practices and beliefs – indeed their way of life. Landscapes encompass history and the present, the physical as well as the intangible" (Browne et al., 2005, p.3).

Participants at the Junes 2015 Canadian Network for Intangible Cultural Heritage workshop represented an interdisciplinary mix of heritage professions and echoed the interview participants in this research. They held a strong belief that breaking down the heritage silos is an important factor in order for successful heritage-ICH programming in Canada (Stevens, participant observation notes, 2015). Moving towards cohesion between these fields can potentially lead to more focused and effective way of operating. "[I]f we can find a planning system where the silos between our different heritage sectors [are broken down]... So finding a way to systemically knit all those types of knowledge together and to better knit these communities together…" (P12Her/Prov). P11Her/Priv: "What is missing is a common understanding amongst practitioners, planners, and politicians that we can do things."

4.5.5.3 Changing Role of the Heritage Professional

Participants were noticeably critical of their role as heritage professionals, citing necessary changes to their identity and roles in order to be more effective. P9Her/Prov, on noting the transition: "…it's really transitioning very quickly and increasingly from a volunteer, part-time, not as professional sector, to a fully professionalized, extremely legal, at times very bureaucratic, sector of expertise." It struck P12Her/Prov as odd that:

> "We [heritage practitioners] tell people what to do, and in most cases what not to do, because we have heritage planning legislation that is very prescriptive. We are protecting these places from the public and I find this very odd because we are also stewarding them for the public. Odd. So are we 'authoritative experts' or are we 'mediators' and 'facilitators'?"

Some participants see the role of the heritage professional changing to that of a community facilitator. As a facilitator, the heritage professional can provide operational know-how, project management, and technical skills to support a community or group's heritage management project. P9Her/Prov identifies as an expert but one who likes "to go where I'm wanted –where I feel that I can help the community that requires my assistance. I don't think it's up to me to tell a community what to do but I think that sometimes we have experiences in how programs and projects work." So, there needs to be a balance in order to "…value the role of the heritage

planner, to value their expertise, but to also value that expertise within the context of communities" (P12Her/Prov).

4.5.5.4 Grassroots, Community-Based Heritage Management
Several participants took a radical stance on where the heritage field needs to depart from "…the super formal structures that exist that reflect another era…"(P7Her/Fed) for more effective and representative heritage management of Indigenous heritage across Canada. The restrictive nature of heritage legislation has created an environment where you "...can't move ten feet without … ten pieces of legislation telling you what not to do and what to do…" (P12Her/Prov). This strong reliance on expert professionals and legislation in the heritage field has often created an environment of mistrust with Indigenous peoples – the experts come into communities, gather TEK, and then leave, with the benefits of sharing culture and TEK left unrealized.

Despite this, many Indigenous communities across Canada have demonstrated that they want to be active participants (and leaders) in decision-making for how their land and resources are used in order to manage their traditional territories for the future (Gardner, McCarthy, & Whitelaw, 2012). This includes incorporating elements of traditional worldviews into decision-making processes. This is where a transactive, community-based, approach to Indigenous planning theory and practice can play a role to increased Indigenous participation and leadership in the planning process (Lane, 2006; Sandercock, 2004). Indigenous planning theory is a departure from Euro-Canadian planning paradigms and has grown in significance in post-colonial nations (Porter, 2006; Sandercock, 2004). This represents a departure from planning structures that are motivated by expert input and often mean that Indigenous peoples are simply stakeholders. Indigenous planning is intended to be practiced and operationalized through participation, community-led processes, and products that reflect the needs, worldviews, and goals of an Indigenous community (Matunga, 2013; Browne et al., 2005). Indigenous planning theory recognizes that many Indigenous communities continue to actively use their traditional territories, are (or wish to be) connected to their land-base, and rely on traditional knowledge in this process (Matunga, 2013; Berkes, et al., 1995; 2005; Sandercock, 2004).

P12Her/Prov was critical of community-based approaches, calling them ineffective mainly because we are limited by the current system:
> "I think democratising, and looking at community-based approaches to heritage conservation, sharing the decision making processes; it isn't enough to just have an advisory committee to provide some heritage recommendations to the heritage planner who will then go do what they want to do anyway."

ICH is particularly community focused. In the context of Indigenous cultural heritage, P12Her/Prov argues for a system that is "…about empowering communities and including First Nations in the processes. It also recognizes that First Nations have certain rights that are more special and unique than the public." This goes beyond the duty to consult and accommodate and community engagement. P7Her/Fed suggests a system that is "…much more fluid, adaptive, and dynamic, decentralized. So people can express meaning associated with place on their own

terms." P7Her/Fed postulates moving to the very basics, away from colonial structures to a grassroots community-based model that is controlled and maintained by the local community:

> "…The guerrilla in me says, why couldn't there be a [computer] app for First Nations to tell their stories and recognize? ... So people can express meaning associated with place on their own terms. That may be interesting…. I'm thinking about on a large landscape scale on traditional territory, to create something…. I go back to land use and occupancy mapping at such a large scale, it's very powerful."

Allowing the public access to research and reports conducted on heritage resources is also important. While heritage management plans and research is often accessible to the public domain if conducted by the public sector, a considerable amount of archaeological reports and research conducted by the private sector is private and restricted (P8Her/Priv). In cases where archaeological studies or TEK reports are conducted for resource companies and First Nations communities, the final reports are generally proprietary and confidential.

Table 7: Summary of Barriers and Challenges

Challenge areas	Key Barriers / Challenges
Persistent legacy of colonialism in Canadian society and Indigenous communities	- Canadian, including international, planning and heritage management systems remain influenced by colonial attitudes and structures (Porter, 2010). - Many Indigenous communities experience a lack of cultural and traditional awareness due to colonial policies. - *"Within our own community we need to bring back the knowledge of the ICH and TK… We need to know where we came from before we know where we are going"* (IP20TK).
The need to promote cultural capacity building within Indigenous communities	- Socio-economic and political challenges that Indigenous communities face were identified as important factors influencing an Indigenous community's capacity for heritage. Some communities have the personnel and resources to participate in heritage studies and associated planning processes, whereas others do not have the organizational stability nor consistent funding streams or programming. - *"A lot of indigenous groups and leadership don't have the time or resources to devote to these projects. They're busy doing all the other things they need to be doing for self-determination and for the people. And it has the potential to become a burden if various groups want to engage them to talk about heritage"* (P1Her/Aca).
	- Settler heritage practitioners and organizations should recognize and respect community priorities. Heritage management may not necessarily be a community priority at present, but that does not mean it is unimportant for future generations. - *"The reality is that in many cases what we think is important is not really for First Nations"* (P8Her/Priv).
	- Many Indigenous communities are in the process of re-learning traditional practices and culture. - Building cultural resilience is an important element to Indigenous cultural resiliency and pride and serves as a healing process (Corntassel, 2012). - Many communities are currently reconciling how they wish to share their culture within their communities and with the wider public; *"there is still that mistrust that resonates throughout Indigenous people to share […] traditional culture too widely; we are still testing the waters"* (IP19TK).
	- Heritage planning and management remains largely rooted in Western-European worldviews. - Need to steer away from forcing Indigenous heritage to fit within the western models of heritage management and consider Indigenous worldviews.

Challenge areas	Key Barriers / Challenges
	- Many Indigenous communities are embracing Western structures and processes despite an apparent mismatch in worldviews and heritage priorities. - An important component to this is utilizing Indigenous knowledge and ICH to inform the Western planning or research process. Must recognize entrenched power dynamics. - The resulting plans prove to be richer and act as *"a discovery for [Settlers] and a re-discovery for First Nations… So we're focusing on learning and identifying opportunities… establishing relationships with people and the lands"* (P14Plan/Fed).
Promoting meaningful dialogue and relationships between Indigenous and Settler communities	- Regardless of whether policies and programming are in place, working with Indigenous communities requires communication, respecting local knowledge, and strong relationships; not tokenism. - Planners need to depart from Euro-Canadian worldviews, methodologies, and timelines in order to incorporate Indigenous worldviews into the process. - *"Do I trust anything that has to do with the government? Definitely not"* (IP17Her/TK).
	- Considering the colonial legacy and mistrust, participants note that one needs to move beyond what is legally required. - In order for reconciliation and mutual respect between settler and Indigenous communities to emerge, notable paradigm shift must occur. - With the political and jurisdictional grey area and diffusion of responsibility for Indigenous cultural heritage and planning, municipalities remain hesitant to acknowledge Indigenous cultural heritage. - *"Cities need to deconstruct their colonial structures to make room for [improved Indigenous policy]"* (IP18TK/Mun).
	- Corporate structures of Western heritage institutions and project timelines act as barriers to working and meaningfully engaging with Indigenous communities. Heritage practitioners may need to recognize that they should not let timelines and budgets get in the way of relationship building. - Heritage capacity funding is often sporadic and contingent on external sources, it is not always reliable. - *"[S]ometimes the negotiations take longer and you learn a lot more. You learn a lot about the community, their underlying interests, what they're trying to protect, the love they have for the land and their children, for those generations that are coming"* (P13TK/Her/Fed).
Reforming the heritage field to expand understanding of heritage and promote a 'holistic,' ICH approach to heritage management	- Heritage priorities in Canada remain material focused and settler dominated. - Grounded in euro-scientific paradigms and technical.
	- The heritage field has evolved into 'silos', i.e. museum curators, folklorists, historians, and heritage planners. - Need more connectivity between fields to reflect the dynamic and multi-disciplinary nature of heritage, especially Indigenous ICH.
	- Participants critical of their role as experts; professional and bureaucratic. - Support the changing role of the heritage professional from expert to facilitator *"…to also value that expertise within the context of communities"* (P12Her/Prov).
	- Strong reliance on expert and legislation in the heritage field has often created an environment of mistrust with Indigenous peoples –experts arrive in communities, gather TEK, and then leave, with the benefits of sharing culture and TEK left unrealized for communities. - Depart from expert driven field to grassroots and community-based approaches. - P7Her/Fed suggests a system that is *"much more fluid, adaptive, and dynamic, decentralized so that people can express meaning associated with place on their own terms.*

4.6 What Does Success Look Like?

Indigenous traditions and heritage have been influenced by several centuries of colonialism and are very much tied to Canadian colonial history. As Amy Lonetree (2006) noted, "our stories of survival require telling the difficult and shameful episodes that make that very survival so amazing and worthy of celebration" (p.59). We are seeing a new concerted shift in Canadian political and social society towards recognizing the unique and vibrant cultural diversity in Indigenous communities, as well as supporting inclusion of Indigenous worldviews across Canada. Hemming & Rigney (2009) reaffirm the need for colonial societies to commit to engaging with and incorporating Indigenous worldviews "…with Indigenous social, political, economic, and research programmes aimed at improved Indigenous well-being, nation building and cultural sustainability" (p.95). Recognizing indigenous heritage and worldviews also fit within these efforts.

Participants in this study represented both private and public sector institutions from across Canada and many have worked extensively with Indigenous communities. Many drew from their experiences to illuminate projects that they felt displayed successful collaboration with Indigenous communities and incorporated Indigenous values – and noted some unsuccessful projects. As has been argued in this thesis and supported by my research findings and literature, the current cultural heritage planning and management environment in Canada is overwhelmingly at odds with Indigenous worldviews. The Euro-Canadian heritage recognition and management is structured around a strong material focus ideology. Prosper (2007) writes that a more expansive and inclusive view of history "...shift[s...] the locus of heritage value from material and morphological artefacts to the relationship between culture and place and the spatial practices and performances through which this relationship is constituted and sustained over time" (p.122). Shifting towards heritage policies that recognize Intangible Cultural Heritage may be a first of many steps in order to begin to effectively recognize Indigenous heritage. Turgeon (2015) writes that ICH is interdisciplinary and can be useful in bringing together many heritage disciplines – removing the silos. Additionally, research shows that preserving and promoting ICH has numerous economic and cultural values for communities, these include "…promoting sustainable regional development, the revitalization of communities, cultural diversity, new museum practices and cultural tourism" (Turgeon, 2015, n.p.).

Participants agree that although advances in Indigenous engagement have been made within the last ten to twenty years, there is still considerable work that needs to be done in the area of Indigenous ICH recognition within the heritage field. Political and bureaucratic will needs to be present otherwise engagement will remain tokenistic. Efforts to increase Indigenous engagement and effective support for heritage policy are intensifying among a wide spectrum of federal and provincial agencies. P16Her/Plan/Fed notes that Parks Canada has established an Aboriginal Secretariat and is working on a suite of indicators to rate the state of the parks in terms of their Indigenous relationships. P16Her/Plan/Fed recognizes the limitations of these assessments:

> "But, at the same time, it is a good start…. We asked questions like: Are Aboriginal peoples hired to work in the park? Are there financial benefits for the First Nations communities associated with the parks? Is interpretation capturing what speaks to the Aboriginal heritage at the park? Were Aboriginal communities involved with the

development of interpretation? It may not answer everything, but it gives an indication that these issues are on the radar…"

Participants agree that settler heritage planning practitioners need to recognize that although many communities may not necessarily have the capacity to recognize and preserve their heritage, at this point in time, it does not mean the community is disinterested. Many Indigenous communities across Canada are currently at various stages of cultural reawakening in response to the residual effects that colonial policies have had on Indigenous culture. "Different groups are in very different stages of capability" (P9Her/Prov): while some may have developed cultural programming, others may be at the nascent stages, while others may have more pressing social pressures to focus on.

Open dialogue and political willingness is important to support Indigenous communities to promote cultural heritage. In the current environment, corporate models tend to dictate and limit how engagement is conducted. There needs to be a concerted effort by planners and researchers towards collective decision-making with the Indigenous communities they are working with, incorporating local traditional knowledge in a respectful manner, and recognize the holistic connection to 'place' that Indigenous communities have (Matunga, 2013, as cited in Walker & Jojola, 2014; see also, Borrini-Feyerabend, 2004; Jackson, 2002). We also need to make the room to engage and facilitate capacity building. P9Her/Prov speaks of the successes that the Heritage Foundation of Newfoundland and Labrador's Intangible Cultural Heritage programming has had with Indigenous communities. He admits that proper ICH research and programming takes time and requires more groundwork and capacity building at the community level, more so than with projects relating to tangible heritage.

> "[T]hat just means we need to do a lot more talking, have a lot more patience with people who may not be as familiar with heritage policy. And so it takes a lot longer, it's harder to tie things in to official programs and grant schedules and those sorts of things. But ultimately I think that's the way we need to go" (P9Her/Prov).

It will not be easy to get to a point where Canadian cultural heritage planning and management accurately represents and includes Indigenous cultural heritage alongside the lists of heritage buildings and national sites. Indigenous communities are still operating within a system of Euro-Canadian and scientifically focused government and policy. Despite this, there are many piecemeal examples across the country of where governments, Indigenous communities, and individual heritage practitioners are championing the cause for recognizing, recording, and protecting Indigenous ICH in a way that respects and encompasses the uniqueness of worldviews. These successes are encouraging and growing in number.

Chapter 5: Recommendations and Conclusions

"[Canadians remain in a] colonial State of Mind."

John Ralston Saul,
The Comeback 2013 (p.125)

5.1 Summary of Key Findings and Recommendations

This thesis is an exploratory (Robson, 2002) introduction into how heritage planning and management recognizes and understands Indigenous intangible cultural heritage and how to inform the future heritage recognition decision-making process. It seeks to paint a picture of the *status quo*, identify the reasons for the longstanding focus on material culture, and provides some nascent recommendations for how the heritage professions can move towards a decolonized heritage planning management framework in Canada that effectively recognizes Indigenous ICH. As illustrated by the *Chapter 2: Literature Review*, my research was informed by the academic theories associated with decolonization of planning and critical Indigenous planning theory. Recognizing that I was working in an understudied area of heritage planning, I sought to rely on the perspectives of twenty-four key informant interviews and personal observations (from attending two heritage conferences; one CNICH ICH workshop) in order to understand the current issues around Indigenous heritage recognition. Participants represented Indigenous and non-Indigenous planners, academics, practitioners, and traditional knowledge holders in the heritage and planning fields from across jurisdictions in Canada. I also conducted a focused document analysis of current heritage legislation at the provincial, territorial, and federal levels.

My research contributes to the planning field by identifying the challenges facing western planning structures when engaging with Indigenous communities. Despite willingness, non-discriminatory legislation, and funding, heritage management and planning remains an expert-driven, rigid, and material focused activity. Indigenous forms of heritage, which are often manifested as intangible cultural heritage, do not handily fit within the western understanding of heritage. As a result, Indigenous cultural heritage does not get the attention, support, and funding, it deserves and remains underrepresented within the current heritage management system.

My research findings support the movement towards transactive, or participatory, community-based planning models (Mahjabeen et al., 2009; Murray, 2005) that recognize the importance of cultural nuances and local knowledge within the planning process (Hemming & Rigney, 2010; Leroux et al., 2007). Indigenous voices continue to be marginalized within this system, as heritage programming and funding remain top-down, or applied for through sporadic and finite grants. Further, for many Indigenous communities, heritage remains on the 'back-burner', when more pressing social priorities take up community resourcing. Planners have a role to play in supporting the recognition and management of Indigenous cultural heritage, however it cannot be

stressed enough that grassroots Indigenous-led heritage recognition or programming situated in a culturally relevant way is the ideal.

Many Indigenous researchers caution that, despite the best intentions, the settler researcher may inadvertently reinforce Euro-Canadian colonial perspectives on Indigenous communities. As a result, I am hesitant to provide sweeping prescriptive recommendations. Rather, I consider my recommendations to serve as considerations for settler and Indigenous heritage and planning professionals and policy makers to influence their heritage planning work in Canada during this period of Reconciliation. As such, these recommendations strive to be practical and broad to encourage further research in the area of indigenous cultural heritage planning and ICH in Canada.

The December 2015 release of the Truth and Reconciliation Commission's findings; a new, progressive federal government (and many provincial governments); and Canada's recent endorsement of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), reflect a heightened sensitivity within Canada to Indigenous issues and a progression towards a form of reconciliation with Indigenous communities. Indigenous issues or considerations are at the forefront of many areas in society – natural resource management, judicial, socio-economic, health – albeit to varying degrees of success. Promotion and protection of Indigenous culture and heritage are strong logical next steps.

The Canadian planning field has recently begun to address how the profession as a whole interacts with Indigenous peoples (see Canadian Institute of Planners Indigenous People's Planning Subcommittee) and we are seeing advances within the theoretical and professional realm of planning to include Indigenous worldviews in many Canadian universities. This is an important step for the planning profession to recognize its' role in colonialism, as the profession becomes more accepting of community-based participation, local knowledge, and Indigenous worldviews to inform the planning process.

Five key findings identified from my research are outlined below. The recommendations that I delve into further in the following sections expand on, and are rooted in, these findings:

1. Heritage planning and management in Canada continues to be overwhelmingly material focused, and displays a lack of understanding of Intangible cultural heritage.

2. The diffusion of responsibilities between federal, provincial, and municipal governments on Indigenous and heritage related issues poses challenges of governance, legislation, policy, and programming.

3. The influences of Colonialism have left a legacy of distrust between Indigenous communities and Settler society, leading to reluctance by Indigenous peoples to share traditional knowledge and heritage with non-community members.

4. Many Indigenous communities and governments face pressing social concerns, such as housing, youth suicide, and access to clean drinking water and services. As a

result, heritage and cultural programming is often a lower priority in some Indigenous communities.

5. Increased understanding of Indigenous cultural heritage in Canadian historical narratives can potentially support the process of reconciliation, increase cultural knowledge, capacity, and resiliency in Indigenous communities, and encourage a stronger Indigenous cultural presence and understanding in Canadian society.

The following chart synthesizes the above research findings, and connects it to the relevant literature and my data:

Table 8: Key Findings Synthesized

Key Findings	Supporting Literature	Supporting Data
1) Heritage planning and management in Canada continues to be overwhelmingly material focused, and displays a lack of understanding of Intangible cultural heritage.	- The literature shows that heritage resource management in Canada has been guided by a material-focused definition of heritage (James, 2015; Shipley, 2012; Pocius, 2010; Prosper, 2007), or tangible heritage (Pocius, 2010). - Research conducted by Prosper (2007) has found that understandings of heritage, as values based, largely continue to reflect the colonial past, given that heritage recognition in Canada does not "…adequately accommodate the social heterogeneity and plurality of cultural landscapes" (p.118) or multiple historic narratives. - Advancements in ICH are ongoing and developing with the signing of the *Convention on the Safeguarding of Intangible Cultural Heritage* (UNESCO, 2003); *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP); UNESCO's 2012 *World Heritage and Indigenous Peoples – Call to Action*; the recently established Canadian Network for Intangible Cultural Heritage (CNICH) and the *Canadian Declaration for the Safeguarding of Intangible Cultural Heritage* (2016).	- Participants overwhelmingly agreed with this admission of 'material focus' as *"a fair general statement across the board in Canada"* (P3Her/Mun). - Tangible objects, such as buildings, artefacts, and streetscapes are protected with *"... government policies ... around heritage that is tangible"* (P9Her/Mun). - Non-material culture has been underrepresented within this system, *"so that has been an issue with Indigenous communities because [our current system] ... is an almost false creation of what heritage is"* (P9Her/Prov). - P1Her/Aca asserts that Indigenous ICH has been under siege since colonial times and a lot of it has been destroyed. *"I think there is a lack of acknowledgment for settlers and settler governments –to acknowledge Indigenous heritage and to acknowledge the destruction or attempted destruction of intangible heritage."* - IP22Her/TK states that for most Indigenous communities, it is difficult to obtain *"pre-contact things, [because] most of our history is organic so things have not lasted that long."* - Settler opinion and reaction to discovery of Indigenous presence has been, and continues to be, based in fear: *"people wouldn't even talk about previous Aboriginal sites because they're worried about aboriginal claims and ownership"* (P4Her/Priv).

2) The diffusion of responsibilities between federal, provincial, and municipal governments on Indigenous and heritage related issues poses challenges of governance, legislation, policy, and programming.	- The *Constitution Act, 1867* sets out the divisions of responsibilities between the federal and provincial level of government, and established municipalities (Sanction, 2011). Each province and territory has developed legislative and policy frameworks to address issues of cultural heritage and Indigenous relations amongst other responsibilities (Dorries, 2012). - Borrows (1997) found that Canadian provincial planning policy does not effectively engage with Indigenous peoples or recognize them. In some cases, Western institutions do not engage with non-status communities due to rigid jurisdictional restrictions, placing them in what is known to Borrows (1997) and McLeod et al., (2014) as 'jurisdictional grey zones.' - Within the current system of planning and engagement, "Indigenous interests are rendered legible in state terms so that traditional knowledge, cultural heritage, and joint management [of parks and cultural sites] are reified as appropriate subjects with which to engage Indigenous people…" (Porter, 2010, p.105). - Political and legal barriers persist as an impediment to improved Indigenous ICH policy and management (Turgeron, 2015; Prosper, 2007; Rolfe and Windle, 2003).	-The regional *"Balkaniza[tion]"* (P11Her/Priv) developed in part by how Canada evolved as a federation, contributes to the difficulty in understanding the *"national pulse"* on heritage policy in Canada" (P11Her/Priv). -This has created an environment in which *"in a municipal setting, planning happens separately [to Indigenous relations]. They are not incorporated into each other"* (P15Plan/Priv). -IP19TK noted times when municipal governments specifically refuse to engage because *"we are representing both status and non-status communities…they only want to speak with the status group"* (IP19TK). - IP18TK/Mun believes that *"cities need to deconstruct their colonial structures to make room for [improved Indigenous policy]."* -P24Her/Prov *"One of the things that we struggle with in the Ministry is that heritage legislation is not the only legislation that deals with cultural heritage. Cultural heritage is captured in a broad range of legislation, ministry responsibilities, and policies and programs."*
3) The influences of Colonialism have left a legacy of distrust between Indigenous communities and Settler society, leading to reluctance by Indigenous peoples to share traditional knowledge and heritage with non-community members.	- The negative legacy of colonialism remains in Canadian society today, and is evident with regards to cultural retention and traditional life in Indigenous communities (Porter, 2013; Dorries, 2012; Tuck & Yang, 2012; Sandercock, 1998). - The Royal Commission on Aboriginal Peoples (1996) and Truth and Reconciliation Commission (2015) highlighted the damage that colonial legislation and policy had on Indigenous peoples. - Battiste & Henderson note that Indigenous knowledge has often "served as a convenient and self-congratulatory reference point" (quoted in Canon & Sunsuri, 2011, p.2) for Western institutions. - Land use planning, urbanism and development helped solidify a "…colonial order of space…" (Porter, 2010, p.105; see also,	-IP21TK believes that the persistent refusal to recognize that *"there has been a genocide or human rights violations by our government…"* has perpetuated colonial attitudes towards Indigenous peoples and their culture. -*"[D]o I trust them? …Do I trust anything that has to do with the government? Definitely not. There's no reason to trust anything they do, there is a long history of what happens when you trust the government… just look at the history books"* (IP17Her/TK). -Settler institutions: *"they're always saying the nice lines of First Nations, but there's not that much evidence of them wanting to or even going beyond the surface to work with First Nations…"* (P8Her/Priv).

	Porter 2013; Dorries, 2012; Tuck & Yang, 2012) on the Canadian landscape and was used as a "weapon brandished to erase and eradicate Indigenous peoples" (Matunga, 2013, p.4).	- IP18TK/Mun recounts her experience holding sessions for City staff but was disappointed by their reaction and lack of engagement: *"I felt city staff were not engaged to come back…. We are ready to do this. We are an Indigenous community going forward and presenting this to the city. We are ready but the [Settler] recipients are not ready yet."* - IP17Her/TK recounts his frustration dealing with mainstream heritage events*: "They put our travelling troupe right in front of the outhouses. It was like a big circle created by the port-a-potties, and there are our singers and dancers doing a little demonstration with two lines going through each. It was disgraceful. I was so mad…. We come away from it thinking 'Why did we do that?'… We're not going to participate in any more of [this] silliness."*
4) Many Indigenous communities and governments face pressing social concerns, such as housing, youth suicide, and access to clean drinking water and services. As a result, heritage and cultural programming is often a lower priority in some Indigenous communities.	- "…Indigenous peoples are now reconciling with what was denied us, our knowledge and languages that leads us to the deep truths about ourselves and our connections with all things" (Battiste, 2013, p.2). - Through centuries of colonialism, considerable Indigenous cultural knowledge, which must be "constantly validated, reaffirmed and renewed…", was lost (Smallacombe, Davis & Quiggin, 2006; pp.7-9). - Hemming & Rigney (2009) reaffirm the need for colonial societies to commit to engaging with and incorporating Indigenous worldviews "…with Indigenous social, political, economic and research programmes aimed at improved Indigenous well-being, nation building and cultural sustainability" (p.95). - Corntassel's (2012) findings point to the idea that decolonization is closely linked to acts of resurgence as it "offers different pathways for reconnecting Indigenous nations with their traditional land-based and water-based cultural practices" (p. 89),	- Many Indigenous communities continue to face *"problems from what we call 'the outside forces'"* (IP21TK). - P2Her/Aca cynically mused, *"Canada has been in the UN black books in terms of our treatments of First Nations."* - *"Different groups are in very different stages of capability"* (P9Her/Prov). Some communities have the personnel and resources to participate in heritage studies and associated planning processes, some communities only have *"money for a certain project for a couple of months and then it's over"* (P9Her/Prov), while still others do not have the organizational stability nor consistent funding streams to allow them to *"develop long-term contacts within the community, or to develop long-term visions for their own programming"* (P9Her/Prov). - Heritage management faces an uphill battle in many communities, as "*it's …hard to reassemble that [Indigenous knowledge]"* (IP20TK). - Relearning and supporting the transmission of ICH and TEK is an important means for many communities to heal, from

		past and current traumas –*"there are a lot of people who are falling by the wayside and people not following their teachings"* (IP21TK). - IP18TK/Mun and IP19TK believe that Indigenous communities also must strengthen their involvement and willingness to participate in the heritage dialogue. *"It's important to work with our neighbours,"* notes IP19TK, and *"to educate themselves and to educate their [Settler] neighbours."* - IP19TK represents the new generation of opinion that we are now in a new *"age where it's okay to be Anishinaabe, to be, quote, unquote, 'Indian' or 'Indigenous'. To actually be proud of our culture and heritage, and to be able to teach people."*
5) Increased understanding of Indigenous ICH in Canadian historical narratives can support the process of reconciliation, increase cultural knowledge, capacity, and resiliency in Indigenous communities, and encourage a stronger Indigenous cultural presence and understanding in Canadian society	- Western academics and governments are beginning to recognize the uniqueness of Indigenous communities and traditions and their importance to a community's success (Behrendt, 1994, as cited in James, 2013). - Quebec and Newfoundland and Labrador are the only Canadian provinces that have "policies and a legal framework to protect the ICH" (*Canadian Declaration for the Safeguarding of ICH,* 2016, n.p). - Territorial and some Indigenous governments have strong TEK and Indigenous cultural components and there are a growing number of Indigenous led heritage acts, such as the *Tr'ondëk Hwëch'in Heritage Act* (2016). The Yukon Territory is a sophisticated example of how Indigenous considerations, and First Nation self-governments, are at the forefront of legislation development in the heritage field (Carcross-Tagish First Nation, et al., 2015). - The "authorized heritage discourse" (Laurajane Smith, 2006) of a nation needs to be questioned and opened to alternative and wider understandings of heritage. - Heritage increasingly recognized as fluid and dynamic – moving	- The Yukon's *Historic Resources Act* recognizes Indigenous interest in territorial heritage *"and there is a sense of traditional knowledge and intangible values recognized"* (P12Her/Prov). - Although consideration for TEK is *"improving... especially with the scientists, ecologists, foresters, they are still struggling to listen and struggling with how to take this Traditional Knowledge and fit it and use it within their own scientific paradigm. But it's coming"* (P13TK/Her/Fed). - P8Her/Priv believes that hser Boomer generation is *"a lost cause"*: *"[The] depth of ignorance to the depth of the conditions of Indigenous people, the legal history of Indigenous people, the potential for Indigenous people to make Canada a better place, and… the cultural loss that we suffered through residential schools and other things that we've done to indigenous people…"* - IP20TK believes that *"the people who think we aren't here and then find out we are here, they become interested."* - For many Indigenous governments in the Yukon Territory, there is a growing understanding that *"heritage is not just*

away from the more static conservationist perspective of the past (Browne et al., 2005; Buggy, 1999; Lee, 1998). - Indigenous planning theory and practice is just one of the new forms of planning theory emerging from a new pluralism and move towards transactive, community based approaches (Sandercock, 2004; Lane, 2006). - Education and awareness about Indigenous issues is among planners is growing. McLeod (2014) notes "planning can provide an opportunity to create spaces of common ground… it has the potential to facilitate cultural changes through bridging understandings and strengthening individual relations across communities that a continued dependence on rigid legal approaches may struggle to achieve" (p.46). - Truth and reconciliation Commission's 94 Calls to Action (2015) touch on the need for Canadian society to be educated about Indigenous cultural heritage and history. - Walker (2008) argues that municipalities "should not wait around for other governments and should improve [the relationship] with Aboriginal communities because they have the power to do so and it is impractical not to" (p.23).	*buildings, it's kind of everything"* (P12Her/Prov), - IP19TK believes that *"at the very, very, root, it is imperative that First Nations be involved with the collection, preservation, and storage of their artefacts."* - *"I think it is not managed simply because there's no understanding that our culture even exists. I think that's huge. Any research that I've done, or any researchers that I've worked with don't know that some of our cultural sites exist"* (IP18TK/Mun). - IP22Her/TK sees it, *"I think that there is an awakening going on. [Indigenous peoples] are waking up and saying 'O.K., I am ready to learn…"* - P14Plan/Fed notes "*in the planning world it comes down to worldviews and knowledge."* P12Her/Prov further supports these statements by asking, *"How can we incorporate a diversity of views? I think it's a big conundrum for heritage conservation."* - Before reconciliation can occur, Indigenous participants believe *"there has to be some validity placed on our beliefs"* (IP22Her/TK). Settler institutions need to "*start listening to the people… to seriously take into consideration what First Nations groups are saying"* (IP18TK/Mun).

5.2 Recommendations

5.2.1 Education and Awareness: Increase Knowledge of Indigenous History and Worldviews in Planning Schools (Related to Key findings 1, 3, 5)

- **Recommendation:** Indigenous knowledge and culture be included in curriculum at all levels of education, but particularly in Canadian planning and cultural resource management degree requirements. This will support an increased societal understanding of the effects of Colonialism on Indigenous peoples.

Recognizing the importance of understanding Indigenous worldviews and alternative means of planning would benefit the Canadian planning profession. The work of many planning practitioners invariably has elements of Indigenous involvement – be it through consultation on natural resource projects, community planning, or engagement. Further supporting Indigenous students to pursue education is important. Indigenous planning curriculum at planning schools, directed scholarships, co-ops, and an enhanced Indigenous planning mandate at the Canadian Institute of Planners are some of the many ways to support active Indigenous inclusion into the Canadian planning profession.

5.2.2 Policy and Legislation Changes: Amend Heritage Legislation and Policy to Include Intangible Cultural Heritage and Indigenous Cultural Heritage (Related to key findings: 1, 2, 3, 5)

My findings show that many heritage practitioners recognize that there is insufficient Indigenous representation in Canada's historic narrative and official heritage recognition framework. My review of provincial, territorial, and federal heritage legislation supports these assertions.

- **Recommendation:** Heritage policy makers at the provincial and federal levels should spearhead a review of respective heritage legislation, policies, and guidelines with respect to Indigenous heritage. From this review, policy makers can then identify recommendations to promote changes to increase Indigenous representation in Canada's historic narrative and to increase heritage recognition of Indigenous intangible heritage and knowledge.

A key argument of my research has been that intangible cultural heritage (ICH) can be a useful and logical avenue for heritage planning and management to expand towards. My research supports recent findings from Turgeron and Tran (2016) that shows cutting edge ICH policy and programming to be occurring across Canada, most notably in Newfoundland and Labrador, Quebec, the Yukon, and the Northwest Territories. These jurisdictions have begun to recognize ICH as integral their cultural heritage planning programs, as well as an important tool for protecting important components of traditional identities, language, and traditional ecological knowledge. While Quebec and Newfoundland have primarily focused their efforts on settler heritage, the Territories have policy and agreements in place that recognize traditional ecological knowledge and indigenous traditions as central to their shared cultural past.

- **Recommendation:** Include Intangible cultural heritage policy within Canada's cultural heritage regime. It will recognize the multi-disciplinary aspects of heritage, enhance local tourism opportunities, and support the use of technological resources, making heritage relevant in a modern age.

In particular, enhanced ICH recognition will broaden the scope of heritage management to include Indigenous cultural traditions and move towards a 'decolonized' Canadian heritage framework. Programming and legislation that focuses on a holistic view of heritage may encourage Indigenous communities to participate because of its closer alignment to Indigenous worldviews and values. The unexpected participation of Indigenous communities in ICH programming in Newfoundland and Labrador speaks to the benefits of this heritage paradigm shift.

Finally, the *Canadian Declaration for the Safeguarding of Intangible Cultural Heritage* was adopted in Quebec City (May 2016) by over two hundred heritage participants representing First Nations, provincial and federal governments, museums, universities, and NGOs from seven provinces and territories.

- **Recommendation:** The Canadian federal government should ratify the UNESCO *Convention for the Safeguarding of Intangible Cultural Heritage*. Further, provinces and territories should consider the *Canadian Declaration for the Safeguarding of ICH* in the development of ICH legislation and policy, as it represents the unique needs and aspirations of Canadian and Indigenous ICH.

5.2.3 Grassroots Focus: Indigenous Led Community-Based Cultural Heritage Programming (Related to Key Findings 3, 4, 5)

- **Recommendation:** Grassroots or Indigenous-led heritage programming needs to be taken into account as being an effective means to empower communities to identify needs, recognize their heritage, and work to manage it in culturally meaningful ways.
- **Recommendation:** Funding in Canada for Indigenous-led programming for heritage or traditional knowledge retention is piecemeal at best. Communities and heritage organizations should work together to ensure Indigenous communities have access to multi-year funding opportunities and programs from provincial and federal governments.

5.2.4 Further Research Required in Indigenous ICH and Heritage Planning (Related Key Findings: 1, 5)

Overall, Indigenous planning literature and research is still a growing and developing field. Canadian heritage planning literature needs to be included in decolonizing and critical Indigenous discourses in order to expand understanding into its continued role in the colonial project; just as has occurred in other planning sectors like health planning, municipal, and social housing. There

appears to be a disconnect with how heritage sites, historical narratives, and management plans have routinely ignored Indigenous narratives in relation to Canadian historic narratives, relegating them to archaeological and anthropological studies.

- **Recommendation:** Undertake research to determine the importance of intangible cultural heritage in Indigenous communities as a way to decolonize heritage management. Additionally, Indigenous-led research and opinions are important and central to these discussions.

5.3 Areas of Further Research

This thesis examines how the heritage planning community considers Indigenous intangible cultural heritage in Canada. The research structure was exploratory and surveyed a small pool of Indigenous and non-Indigenous participants from across Canada in many areas of planning, academia, traditional knowledge, and heritage management. A clearer picture must be sought in each province and territory.

Further research in the following areas is warranted:
- Conduct case studies of heritage management regimes in Indigenous governments and communities. We need a deeper understanding of what Indigenous communities are doing for heritage programming and what are the resourcing needs and priorities. Every Indigenous participant – and several non-Indigenous participants – identified projects or programming that their communities have initiated to varying degrees of success. It is important to study their effectiveness, as well as the barriers.
  - Study the attributes and effectiveness of Indigenous government ratified heritage legislation and programming in order to understand the successes and challenges.

- Conduct case studies of Intangible Cultural Heritage policies, legislation, and programming at the provincial level in order to understand the barriers and successes of recognizing ICH in a traditionally material focused management framework, as exemplified by Quebec and Newfoundland and Labrador, and the Territories.
  - Study in what ways mainstream ICH policy is succeeding in engaging with Indigenous communities and where improvements could be made to more effectively capture the needs of Indigenous communities and Indigenous ICH.

5.4 Conclusions

"The road we travel is equal in importance to the destination we seek. There are no shortcuts. When it comes to truth and reconciliation, we are all forced to go the distance."

"Reconciliation is about forgiving and maintaining respectful relationships."

-The Honourable Justice Murray Sinclair, Chair*, Truth and Reconciliation Commission of Canada.*

This study sought to explore what strategies can be identified to better understand and incorporate Indigenous intangible cultural heritage into theoretical and practical areas of cultural heritage planning and management. The purpose of this exploratory qualitative study is to understand and analyze Indigenous ICH in relation to contemporary contexts of Canadian heritage management and planning. More specifically, it draws on decolonial perspectives in heritage planning and critical indigenous methodologies to identify and recommend strategies that may enhance understanding of Indigenous intangible cultural heritage (ICH) and its incorporation into practical areas of cultural heritage planning and management.

1. How do heritage guidelines and planning policy currently recognize Indigenous heritage at municipal, provincial, federal, and international levels in Canada?

2. How have current and past understanding and assumptions regarding Indigenous peoples and their culture influenced how Indigenous heritage is recognized in heritage guidelines and policy?

3. Is it possible for the definition of 'heritage' in cultural heritage recognition and management to be broadened to incorporate Indigenous 'intangible' cultural heritage?
   a. What kinds of changes are necessary to effectively recognize Indigenous cultural heritage and worldviews within the heritage sector?

4. What can be learned from cases where Indigenous communities are successfully including Indigenous heritage and TEK into their heritage planning frameworks?

5. What can be learned from current barriers and challenges to recognizing Indigenous cultural heritage in Canada? What role, if any, do Settlers play?

This thesis addresses the lack of recognition of Indigenous cultural heritage in Canadian heritage management and planning structures, due to the material focus of legislation and policy (Prosper, 2007). I argue this to be a symptom of persistent colonial influences and material focus of heritage, and suggest that a de-colonial model of heritage planning can be achieved through a paradigm shift to include recognition of intangible cultural heritage. A decolonized model of heritage planning, or one that expands the Western understanding of heritage to include intangible cultural heritage, could potentially allow for effective heritage programming and interest from Indigenous communities, while aligning more closely to Indigenous worldviews regarding heritage, traditional practice, and culture. This supports the *United Nations Declaration on the Rights of Indigenous Peoples* (1993), *Convention for the Safeguarding of the Intangible Cultural*

Heritage (2003), the work of the World Heritage Indigenous Peoples Council of Experts (WHIPCOE), the Truth and Reconciliation Commission of Canada's final report, *Honouring the Truth, Reconciling for the Future* (2015); and recent ratification of the *Canadian Declaration for the Safeguarding of Intangible Cultural Heritage* (2016) by Canadian heritage professionals in Quebec City, Quebec.

This research contributes to the area of study of decolonizing planning by making a new connection, for heritage planning, to be decolonized. I employed qualitative research methods to answer these questions and situate them in the literature of heritage planning and critical Indigenous planning research. Key informant interviews of Indigenous and settler heritage and planning professionals and academics provided important insight into the current state of Canada's heritage management regime, how Indigenous cultural heritage is being recognized, and what steps could be made to make existing structures more effective for recognizing Indigenous heritage. My participant observations obtained at several heritage workshops and conferences provided me with a more robust understanding of the issues facing the heritage field today. Additionally, I conducted a document review of existing heritage legislation, and whether indigenous heritage or intangible cultural heritage is captured in legislation. In sum, the following key findings emerged from my research:

1. Heritage planning and management in Canada continues to be overwhelmingly material focused and displays a lack of understanding of Intangible cultural heritage.

2. The diffusion of responsibilities between federal, provincial, and municipal governments on Indigenous and heritage related issues pose challenges of governance, legislation, policy, and programming.

3. The influences of colonialism have left a legacy of distrust between Indigenous communities and settler society, leading to reluctance by Indigenous peoples to share traditional knowledge and heritage with non-community members.

4. Many Indigenous communities and governments face pressing social concerns, such as housing, youth suicide, and access to clean drinking water and services. As a result, heritage and cultural programming is often a lower priority.

5. Increased understanding of Indigenous ICH cultural intangible cultural heritage in Canadian historical narratives can potentially support the process of reconciliation, increase cultural knowledge, capacity, and resilience in Indigenous communities, and encourage a stronger Indigenous cultural presence and understanding in Canadian society.

I hope this research will serve as a catalyst for further studies into the benefits of recognizing ICH in an Indigenous post-colonial context and will help shift the paradigm of what we, as Canadians, value as heritage. Studies that critically examine colonial institutional structures, which continue to influence Canadian heritage planning, can help academics, practitioners, and lay-people to support the process of Canadian reconciliation. This research is situated in the growing body of literature by settler and Indigenous academics who recognize the continued influence that colonial governing and theoretical structures, such as planning and planning theory, have on

Indigenous peoples today, and attempts to remedy the historical and continued wrongs made by the colonial system. This research is meant to be both a theoretical and practical tool to be utilized in the community and by practitioners.

While there remains considerable work to be done in this field, attitudinal change and a will to redress historical grievances are evident in recent legal decisions, government and policy shifts, and Canadian society and culture. The sitting federal government's promise to enact all of the Truth and Reconciliation Commission's ninety-four Calls to Action (2015); Canada's full endorsement of the *United Nations Declaration on the Rights of Indigenous Peoples* (in 2016); several key Supreme Court Rulings in favour of Indigenous title and interests (*Tsilhqot'in,* 2014; *Daniels,* 2016), and the Ontario Superior Court 'Sixties Scoop' ruling (*Brown v. Canada (Attorney General*), 2017) that in breaching duty to consult requirements, Canada failed to protect the language, culture and identity of thousands of Indigenous children, are just a few examples of this shift. It is now incumbent upon the planning profession to respond in a meaningful and respectful manner to support Indigenous communities in recognizing and preserving their Intangible Cultural Heritage.

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Appendix A: Interview Questions

Interview: Planners/Heritage Practitioners and Academics

Introductory Questions
1. Could you tell me what your job entails?
2. How long have you worked in this field?

Questions
1. What do you consider to be the current priorities of heritage planning and cultural management in Canada?

Prompts:
    a. *How are intangible or associated values recognized in Canada?*
    b. *How is material culture and heritage values recognized in Canada?*

2. In your professional opinion, how is Aboriginal history and culture represented and managed in the current heritage resource management system?

Prompts:
    a. *In policy?*
    b. *In practice?*

3. Could you tell me about some past projects that you have been involved with that worked with Aboriginal groups or that featured Aboriginal cultural sites or heritage?

Prompts:
    a. *How did you incorporate Aboriginal input or knowledge in the planning process?*
    b. *At what point were Aboriginal people consulted?*

4. Do you think that Canadian planning and heritage legislation effectively recognizes or includes Aboriginal worldviews or knowledge, if so, how?

5. In your professional opinion, how can heritage planning be more inclusive?

Prompts:
    a. *How can Aboriginal perspectives be included in planning?*
    b. *What are some barriers?*
    c. *What roles do settlers have? Aboriginal communities?*

Interviews: Indigenous Heritage Professionals and Community Members

Introduction Questions
1. Could you tell me what your position is within your community?

2. Could you share with me what your experiences are with traditional knowledge and heritage?

3. Can you share with me what your connection is with the land?

Questions
1. How are Aboriginal cultural practices and heritage being addressed/managed in Ontario and Canada today?

2. Could you explain briefly what Aboriginal heritage and traditions mean to your community?

3. In your experience, how has Aboriginal cultural heritage been recognized in your community?
Prompts:
   a. *How has it been identified*
   b. *How has it been preserved?*
   c. *How has it been passed on?*

4. In your opinion, are there differences between settler heritage and how they identify/preserve culture and Aboriginal views of heritage?

Glossary

Indigenous: "Communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them" (UN Sub-Commission on the Prevention of Discrimination of Minorities, 1986, n.p.).

Intangible Cultural Heritage (ICH): "The practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity…" (UNESCO, 2003, n.p.).

Material Heritage: Also referred to as tangible heritage, it "includes buildings and historic places, monuments, artifacts, etc., which are considered worthy of preservation for the future. These include objects significant to the archaeology, architecture, science or technology of a specific culture" (UNESCO, 'Tangible Heritage').

Traditional Ecological Knowledge (TEK): Sometimes referred to as 'Indigenous Knowledge' (IK) or 'Inuit Ecological Knowledge' (IEK). *"A cumulative body of knowledge and practice, and belief, evolving by adaptive processes and handed down through generations by cultural transmission…"* (Berkes et al, 2000, p.1252). "TEK refers specifically to *all types* of knowledge about the environment derived from experience and traditions of a particular group of people" (Usher, 2000, p.185).

Indigenous planning theory: A departure from Euro-Canadian Planning and has grown in significance in post-colonial nations (Sandercock, 2004; Porter, 2006) as a reactionary approach, which stems from the dissatisfaction with the current planning regime or societal *status quo.* Indigenous planning theory and practice focuses on community specific cultural worldviews and traditional knowledge to inform planning practices. Through an Indigenous-planning lens, Indigenous peoples are not simply stakeholders or bystanders in the planning process, but "…active participants in their planning…" (Matunga, 2013, p.4).