

## Indigenous Planning—An Emerging Context<sup>1</sup>

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*To develop a professional organization that advocates for a community development approach based on an indigenous planning paradigm. The practice of indigenous planning is predicated on adhering to land-tenure traditions and upholding the unique cultural worldviews of indigenous communities—Indigenous Planning Mission Statement.*<sup>2</sup>

### *Résumé*

Le *Indigenous Planning Division* fut créé à l'intérieur de la *American Planning Association* (APA) en 2005 afin d'identifier et de regrouper les spécialistes de l'aménagement qui travaillent parmi les tribus indigènes et communautés autochtones. Depuis la mise en vigueur de la *Indian Self-Determination Act* de 1975, les tribus ont entrepris, avec raison, la gestion de leurs propres services en matière d'éducation, de santé et de développement social et économique. Avec la venue des casinos autochtones et l'impact soutenu de l'empiètement urbain sur les terres tribales, les questions de planification sont devenues plus complexes et variées. Cet article examine l'émergence de l'aménagement autochtone aux États-Unis et décrit ses caractéristiques fondamentales.

**Mots clés:** aménagement autochtone; aménagement tribal

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*Abstract*

The Indigenous Planning Division was created within the American Planning Association (APA) in 2005 to identify and link planning practitioners that work among tribal nations and indigenous communities. With the advent of the 1975 Indian Self-Determination Act, tribes have assumed their rightful role of contracting their own education, health, social and economic development services. Coupled with the emergence of Indian casino gaming and the impacts being sustained by the encroachment of urbanization onto tribal lands, planning issues have become even more complex and varied. This paper reviews the emergence of indigenous planning in the USA and describes its essential nature.

**Key words:** Indigenous planning; tribal planning

### **Comprehensive Planning**

Native communities have been subjected to planning as a result of mainstream initiatives. It was first instituted under United State statutes in 1958 as 701 Comprehensive Planning (named after the section of the federal Housing Act) and was seen as necessary for regulating the growth and development of urban communities. In 1968, the statutes were amended to encompass tribal governments and were implemented under a newly formulated 601 Comprehensive Planning mandate (Title IV 1954). Under this authority, the Secretary of Interior was designated to implement this for its wards and comprehensive planning became mandatory under services provided for tribes by the Bureau of Indian Affairs (BIA).

The earliest examples of 601 tribal comprehensive planning were largely reminiscent of inventory approaches designed to comply with objectives issued by the Office of Economic Opportunity (OEO) (Jojola and Agoyo 1992). Because the resource base of many tribes was basically constrained by their natural resource capacity, the application of the planning approach was mixed and uneven. Most plans were not grounded in the immediacy of meeting community needs, but were driven by unrealistic assumptions of economic behaviour modelled after non-native approaches to development.

During this period, new ventures were seeded in recreational tourism, adventure destination amenity businesses and other enterprises intended to capitalize on the cultural aspects of a given tribe. Another trend was to use planning as a means to partition tribal lands and use desirable parcels for leasehold arrangements among non-native amenity seekers. For example, in 1969, the Pueblo of Cochiti signed a lease with Great Western Cities, Inc. to create a 6,500 acre housing development called Cochiti Lake with such amenities as a golf course and a marina fronting the water reservoir. This “master-planned community” was designed for 50,000

residents and afforded non-native residents a 99-year lease-hold on their property.<sup>3</sup> In 1985, the corporation went bankrupt and management was assumed by a Pueblo-owned corporation, the Cochiti Community Development Corporation (Pinel 1988).

A second wave of planning was implemented by the US Department of Housing and Urban Development (HUD) under the auspices of the Turn-key and Mutual Help housing programs. Known throughout Indian Country as “HUD-housing,” no other Federal program has had a bigger impact in changing the settlement and socio-economic patterns of native communities. The master-planned residential areas that evolved from the massing of these houses came to dominate the landscape of many tribal communities.

HUD requirements for individually apportioned leasehold properties, zoning to contain residential areas and the provision of newer public infrastructure for electricity, roadways, water and sewer created new residential patterns. The leasehold provision of these properties also challenged prevailing custom law. It was the Tribal Council’s refusal to award a HUD house to an enrolled female Pueblo member married to a Navajo that set in motion the contentious *Pueblo of Santa Clara v. Martinez* law suit.<sup>4</sup> The ruling is considered a touchstone US Supreme Court decision for the affirmation of tribal sovereign authority in matters pertaining to tribal membership and its privileges.

The present-day practice of comprehensive planning was ushered in with the issuance of the 1975 Indian Self Determination and Educational Assistance Act (US Public Law 93-638). Under the same contractual provisions afforded to the US Secretary of Interior and the tribes, major trust responsibility provisions in education, public health, housing and other services were amended through public laws to empower tribes to take over their own planning efforts.<sup>5</sup> Most importantly the Act allowed tribal governments to assume or delegate planning authority on par with surrounding local governments.

The face of that authority has tremendous, and as yet largely untested, powers for self-governance. Among the most immediate is the implementation of land-use regulation and codes used to oversee not simply the public health conditions of residents but economic development as well. For example, land-use regulation may contain provisions for the tribal exercise of eminent domain. Comprehensive planning also has the potential of unleashing extra-territorial jurisdiction along buffer zones adjacent to reservation lands. Indeed, comprehensive planning requires tribes to build their legal capabilities in the realm of local planning enforcement.

Nowhere is this most evident than in tribal casino gaming. Indian gaming as an economic development activity dates back to the early 1970s when tribes sought to use bingo games as a job-generating enterprise. In 1979, the Seminole

Tribe of Florida instituted high-stakes bingo games with the intent of attracting players from the surrounding region. Within a decade, scores of other tribes followed their lead (Jojola & Ong 2006).

Indian gaming was controversial from the onset. State and local governments vigorously argued through the courts that they had the right to determine whether gambling was legal. Indian tribes, on the other hand, countered that Indian gaming was an exercise of tribal sovereignty. In 1987, both arguments were put to the test by the U.S. Supreme Court in a case that pitted the State of California against a miniscule tribe, the Cabazon Band of Mission Indians. The Court ruled in favour of the tribe.<sup>6</sup>

This watershed ruling changed the face of tribal economic development thereafter. By 2002, 224 tribal governments (out of a total 562 federally recognized tribes) offered gambling, taking in an estimated \$14.5 billion and accounting for over one-fifth of the total revenues for the entire domestic gaming industry (NIGC 2003). This windfall gave the opportunity for tribal governments to expand their domestic services in areas long underserved by the US Federal government. Provisions for education, health and the general welfare of tribal members were significantly expanded for tribes with successful gaming operations.

Success, however, also carries the burden of managing rapid development and infrastructure improvement. The role of infrastructure in Indian country, in particular, has been critically understated (Jojola 2007). Perhaps no other single aspect of community development requires leadership to balance the immediacy of action (short-term) with a precise plan of development (long term).

The basic premise behind comprehensive planning is the orderly progression of development as well as the future determination of community goals and aspirations. Usually, the two conditions that provoke governments to enable planning are the need to manage growth and the need to regulate land-use in a manner that formulates public policy for the orderly placement of roads, houses, industries and commerce. Tribes, though, have the additional goal of pursuing a style of sustainable development that balances their ecological and cultural value system with that of their economic pursuits.

### **Nature of Indigenous Planning**

Although Canadian First Nations as well as U.S. Federally recognized American Indian tribes, Native Alaskans and Native Hawaiians are among the most visible indigenous communities in North America, they are not alone. The history of Westernization is replete with examples of traditional land-based communities that have been overtaken and subsumed by outside forces (Deloria 1999, 206-221). In spite of the unyielding social and political forces that have attempted to limit their inherent powers of self-government, indigenous communities

have survived. They have managed—in various ways and degrees—to maintain their own cultural identities through the development of formal and informal collective practices.

Planning in Indian Country has been largely the response to sporadic governmental funding (Garcia 2006). As such, tribal communities, at best, represent a quilted patchwork of projects that may or may not be culturally relevant for them (NAIHC 2004, 10). Tribal community development has necessarily entailed a multidisciplinary approach to deal with the complex set of issues, laws and regulations that apply to their unique situations.

Until relatively recently, indigenous voices have been subsumed by non-native practitioners who, by and large, have used approaches to community development that are attuned to urban mainstream environments. This dynamic has been evident throughout much of the contact history with non-tribal peoples. Paternalistic governmental and missionary approaches repressed the ability of tribes to develop the local capacity to assume their own governance. Rather, this approach created dependency and promoted practices that were intended to assimilate tribes into mainstream life. Despite numerous national reports describing the abysmal living and economic conditions of indigenous peoples, very little progress was made.

This was essentially the context that provoked the convocation of the mostly young, idealistic indigenous scholars and activists at the 1961 American Indian Chicago Conference to take over the proceedings (NAES 1988). Organized by anthropologist Sol Tax and his assistant Nancy O. Lurie, the goal of the conference was to discuss progress made—or the lack thereof—since the 1928 Meriam Report on American Indian federal policies. Instead, the attendees upstaged the agenda and consigned the non-native experts to become an “advisory” body. With the indigenous attendees presiding, the deliberations were used to draft a *Declaration of Purpose* on Indian policy. This was followed by community discussions and culminated in a final report that was presented to President John F. Kennedy during a formal White House ceremony. Unbeknown to anyone, this action ushered forth the first semblance of Indian self-determination.

Over the ensuing decades there were many discussions in both the United States and Canada at both the community and academic levels. Such discussions were intended to cross-fertilize like-minded scholars and practitioners with alternative approaches to community development and mobilizing. More importantly, the freewheeling discussions were generally unbridled of any federal agenda. In some instances, the meetings were funded by revenues generated through tribal gaming.

In 1992, a particularly noteworthy event took place under the auspices of the Community Fellows Program at MIT. Participating students from communities

of colour staged a coup that resulted in a “postmodernist discourse” on grassroots activism and culture (Friedmann and Kuester 1994, 55-64). Their actions resulted in the formulation of a theory of action that they named Indigenous Planning. Among its pronouncements were ideals that called for a radical re-examination of contemporary planning practice through long-term learning, the empowerment of community voice, and the advocacy of culture and tradition. The effort continued as a distinct agenda within The Planner’s Network, an organization of liberal planning academics and practitioners (Jojola and Baron 2000).

This effort was quickly succeeded by a tribal planning initiative. At the annual 1995 conference of the American Planning Association (APA) held in Chicago—interestingly, completing a cycle that had begun in 1961 with the American Indian Chicago Conference—the Indigenous Planning Network (IPN) was established. Tribal planners who worked in native communities embarked on re-establishing a professional organization modelled after the defunct United Indian Planners Association (UIPA) of the OEO comprehensive planning era.<sup>7</sup> Influenced by the 1994 United Nations pronouncement on the International Decade of the World’s Indigenous People, the Geographic Land Information Systems (GLIS) Department of the Oneida Nation of Wisconsin took the lead role in convening this ‘indigenous’ initiative.<sup>8</sup>

The current Indigenous Planning (IP) Division of the APA is the direct result of this effort. It continues to expand its venue by pursuing multidisciplinary approaches to community development and is stridently working to build a communications network among practitioners and academics alike. In its short three-year tenure, it has cosponsored joint conferences on indigenous planning in Arizona, Colorado, and New Mexico. In the fall of 2008 it will host another joint IP conference in Alaska.<sup>9</sup>

Indigenous planning represents both an approach to community planning and an ideological movement. What distinguishes indigenous planning from mainstream practice is its reformulation of planning approaches in a manner that incorporates ‘traditional’ knowledge and cultural identity. Key to the process is the acknowledgement of an indigenous world-view, which not only serves to unite it philosophically, but also to distinguish it from neighbouring, non land-based communities (Jojola 2000). A world-view is rooted in distinct community traditions that have evolved over a successive history of shared experiences.

Before traditional authority had been wrestled away from or usurped by Euro-Western agencies, tribal societies actively planned their communities. Unlike Western approaches, indigenous planning approaches were formulated on practices associated with land tenure as well as the collective rights associated with inheritance.

Land tenure in land-based communities is distinguished by long and sustained patterns of ownership. In the case of indigenous communities, such ownership was sustained over successive generations. Land became the embodiment of collective groups whose intent was to sustain the productivity of the land for those who would inherit it. As such, the assignment of land among families became a birthright and stewardship was the primary means for maintaining it over time.

Given this legacy of land tenure, it becomes apparent how traditional communities evolved their own distinctive world-views. Such world-views embody values that are essential for attaining a balanced and symmetrical interrelationship between humankind and the natural ecosystem that it occupies. A world-view functions much in the same way as an ontological blueprint. In other words, it is a long-range collective concept that supersedes an individual's lifetime.

The concept of "seven generations," for example, is indicative of the propensity to plan far beyond a person's lifetime. The concept is endowed with ideals that integrate the past, the present and the future. This timeframe requires the society to consider its evolution seven generations both before and after the present day. As a result, transformation and change were tempered by the need to assure the community that new ideas were mindful of the past, cognizant of the present, and suitable for the future (Moore et al. 2007).

On the other hand, land-use as applied in conventional Western planning practice is both temporal and corporal. It bases its community development upon the regulation of land usage in a manner that balances private property rights and dominant notions of public welfare. Land-use becomes the embodiment of a corporate entity that develops it with the primary intent of raising capital valuation. After or when its value is maximized, land is resold. There is little incentive to hold land as property longer than necessary, especially after it becomes unproductive. Such behaviour leads to 'slash-and-burn economics' and encourages migratory behaviour.

One can surmise how the introduction of Euro-Western based development practices alongside traditional indigenous planning approaches has complicated tribal community development. One such arena is Indian gaming. For a few lucky tribes, this has become a panacea that has not only resulted in breaking them loose from the cycle of dependency, but has given them a renewed ability to reshape their own community development (Jojola 2007). At the same time, gaming has forced tribal governments to adapt new models of corporate management and forced their hand to embark upon strategic planning versus comprehensive planning approaches (Baron 1998).

Whereas comprehensive planning is based on an inventory approach—that is, what can you do with the resources you currently have—strategic planning is

a business model with stated economic development goals that requires capital investment (Mintzberg 1994, 196). For many tribes, the well-meaning comprehensive tribal planning approach fell out of favour principally because it limited their tribal enterprises to the extractive industries. This subjected them to major environmental impacts as a result of large-scale mining or harvesting. For tribes that did not have significant natural resources it left the tribal governments feeling bankrupt and impoverished.

It was only after a few gaming tribes received windfall profits that they began to craft economic development strategy with the intent of diversifying outside of their own limited resource base. Tribes that accumulated surpluses expanded their economic base by investing in capital ventures outside of their reservations. In that manner, strategic planning unwittingly hastened the transformation of economic development away from federal agency management and towards local self-determination.

Strategic planning, however, is not a substitute for comprehensive planning. Rather it is part of a process that can contribute toward a more comprehensive plan. The problem with strategic planning is that simply 'putting more eggs into the economic development basket' does not necessarily resolve the more complex cultural, social, and political interrelationships that contemporary indigenous communities continue to face. In addition, it is becoming increasingly clear that economic development is contingent on carefully sited and maintained infrastructure especially as represented by transportation, utilities and telecommunications needs.

### Summary

Presently, the IP Division is partnering with the National Congress of American Indians to hold a number of regional tribal summits to determine approaches used by tribes and to identify issues unique to tribal community development. These discussions will be summarized and will become the basis for advising the U.S. Department of Interior on public policies intended to assist tribes in building and strengthening their planning approaches.

At one such summit, held at the annual Spring 2008 meeting of the Affiliated Tribes of Northwest Indians, tribal planners, economic development specialists and tribal leaders indicated that a 'value-based approach to comprehensive planning' was sorely lacking and necessary for sustaining a balanced approach to community development. Perhaps this was best articulated by the Karuk Nation of California who a decade earlier stated, "Purely rational and technical approaches, unaugmented by a sense of the sacred or by the sensibilities specific to place, will necessarily become destructive and irrational over time ..." (Hillman and Salter 1997, under "Karuk philosophy").

Despite the enormous problems facing indigenous communities, they are perhaps best positioned to repatriate traditional planning approaches as well as adapt those mainstream practices that make them more culturally resilient. There is a great amount of latitude for experimentation and innovation to be had. At least for those tribes that are federally recognized, their semi-sovereign authority allows them to be unencumbered by local state and county regulation.

It is also clear that there are some unifying ideological factors that form the foundation of the long-overdue paradigm shift leading to the emergence of indigenous planning as a strategy for rebuilding their local capacity for governance and planning. Foremost to that ideological approach is the acknowledgement of their indigenous world-views. World-views are endowed with ideals that integrate the past with the present and are associated with cultural identity, land-tenure and stewardship. These planning values have become the hallmark of tribal survival. Simply put, without that philosophical construction, humankind's community planning role and its balanced relationship to the natural world cannot evolve.

#### Notes

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<sup>2</sup> The APA Indigenous Planning website can be accessed at [www.planning.org/indigenous/](http://www.planning.org/indigenous/).

<sup>3</sup> In 2000, the US Census Bureau tabulated the population of the Cochiti Lake subdivision at 507 residents.

<sup>4</sup> Under this Tribe's custom law, women married to men from other tribes are expected to move to their husbands' reservation where they can then get tribal benefits. 436 US 49, 69 (1978).

<sup>5</sup> Examples include, Indian Sanitation Facilities Act (PL 86-121); the Contracting Transportation Programs Under the Indian Self-Determination Act and SAFETEA-LU (Public Law 109-59); and the Native American Housing and Self-Determination Act (NAHASDA— 25 U.S.C. 4101), among others.

<sup>6</sup> *California v. Cabazon Band of Mission Indians*, 480 U.S. 202, 1987.

<sup>7</sup> The UIPA was organized in the 1970s as a response to the comprehensive tribal planning agenda of the Office of Economic Opportunity (OEO).

<sup>8</sup> Several individuals at the Oneida Nation of Wisconsin have also participated in the above stated forums as well as having been in regular attendance at the annual meetings of the APA.

<sup>9</sup> The respective forums include: Planning Values in a NEW New Mexico, Sandia Resort and Casino, Nov. 13-15, 2006; Visioning 21st Century Tribal Community Planning, Arizona State University, October 4 -5, 2007; Proactive Community Planning, NCAI Annual Conference, Denver, Colorado, November 14th, 2007; and Leading Change: Blending Indigenous and Western Planning Tools, Anchorage, Alaska, Oct 1-3, 2008.

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