

Domicide and Indigenous Homelessness¹ in Canada

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Abstract

The willful destruction of homes has been and continues to be a frequent practice of the federal government upon Indigenous people in Canada despite devastating harm this practice causes to people whose homes are lost. Not only are Indigenous Canadians removed from their homes and pushed off their lands, in cases like those of the James Bay Cree and the Lubicon Lake Cree the governments who were supposed to negotiate land surrenders have not negotiated with nor consulted about environmental destruction of the traditional homelands of those people. Indigenous people are bearing the consequences of environmental abuse with health problems and poverty. Data on housing conditions of Indigenous Canadians shows that both on reserves and in urban centers Indigenous people have more housing problems and higher levels of absolute homelessness than do other Canadians. Resolving these issues requires nation-to-nation negotiation between the Indigenous people and the various orders of government in Canada. United Nations standards from the International Covenant on the Rights of Indigenous People would suggest that fair compensations should be made to populations whose lands were taken.

Key terms: domicide, colonialism, homelessness, Indigenous/Settler relations, policy

1. Introduction

The historical and continuing treatment of Indigenous people in Canada by the state and the settler population frequently constitutes domicide. This paper considers evidence about the governance of Indigenous peoples of Canada in relation to the land within the general context of the settler / colonial relationship to argue that domicide has been a deliberate, a catastrophic and a deadly dimension of the governance of Indigenous people. Reasonable social policy should be built upon an understanding of this devastating context and an intention to create better practices. This paper begins with discussion of the ongoing history of removing Indigenous Canadians from their lands, followed by detailed examples from Indigenous peoples of the James Bay area and of Lubicon Lake. I then consider consequences of land loss and the displacement of Indigenous populations by looking at the over-representation of Indigenous people among the homelessness populations (both the absolutely homeless and the relatively homeless). Under Canadian law unceded lands of Indigenous people are supposed to be preserved by a requirement that the federal government negotiate for surrender of those lands, but the real practices have involved the government avoiding that responsibility whenever it put them in conflict with provincial governments and corporate interests. While insights from postcolonial theorists like Franz Fanon reveal that colonialism has profound psychological impacts on the colonized (Fanon, 1967) my analysis argues that there are also continuing material conditions of colonialism which need public attention and political response. Domicide is not only removing Indigenous people from their homelands, it has and is rendering many of those places unrecognizable. Many people victimized by such treatment lack alternatives and become relatively or absolutely homeless.

¹ For analysis of other policy issues creating urban homelessness in Canada, please see Mary Ellen Donnan's book, *The Shattered Mosaic: How Canadian Social Structure Cause Homelessness*, J Charlton Press (2016).

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1.1 key terms

Geographers J. Douglas Porteous and Sandra E. Smith (2001) offer the term “domicide” in reference to: “the deliberate destruction of home that causes suffering to its inhabitants” (p. ix). Nowicki categorizes the form of domicile which we see with the removal of Indigenous peoples from their ancestral homelands by white settlers in Canada and the USA as extreme domicile in the form of “geopiracy”(Nowicki, 2014, p. 785). He also recommends that domicile analysis consider the socio-symbolic and personal implications of home (Nowicki, 2014, p. 789), which this paper strives to do with analysis of the importance of relationships-with-the-land in North American Indigenous ontologies. Each of these analyses criticizes domicile as extremely damaging to people socially and psychologically. I draw attention to long term homelessness as one of the consequences of domicile in the Canadian context, and argue that the severity of the impact of domicile depends partially upon cultural interpretations of land and home. The breaking of Indigenous peoples links with their homeland in Canada has been deliberate and represents and unspoken privileging of capitalist agendas over human rights. Indigenous people in what is now Canada were removed from their homelands as part of a policy designed in the best interests of settler populations and corporations. Many of the lands which had once housed fed and spiritually nourished North American Indigenous people were quickly changed to the extent of no longer functioning as homelands in the same sense they had.

What would be experienced as domicile and how severe the impact of the destruction of home is depends on a cultural understanding of ‘home’ and how ‘home’ relates to ‘land’. First Nations cultural accounts about their ties to their home-lands are characterized by such ideas as: relationship, responsibility, interdependence and gratitude (Ariss & Cutfeet, 2012; Bastien, 2004; Beaudry, 1994; Warry, 2007, p. 146; Welsh, 1994). The mainstream Canadian culture regarding home is more individualised and based on a constructed material form, whereas the land, as interpreted from British colonial heritage is characterized by ideas of: ownership, utility, expropriation, ‘the common-good’, resource extraction and profit. These divergent cultural perspectives continue to this day to be sources of concern and misunderstanding but coming to a better understanding of the differences could add insight for future better relations.

‘Indigenous’ is fairly self-explanatory as Taiaiake Alfred and Jeff Corntassel suggest in the following definition: “Indigeness is an identity constructed, shaped and lived in the politicized context of contemporary colonialism. The ties, clans, nations and tribes we call Indigenous peoples are just that: Indigenous to the lands they inhabit, in contrast to and contention with the colonial societies and states that have spread out from Europe and other centres of empire.”(Alfred & Corntassel, 2005, p. 597).The Canadian constitution identifies Indian, Métis and Inuit people as Aboriginals and Census Canada data uses this categorization so it appears in some of the tables in this paper although it is not my preferred term. The term “Indian” continues to appear because is still a legal identifier for people who are governed under the Indian Act. The government of Canada created the registry of Status Indians for regulation under this act without adequate consultation with the people they thus labeled or failed to recognize. I opt for “First Nations” as the collective signifier rather than “Aboriginal” not to exclude Métis and non-status people but because the self-defined First Nations term has under its umbrella discursive space for each nation to specify their own identity, and it does not carry any of the anthropological baggage which comes from people being called “Aboriginals” and “Indians” by their colonizers³.The term settler colonialism succinctly summarizes the condition wherein a colonizing population have taken over the traditional lands of an original population and imposed their political rule over those territories without the full participation and agreement of the Indigenous people who continue to live there.

The Canadian state is founded on stolen lands, but despite generations of efforts to conquer the Indigenous peoples of these lands (militarily, politically and culturally), that project has yet to succeed, so the efforts to suppress, dispossess and redefine Indigenous people continue. Adam Barker argues that Canada’s is a new kind of colonialism characterized not only by economic exploitation which is internal to the country, but also by totalizing governance of Indigenous people which violently silences dissent and slowly strives for assimilation through creeping bureaucratic and economic control (Barker, 2009).Land disputes between Indigenous people, the Canadian government and corporate interests are not ending.

³ A lot of older anthropological work on Aboriginal people is problematic because it is deeply limited by cultural bias which assumes Aboriginal cultures are primitive relative to the European-origin cultures which are assumed to be superior. I disagree vehemently with those presumptions and strive to distance myself from that perspective.

Both provincial governments and the relevant federal ministries are persisting in practices of domicide as existing agreements are not honoured, negotiations over Indigenous claims to land and to Aboriginal rights are delayed and the only recourse for small bands is to participate in long expensive legal battles. The role of settlers in this dynamic is compelling. By definition, settlers are “peoples who occupy lands previously stolen or in the process of being taken from their Indigenous inhabitants or who are otherwise members of the “Settler society,” which is founded on co-opted lands and resources.” (Barker, 2009, p. 328). While this is categorically the identity location most of us living in Canada are in, we don’t necessarily have to be ‘colonials’, meaning advocates, supporters and defenders of settler colonialism. The pretence of the state in dealing with Indigenous claims to land and sovereignty is that coercion and fierce repression of Indigenous people is necessary for peace in Canada, and many settlers have been convinced by that narrative. It is time to re-examine that claim and consider beginning again with a process of nation-to-nation discussion with Indigenous people.

I use an inclusive definition of homelessness, consistent with that offered by the highly influential Homeless Hub Research team: “Homelessness describes the situation of an individual without stable, permanent,⁴ appropriate housing or the immediate prospect, means and ability of acquiring it.” (HomelessnessHub, 2016). For me this definition includes both those who are “absolutely homeless” meaning those without any shelter and those who are “relatively homeless”, or those people who have some kind of a shelter but it does not meet the qualities of affordability, suitability and safety which are standard in Canada. These standards will be discussed in more detail in a later section of the paper.

2. Breaking of Agreements and Denial of Indigenous People’s Rights with Regard to the Land

2.1 Legal and Political Background

Since before the British North America (BNA) Act which created Canada there were understandings of rights and privileges specific to the Indigenous people. These were rooted in Canadian law through the Royal Proclamation of 1763, the BNA Act, the Indian Act, and, eventually, the Canadian constitution, but breeches of the laws designed to protect Indigenous people have occurred steadily and a whole series of legal victories by Indigenous people have only slowly been establishing the real meanings of “Aboriginal rights” as they are referred to in the Canadian constitution. The pretense that the Canadian state continues to use most often for giving access to land and resources in Canada to almost anyone other than the Indigenous people is that Indigenous rights to the land were surrendered in treaties. It is this shift which makes space for clear recognition of the harms of domicide and the moral responsibility nations have for avoiding such destructive practices. There has been and continues to be a significant lack of continuity between government action and what is written as rights for, policies about, and agreements with, Indigenous people. I previously mentioned that the shaky foundation of negotiations over land in Canada is partially due to different interpretations of home and land in Indigenous cultures compared with the non-Indigenous. Lutz (2009) reminds us that misunderstandings are inevitable in any exchange between people of divergent cultures, but there such a consistent pattern in Canadian history that profit-making opportunities for settler-Canadians are given priority for government support over rights of, and obligations to Indigenous Canadians that passing the government role off as a misunderstanding relinquishes the expectation of government integrity.

It is known from accounts of witnesses and the narratives passed through the generations of First Nation oral historians that Canadian governments have reneged on many of the agreements made. Witnesses and First Nation oral historians can point to the fact that many parts of original agreements were never recorded (see: Frideres, 2011, p. 12; Steckley & Cummins, 2008, pp. 137-140). Additionally, a large number of bands were never included in the treaty process and have not surrendered their Aboriginal land rights, nor have they received any of the federal benefits and supports of status bands (see: Desjardins & Monderie, 2007; Paul, 2006, pp. 179,186-187,211; Sherman, 2008; Steckley & Cummins, 2008, pp. 145-154). The meaning of Indigenous or Aboriginal rights has also been changing over the last several hundred years and it is only recently that widespread international agreement has been reached about what the material substance of moral Indigenous rights claims might be. The United Nations Declaration on the Rights of Indigenous People was passed in 2008, and Canada finally conceded full agreement with in May of 2016.

⁴ It is perhaps worth noting that what constitutes stable, permanent and appropriate housing are also culturally-informed, subjective questions as traditional ways of life for Indigenous people have included temporary but secure shelters out on the land such as hunting cabins and Igloos (see for example, (Richardson & Lanzelo, Cree Hunters of Mistassini, 1974).

Two articles of the International Covenant on Rights of Indigenous people are especially relevant to the issue of domicide: Article 10 says: Indigenous people shall not be forcibly removed from their lands or territories. No relocation may take place without the free, prior and informed consent of the Indigenous peoples concerned and after agreement on just and fair compensation, and, where possible with the option for return (United Nations, 2008, p. 6). Additionally, Article 8 specifies that that states shall provide effective mechanisms for prevention of, and redress for any action which has the aim or effect of dispossessing Indigenous people from their lands, territories or resources (United Nations, 2008, p. 5). The laws and policies which shaped domestic relations with the lands that are now Canada showed some acceptance of the moral and legal responsibilities towards Indigenous rights originating prior to the formation of the country, but application of those insights was inconsistent and irregular. Relevant statutes include the Royal Proclamation of 1763, the Indian Act, and Aboriginal rights as defined by the Canadian Constitution. It was specified under the Royal Proclamation of 1763 that the crown (and thereby later the federal government) had to negotiate with the Indigenous people for surrender of their lands, and that only the federal government was authorized to do so (Monture-Angus, 1999).

The purpose of the numbered treaties (conducted between 1871 and 1921) in the government perspective was not to fairly negotiate terms of sharing the land and its resources (Kulchyski, 2007, p. 45). The meaning of the treaties as agreements of land surrender is also called into dispute by both the inter-generationally-preserved oral histories of the events by Indigenous participants, and by journals of non-government witnesses to the treaty process (Long, 2010) (Obomsawin, 2014). This is why it can be said that the lands are stolen – innumerable errors and omissions in the treaty processes have favoured the settler population and corporate interests over the Indigenous populations.

Treaty Nine Elders and those who signed adhesions to treaty five say they never surrendered their land, while other elders of treaties eight and eleven territories state clearly that the intention was not to sign away title to their land (Kulchyski, 2007, p. 45, 48). The Salteaux and Swampy Cree negotiators of Treaty One believed the government negotiators had agreed to government provision of housing, clothing and agricultural equipment but these agreements were not included in the written text of the treaty, and neither were the hunting and fishing rights promised by Lieutenant-Governor Archibald (Dickason & Newbigging, 2010, p. 192). Conditions of Treaty 6 were violated because Big Bear and other Plains Cree Chiefs were supposed to be free to choose their reserve territories but Canada prevented them from selecting the adjacent land parcels they wanted (Dickason & Newbigging, 2010, p. 212). Canada's contemporary relationships with Indigenous people are plagued with residual problems arising from broken government promises and bad-faith negotiating tactics used by Canada's representatives.

First Nation communities were pushed off lands that the government saw any value in, deliberately creating a hinterland-metropolis dynamic which worked against the well-being of the Indigenous peoples and increased profit-making opportunities of those of the settler society. The spirit and letter of the treaties with regard to reserve lands have also been broken repeatedly since 1879, as my previous examples indicate. From the 1870's through 1890's when bands did not want to lease or sell lands that others wanted, the Superintendent-General simply forced the acquisition process. For example, the government took for itself the right to move First Nations people from any reserves adjacent to towns of 8,000 people and more (Dickason & Newbigging, 2010, p. 234).

An Indian Act amendment of 1911 let municipalities and corporations expropriate lands reserved for Indians in order to build roads, railways or other projects. Millions of hectares were expropriated, including entire reserves in the cases of the St. Clair Ojibwa at Sarnia, ON and the Songhees reserve at Victoria, BC (Dickason & Newbigging, 2010, pp. 235-6). First Nations protested through a variety of channels and have resisted through collective organization, but it has been of little avail because different orders of government come into conflict, government representatives do not seem to care about the integrity of their own words and the processes of contending with such concerns through the courts is slow and expensive. Furthermore mainstream media accounts of Indigenous protests usually depict protestors as criminal, completely failing to contextualize contemporary events with the existence of Aboriginal rights or the long history of land claims negotiations. There have been appalling instances in which the federal government cites "the greater good" of other Canadians as the reason for mistreatment of Indigenous people. Indigenous communities have been moved, by the federal government, to ridiculous places: stony outcroppings, high arctic areas where none of their traditional food sources can be accessed, and/or floodplains where potable water cannot be secured on a consistent basis.

The Royal Commission on Aboriginal Peoples (RCAP) documents the relocations of dozens of communities from their traditional homelands on justifications of: administrative convenience, the supposed best-interests of the community, or resource extractions, between 1911 and 1978 (RCAP, 1996a). The true reasons for these cruel relocations were to secure Canada's presence in the Far North for political foreign policy negotiations and to open coveted land for exploitation by the settler society. Lies, manipulation, force and terrible judgement on the part of the government characterized the process (Hargrave, Howells, & Haig, 1995; Walker J. , 1996). These relocations were so harsh and unreasonable that many died as a result and negative social consequences of the moves reverberated through the communities for generations. Davis Inlet, an Innu community relocated several times by the government, became briefly famous in the early 1990's for the terrible toll their unresolved social problems, (largely attributable to government interference with traditional ways of life), were taking on the youth of the community; many of whom had become suicidal (Steele, Gerry, 2011).

The concept of domicide applies to these processes both as removing Indigenous people from the lands of their predecessors and as changing the land so much that it becomes unrecognizable. It generally did not take long for settlement by people of non-North American ancestry to lead to deforestation, rerouting of water-ways and extraction of resources, all of which meant Indigenous people could not sustain themselves from hunting and gathering as their ancestors did, even if they have the right to do so according to the "Aboriginal rights" which were promised in spoken treaty agreements and, since 1982, protected by the constitution. A couple of compelling examples from different regions of the country, that of the James Bay Crees and the Lubicon Lake Crees provide clear illustrations of the process of domicide.

2.2 Domicide of the James Bay and Lubicon Lake Cree Nations' Territories

Prior to 1982, the federal government dismissed or neglected Aboriginal title as it pleased making "unilateral use of legislation to overturn Aboriginal title" (Rynard, 2012, p. 392). A lot of the destruction of lands which Indigenous people still felt strongly about was in the name of "development". The history of Indigenous disagreement with government-supported plans for deforestation, mining, urban expansion and hydro-development is recorded in the sites of protest at: Clayoquat, Frontenac County, Caledonia, Kanasatake, Elsipogtog (Howe, 2015), Listuguj (Obamsawin, 2003), along with the James Bay, and Lubicon Lake cases which I document briefly below. In more recent years with Aboriginal title established under the Canadian constitution it has been more difficult for developers to proceed with plans that will have permanent impacts on Indigenous territories but the examples of the James Bay Hydro project and oil development, (including the threat of hydraulic fracturing at Haig Lake (Edmonton Journal, 2014) in the Lubicon Lake area illustrate how domicide has already occurred and how the state has been directly involved.

When the province of Quebec's government under Robert Bourassa decided that the profits from Hydro development were going to be key to the separatist liberation from Canada and the way for the Province of Quebec to overcome a stagnant economic condition, Aboriginal rights existed in Canada but the concept was not yet strongly established under Canadian law. The Cree, Naskapi and Inuit people who were living in the areas which were to be impacted by the hugely ambitious plans for damming and or rerouting four major waterways learned about the plan from the newspapers. The Cree launched a legal response but even as they prepared the case and it was heard, work was going on which forever changed the relationships of many people to their territories. Roads were cutting into lands where hunters, trappers and animals had respectfully come to understand each other's patterns of behaviour for many generations in order to survive (Richardson, 1975).

The Federal government failed to carry through its fiduciary duty in ensuring that free and fair negotiations were conducted with the Indigenous people for lands which had never been surrendered, thereby giving Quebec the advantage in the legal process into which the Cree people invested significant financial resources in an effort to protect their way of life. The Cree lawsuit eventually forced the Quebec Government to negotiate with them. Despite the tentative support of the courts (which failed to force a comprehensive environmental impact assessment for the first stage of the Le Grand River project) Quebec made it clear that the project was going ahead, and this means the Cree were effectively negotiating under duress for some amount of compensation, as opposed to freely negotiating over the protection of the land and continuation or discontinuation of the James Bay Hydro project (Grand Council of the Crees (Eeyou Astchee), 1998, pp. 115-123). A James Bay and Northern Quebec Agreement was signed in 1975 between the Cree and the province of Quebec, which among other things more securely insured that the environment could be safeguarded by the Crees if there was to be future development.

Phases 1 and 2 of the Le Grand River hydro project, which was the project Quebec started without prior consultation, flooded an area of 175,300 square kilometers in the early 1970's (Hornig, 1999, p. 17). The task of measuring environmental impacts was new and is fraught with difficulties (Young, 1999, p. 11), but some of the damage is evident because it is so dramatic: All of the Petite Opinaca River and ninety percent of the Eastmain River were permanently diverted to the La Grande, along with fourth percent of the Caniapiscaw (Young, 1999, p. 20). There were, of course, very serious impacts on navigable waterways, migratory species, and Indigenous peoples (Young, 1999:21; Richardson, 1975:155). In the 1970's as the project began, between 82 and 90% of the food eaten by the people of Rupert House and Waswanipi Cree communities was 'country food', or food sourced from the wild on their own lands (Richardson, 1975, pp. 34, 59-60), and there were other communities with similar practices. Habitat for ptarmigan, porcupine, whitefish, sturgeon, rabbit, beaver, caribou, martin, mink, otter, geese, ducks and other creatures was lost. If you want to assess the harm done by the dams, though, it is not just the 'material' questions such as the fish, which were a dietary staple for many people having been poisoned with mercury, which need understanding in relation to domicile.

The damming and rerouting of the rivers interrupted and reduced the relevance of generations of spiritual, ecological and physiological wisdom held by the trappers and hunters who carried gifts of insight from the ancestors and passed them on to the next generations. The land was not "a source of sustenance" as settlers might perceive it. As the center of an Indigenous ontological framework (which is not anthropocentric as European-origin cultures are), the land was and is everything, or very close to it (see: Lowman & Barker, 2015). Such losses could never truly be compensated but to understand the deliberate destructiveness of Quebec's attitude towards the Indigenous people, it matters that the terms of the James Bay and Northern Quebec Agreement (JBNQA) have not even been fulfilled (Rynard, 2012, pp. 395-400). As Rynard (2012:390), the Grand Council of the Crees (1998) and others have seen it the federal role was consistently one which favoured the agendas of capitalist accumulation over the well-being of the people.

The Quebec government's plans for hydro from the North were far from finished and they began implementing new projects in the mid-1980's involving the Great Whale River and its tributaries. The plan involved intentions of flooding on an even more massive scale than the first projects had. The Cree people found it unacceptable:

It was doubtful whether existing river channels would be able to handle the huge proposed increases in water flow, and there was no doubt that the scheme would represent a massive, irrevocable interference with the natural systems which we Crees had lived with for so many centuries (and which we had kept in good health during all that time). The impact on nature would be all-embracing: fish, beluga whales, polar bears, freshwater seals in the inland lakes, caribou, and the aquatic balance along the Hudson Bay coast, ice regimes in rivers and ocean, and, of course, Cree trap lines, would all be devastated (Grand Council of the Crees).

The Crees had to use legal recourse to force the Federal Government to comply with the Federal Environment ministry's obligation to require that there be an assessment of the environmental and social impacts before the project proceeded. A federal judge acknowledged that Quebec and the federal Ministry of the Environment had been conspiring to "appease and circumvent the native populations" contrary to the JBNQA (Grand Council of the Crees).

The assessment process resulted in termination of that project but my point is that both federal and provincial levels of government had felt entitled to take and destroy lands for which there were clearly established Indigenous rights and (even after extensive harm from the first phase of the project) had to be stopped by the Cree people with the backing of the judiciary. Like the situation of Cree, Naskapi and Inuit of Northern Quebec prior to 1975, the lands of the Lubicon Cree have never been surrendered under a treaty. A treaty party passed through their lands for the government in 1939, but not authorized to negotiate with them, described the Lubicon communities in ways that indicated that they were particularly prosperous from enjoying the benefits of fertile and undisturbed land (Goddard, 1991:18-19). As the two sides moved towards treaty negotiation, the perception emerged that the land in question carried oil and progress was delayed. Negotiations proceeded without successes through the remaining decades of the 20th century and into the 21st as oil development proceeded to destroy the Lubicon's way of life. The province of Alberta allowed oil companies access to the disputed lands and the federal government failed to block them so that Indigenous land claims could be sorted out before the situation became disastrous for the Indigenous way of life.

Continuing work on the oil projects even as the court decisions were pending for a series of Cree claims caused what Martin-Hill qualifies as “rapid destruction” of the band’s economic base (Martin-Hill, 2008, p. 18). The World Council of Churches supported Lubicon leader’s protests that both trapping and hunting opportunities declined dramatically in the 1980’s which left people without the cash, or the food sources, they usually depended upon (Goddard, 1991, pp. 87-88).

An Amnesty International report indicates the Province of Alberta had permitted the licensing of more than 2600 oil and gas wells in the Lubicon traditional territory (Amnesty International, 2011). These intrusions involved corporations leasing of more than 70% of Lubicon land from the government but the Indigenous community which was yet to receive acknowledgement did not even have modern water and sanitation facilities to compensate for the destruction of their traditional territories (Amnesty International, 2011). One Lubicon woman, Lousia Ominayak spoke of getting four days’ notice before her home was bulldozed by developers (Martin-Hill, 2008:138). Meanwhile the whole community suffered from higher levels of respiratory concerns, cancers, tuberculosis and still births in the wake of poisoned gas exposure and large oil spills on their territory (Lubicon Lake Nation, 2016). Canadian policies have been contradictory, with different orders and branches of government working against the nation’s laws with regard to Aboriginal rights. “In 1984 the Department of Indian Affairs accepted that the Lubicon Lake Band should enjoy mineral rights, and that they should be provided with funds to create a variety of programs and with the tools to protect their traditional lifestyle of hunting and trapping” (Martin-Hill, 2008, p. 20). Admissions of responsibility, including the federal justice department recognizing the Lubicon entitlement to a reserve, have failed to prompt other branches of government in providing unqualified support to the Lubicon nation and asserting the implementation of their rights as Aboriginal people.

The numerous court-proceedings the band have been through as they tried to establish their Aboriginal title began in 1975 and continued into this decade (Martin-Hill, 2008, pp. 17-18) (Funk-Unrau, 2005) (Canada, 2014). Government representatives negotiated several agreements but the federal authorities have ultimately refused to sign. The treaty commissioners tried divide-and conquer tactics by inventing the “Woodland Cree” community out of the more pliable members of the Lubicon community (Martin-Hill, 2008). As the federal government stalled, and community resources were drained into court battles, the Lubicon resorted to a road block in 1988. Finally an accord was reached with the province of Alberta, allocating a Lubicon reserve, including surface and subsurface rights but the Federal government refused to accept the Lubicon tally of band membership and again the process was stopped. The ultimate federal offer of settlement was offered as an ultimatum and was unacceptable to the Lubicon people for several reasons. In the meantime the province gave timber rights away to a pulp mill whose lease included 4,000 square miles of traditional Lubicon territory (Martin-Hill, 2008:22). Lubicon women rallied to keep their culture, resist the government tactics, and counter the despair that came from their entire way of life being interrupted. The loss of animals, presence of oil drillers and loss of timber had disastrous impacts on the health of the community even before the 4.5 million litre oil spill near Little Buffalo in 2011 (Martin-Hill, 2008, pp. 39-40) (CBC News, 2013).

The World Council of Churches, Amnesty International and the United Nations Human Rights Committee have all urged the Canadian government to negotiate a fair agreement with the Lubicon Lake nation. UN Human Rights Committee found Canada in violation of the International Covenant on Civil and Political Rights for threatening the way of life and culture of the Lubicon people (23-24). Like in the case of the James Bay Cree the Lubicon case puts the politics of greed in stark relief because the disputed lands generated billions of dollars in revenue for settlers and corporations while the Indigenous people struggled for survival. These relatively contemporary examples are far from isolated: Battles over land appropriation and use have involved Micmacs fighting Fracking at Elsipogtog, the Mohawks at Kanawage stopping a golf course expansion, housing development on Six Nations territory at Caledonia, and uranium exploration on Ardoch First Nation territory in Frontenac County Ontario (Sherman, P. 2008), among other struggles. Government participation in surrendering lands to non-Indigenous individuals or entities and in other ways failing to honour the legal responsibilities they have to Indigenous people when profits can be made during delays or failures, is a strongly-established pattern in Canada. The consequences of the structural failure are written into lives of individuals who are deprived of life’s basic necessities.

3. Lasting Housing Concerns Arising With and From Domicide

3.1 Urban, Rural, and Reserve

With traditional lands damaged or changed beyond recognition, many of Canada's Indigenous people face the options of making very significant lifestyle changes in a single generation, constantly battling the government, and or giving up on having even their basic needs met, all while contending with other forms of colonialism such as the Indian Act, the residential school system itself and the intergeneration impacts of that wrong policy (see Truth and Reconciliation Commission of Canada, 2015). Communities like the Lubicon Cree that have been denied status tend to be among the most destitute but many bands which have reserves experienced enough loss of territory and livelihood that they also have serious housing problems. Both on and off reserves the standard of housing which the current generations of Indigenous people live in is generally worse than what other Canadians experience and this in turn has serious social consequences. Housing improvement is a priority for the Assembly of First Nations (AFN). They have developed a National Housing Strategy, identifying a significant level of construction and repair to be done: "Between 2010 and 2013, it is estimated there will be a backlog of 130,000 units, 44% of the existing units will require major repairs and 18% will require replacement (Assembly of First Nations, 2014, p. 1)."

A report commissioned by the Department of Aboriginal Affairs and Northern Development Canada's strategic research and analysis directorate indicated to the government that there are serious concerns with Indigenous housing as does a more recent measure of Indigenous Community well-being (Four Directions Consulting Group, 1997) (Strategic Research Directorate Aboriginal Affairs and Northern Development Canada, 2014). The depth of the immediate need for housing and infrastructure on reserves is appalling in the context of a generally-wealthy country. Nearly 32.2% of households on reserve have water which is unfit to drink (AFN, 2013). Ten percent of households have no electricity or have existing electrical problems. Thirty-one percent of reserve households do not have satisfactory heating systems and that number soars to 37% on high-northern and moderately north communities (AFN, 2013). Mold and mildew are serious and prevalent problems. Each of these concerns has serious immediate and long-term consequences on people's health. George Divine's (2004) analysis of Aboriginal housing provides additional insight into problems with the government's role in relation to reserve housing (pp. 344-347). Despite the evidence of serious housing crises involving Indigenous people living on reserves, and for off-reserve rural and urban Indigenous people, the governments with responsibility have failed to even attempt to measure the scale of the problem and the number of affordable houses which are needed.

The AFN and researchers have called for an enumeration of Indigenous people who are homeless but no action has been taken (Belanger, Awosoga, & Weasel Head, 2013). The federal government has not been readily supporting the collection of the data that will empirically prove the visible evidence behind the dire narratives of the housing crises in Indigenous communities. In the absence of complete cross-Canada inventory, the combination of anecdotal and video evidence of housing problems on some reserves along with the data from those urban centers which have been collecting it certainly show the evidence that Indigenous people are over represented among the homeless. Authors of the most comprehensive analysis published at the time of writing this paper calculated that on any one night, about 6.97% of urban Indigenous people are considered to be homeless; or 1-in-15 urban Indigenous people. This is compared with 0.78% or one of 128 settler Canadians (Belanger, Awosoga, & Weasel Head, 2013). Belanger et al made these calculations based on a series of educated estimates, and they make a strong case that a comprehensive enumeration of Indigenous homelessness is urgently required. It is possible to provide some degree of understanding of the inadequacy of housing that Indigenous people are contending with. There is empirical evidence to support the significant volume of publically expressed concerns and video evidence of crowding and unsafe housing on reserves.

⁵ The Assembly of First Nations is a political organization in which band Chiefs from across Canadian territory gather to negotiate policy with each other and set priorities for First Nations interactions with other governments.

⁶ This department of the Federal government was called the Department of Indian Affairs and Northern Development Canada between 1966 and June 2011 when it became the Department of Aboriginal Affairs and Northern Development Canada until November of 2015 when it was renamed the Department of Indigenous and Northern Affairs Canada.

In Census statistics, housing suitability is described as having enough bedrooms in the dwelling based on the national occupancy standard. Overall, 6% of Canadians live in dwellings not suitable, but 25% of band housing is unsuitable for its inhabitants (Statistics Canada, 2013b). Beyond this, the available data just allows the broad comparison between people who self-identify as Aboriginal and the Canadian picture including Aboriginal people and everyone else. What we see in Table 1 is that affordability is a dire problem among over 40% of Canadians who rent their housing, plus in every dimension of core housing need there is a greater level of concern for the Aboriginal population than for the general Canadian population.

Table 1: 2010 National Housing Conditions Aboriginal and Complete Population

	Aboriginal	All of Canada
Tenants and owners with some income spending 30% and more of income on shelter	27.7%	25.5%
Tenants with some income spending 30% and more of income on shelter	40.8 %	40.1%
Households living in housing not suitable	10.5%	6%
Living in houses in need of major repair	17.39%	7.4%
Tenant Households living in subsidized housing	24.4%	13.7%
Households who own their own dwelling	53.96%	69%
Households in Band owned housing	8.7%	n/a

(Statistics Canada, 2013a)

Table 1 shows more Aboriginal households are spending a disproportionate portion of their income on housing even though more Aboriginal people are living in dwellings in need of major repair and/or in crowded conditions⁷. The gap between the portion of Aboriginals and of the general population who own their own dwelling is about 15%. Less than 9% of Aboriginals surveyed live in Band owned housing.

Before I proceed, we need to acknowledge that Table 1 fails to capture the portion of the population who are Indigenous and without any housing whatsoever. In those cities where data is being kept and shared about identities of homeless people, there have been accounts of the over-representation of Indigenous people among the homeless since the beginning of a tally process. The upcoming sections briefly relate what can be gleaned about Indigenous homelessness in Vancouver, Calgary, Winnipeg, and Toronto. Point-in-time counts such as this data is based upon always underestimate how many people are absolutely homeless in a city because not everyone who is homeless is either in a shelter or recognized as homeless outside of shelters and invited to be counted. At best, these kinds of counts represent a baseline minimum number of absolutely homeless. While I agree with Belanger et al. (2013) about the relative lack of data, there are no doubts about the basic structural-analysis-level fact that Indigenous people are over-represented among the homeless people in Canadian cities.

3.2 Indigenous Homelessness in Vancouver

Vancouver has the most long-term and comprehensive count of their homeless population that gave respondents the option of identifying as Aboriginal. Data from the report of the March 13th Vancouver Homeless Count are presented in Table 2.

Table 2: Percentage of People of Aboriginal Identity in Vancouver Homeless Counts 2005-2013

	2005	2008	2010	2011	2012	2013
Aboriginal	35	38	36	31	32	30
Not Aboriginal	65	62	64	69	68	70
Total	100	100	100	100	100	100

(Eberle Planning and Research, 2013, p. 14)

The over-representation of people who identify as Aboriginal is striking and relatively consistent: 30 to 38% of the homeless people counted in the city of Vancouver identified as Aboriginal even though during that time only between 1.9% and 2% of that city's population self-identified as Aboriginal in the Census and National Household Survey (NHS) (Statistics Canada, 2013a; Statistics Canada, 2012).

⁷ The housing standard used to evaluate crowding is that households should have a bedroom for: each co-habiting adult couple, each unattached person age 18 and up, each pair of children under age 5, and each same-sex pair of children aged 6-17.

Furthermore, when the 2011 homeless count is used in comparison with the 2011 NHS, 2% of those who identify as Aboriginal (268 out of the 11,945) are homeless whereas 0.1 % of city residents who are non-Aboriginal (594 out of the 578,260) are homeless. Other data from the same counting process show that “The incidence of aboriginal identity is significantly higher among the unsheltered homeless (39%) than the sheltered homeless (27%)” (Eberle Planning and Research, 2013, p. 19). That ratio of more unsheltered than sheltered homeless people is reversed for the Vancouver population who do not identify as Aboriginal. It is less likely for unsheltered homeless to be included in the city’s counts of homeless people than are those who are residing in emergency shelters.

3.3 Indigenous Homelessness in Calgary

The data available from Calgary is less complete than Vancouver’s, but again we see the persistence of over representation of Aboriginal people among the homeless. Calgary street counts indicated that Aboriginal people were 19.2% of the homeless population in 2000 (City of Calgary, 2000). In 2008 while about 3% of the city’s population self-identified as Aboriginal, 15% of their homeless people were Aboriginal (Calgary Social Research Unit, 2008, p. ii.x). In the 2013 count, 225 out of 759 homeless people identified as Aboriginal, constituting 29.6% of the total (Calgary Homeless Foundation, 2013a, p. 4). People of Aboriginal identities constituted 21% of Calgary’s homeless population in 2014, while they were enumerated at less than 3% of Calgary’s total population (Calgary Homeless Foundation, 2014, p. 8).

3.4 Indigenous Homelessness in Winnipeg

Shelter staff and urban studies scholars have noted the over representation of Indigenous people among Winnipeg’s homeless including those whose housing is inadequate, who are living in unsafe single-occupancy hotels and who are waiting for affordable, appropriate housing. Research on low-income levels within this population shows an improvement between the years 2000 and 2009 (Murphy, Zhang, & Dionne, 2012, p. 60), by using an after-tax low-income measure.

The National Household Survey still shows 33% of Winnipeg Aboriginal people in the low-income category in 2011, compared with 16.6% of non-Aboriginals (Statistics Canada, 2011; Statistics Canada, 2013d). The majority of Indigenous people also live in the least-affluent neighbourhoods of Winnipeg. Data from the National Household Survey, on suitability, safety and affordability of housing in Winnipeg, as summarized in Table 3 shows the pattern of worse housing conditions for Aboriginal people than the general population persists in 2010, despite 30 years of community capacity building within the Indigenous population there.

Table 3 Aboriginal Identity and Housing Concerns in Winnipeg (2010)

	Aboriginal	All of Winnipeg
Tenants and owners with some income spending 30% and more of income on shelter	26.76%	21.3%
Tenants with some income spending 30% and more of income on shelter	38.8 %	37.5%
Households living in housing not suitable	11.71%	7.4%
Living in houses in need of major repair	14.98%	9.2%
Households living in subsidized housing	27.6%	18.1%

Source: Statistics Canada National Household Survey

Renters and owners who are Aboriginal are spending a higher portion of their income on housing. The housing is more often unsuitable, and quite a bit more in need of major repairs. A higher portion of Aboriginal households also has subsidized housing. Housing is more affordable in Winnipeg than in many other cities, but safe and suitable housing is still financially out of reach for many Aboriginal people, a group whose median total income was less than \$24,000 in 2011 (Statistics Canada, 2011). There is not enough subsidized housing available to meet the needs. Within this population we directly trace some of the consequences of extreme domicile to intergenerational homelessness. The Sayisi Dene of Manitoba were among the populations of Indigenous people who were forcibly relocated by the federal government during the 1950’s, which resulted in much suffering (RCAP, 1996a, pp. 413-420). The reverberations of cultural disruption from relocations and residential schools were still being experienced by Sayisi Dene who was living in Winnipeg in 2001-2 (Ten Fingers, 2005, p. 33). Research on their quality of life showed that that while some of the urban Sayisi Dene were attending training or enhancing education, few members of their population were employed and some had no fixed address (Ten Fingers, 2005, p. 31). Members of other Indigenous groups in Winnipeg who had not suffered forced relocation were faring better.

3.5 Indigenous Homelessness in Toronto

The challenges facing the Indigenous population in Toronto were steep enough in the late 1990's that the Mayor's Homelessness Action Task Force commissioned a comprehensive study on Aboriginal homelessness. Their calculations were that there were about 4,000 Aboriginal people homeless in Toronto, constituting about 15% of the total homeless population although Aboriginal people constituted only 1% of the population of that city (Mayor's Homelessness Action Task Force, 1999, pp. 64-66). Furthermore, Task Force members expressed serious concern that 8,000 Aboriginal people were at risk of being homeless and that between 80 and 90% of female-headed single-parent households had incomes below the poverty line (Mayor's Homelessness Action Task Force, 1999, p. 66). Toronto's Street Needs Assessment for 2013 indicated that Aboriginal people still constituted 15% of the total homeless population, while continuing to represent 1% of the total population of the city (Street Needs Assessment, 2013, p. 4). Even more revealing was the observation that Aboriginal people constituted 30% of those homeless people sleeping rough and that they now represented a larger share of the outdoor homeless population than in 2009 (Street Needs Assessment, 2013, p. 22).

4. Acknowledging Implications of Domicide

A series of social policies, barriers and poorly constructed legal frameworks bridge the continuity between the historical and ongoing processes of removing Indigenous people from "Canadian" lands and the literal homelessness of a disproportionate number of Indigenous people in this country. Lack of analysis of domicile and lack of data about Indigenous homelessness help to hide the problem but increasing numbers of Indigenous communities and individuals are voicing their objections, especially about appropriation and misuse of traditional lands. The Indian Act and reserve systems including the land possession system which blocks ownership of property on reserves combine to deprive Indigenous people from opportunities of developing and enhancing personal equity through property ownership as people growing up in municipalities do. Very slow processing of land claims keeps Indigenous communities from rebuilding as quickly as they are ready to do so. In recent years some Indigenous individuals have fought successfully for Aboriginal rights of hunting and fishing on behalf of their communities and a number of bands have successfully forced environmental review processes before further disruption of their lands and waters is allowed, but these are slow and expensive battles.

It was the evident intention of Canadian Indian policy, based on a cultural bias which believed people of European origin to be inherently superior, to dispossess North America's Indigenous people of their land and to convert those who survived into a subservient, "second class" population of manual labourers (Neu & Therrien, 2003) (Regan, 2010). Residential schools were far from the only government strategy supporting assimilation and restricting Indigenous people's opportunities. Many Indian Act regulations supported that agenda, including: a pass system restricting movement (Truth and Reconciliation Commission of Canada, 2015, p. 1), paternalistic control of band funds and lands by Indian Agents, and the reserve system by which the small parcels allotted to treaty signers were often the worst lands (in terms of economic productivity) in the region. The lack of infrastructure on many reserves means physical conditions continue to be inferior to the general Canadian standards concerning not only running water, indoor plumbing and electricity but also transportation, communications, educational, recreational, and health facilities. This has significant impacts upon individual well-being and opportunities for community economic development. The division of responsibilities for administration over First Nation individuals under our political system is highly problematic and ends up causing a variety of deprivations.

A series of regional surveys of First Nations health concerns in Canada makes the links between inadequate housing (including basic infrastructure like power and potable water), and health problems. The health concerns related to inadequacy of First Nations housing identified in the cross-Canada report include: chronic conditions such as asthma, infectious diseases, poor mental health, unintentional injuries, violence, and medical conditions stemming from the presence of mould or mildew including: eye, nose and throat irritation, runny nose, sinus congestion, frequent cold symptoms and allergic reactions (First Nations Information Governance Centre, 2012, pp. 51-59). The life spans of Indigenous and Inuit Canadians are less than the average. On average, when compared with the life spans of non-Indigenous Canadians, Métis people live about 5 years less, First Nations live 6-7 years less and Inuit live shorter lives by ten years (Kerr & Beaujot, 2016, p. 196). More than half of Indigenous Canadians now live in urban centers but they tend to have lower levels of education and also encounter discrimination in Canadian cities which makes it difficult to afford housing. Non-status Aboriginals in Canada do not receive any government benefits based upon their identities among Canada's original people.

The federal government, which carries the primary responsibility for administration of services to Status Indian people, has tended to ignore Indigenous people who dwell off-reserves despite the current realities of Indigenous urbanization which has been occurring for decades. The federal Department of Indigenous and Northern Affairs services which are provided in support of socio-cultural and economic needs are almost exclusive to reserves and seem to be stuck in a conceptualization of a reserve as a cultural and economic “back-water” where ways of life are traditional and primitive (see Peters, 2012, p. 81). Numerous problems and service failures have evolved from the long-held federal assumption that their constitutional and treaty obligations to First Nations people are only relevant on reserves. These concerns have been taking decades to resolve while Indigenous women offer crucial insights about numerous geographic contexts Indigenous women live in (Peters, 2006).

5. Conclusions

When we think about the contemporary situations and many struggles that Indigenous Canadians are contending with, it is worth considering the significance of domicile committed against these people and their ancestors. Negotiating some kind of compensations for these losses would be an appropriate step of reconciliation between Indigenous and settler populations. To meet the expectations of the International Covenant on the Rights of Indigenous Peoples would require this step, not to mention how restoring Indigenous autonomy by providing them a reasonable share of this land’s resources to govern as they consider appropriate, could help to establish a better relationship between Indigenous and settler populations.

The harms of domicile are not only to housing – although inadequate housing does play a pivotal role in the higher levels of morbidity and younger mortality of Indigenous Canadians. It is the very fact that the balance of power has been shifted so very far over to the settlers via land possession and destruction that make it unlikely there is opportunity for many Indigenous people of Canada to live as their ancestors did even if that is their preference. If a new relationship between Settlers and Indigenous People is to be built, each side should be negotiating from a position of strength with their basic needs met, so that desperation and the needs of immediate survival do not sway the balance of decisions as they had with many of the original treaties. The evidence of Indigenous homelessness is a testament to the harms of domicile.

Lack of affordable housing and of a National Housing program is an aspect of this which is shared by all Canadians who have low income-levels, but other housing concerns are specific to Indigenous people. Theft and destruction of land is at the core of it as exemplified in the James Bay Cree and Lubicon Cree examples. If a different outcome is to be imagined, someone has to become accountable and governance has to shift from colonial mentalities into respectful and sincere dialogue that includes all Indigenous people and all levels of government who might impose regulations or give away land, mineral, timber and other resources. To strengthen the analysis of housing and the land in relation to domicile in Canada, there are remaining questions.

The standard expectations for housing, as mentioned above, are that the building be sound, (which by “Canadian” standards includes indoor plumbing, potable water and electricity), that it be suitable for the numbers and identities of people dwelling in it according to mainstream cultural norms, and that it costs the residents less than 30% of their income. A desire for permanence is also assumed. This conceptualization comes out of non-Indigenous ways of living. There is a significant shift of context to negotiate in choosing a more inclusive definition. It is evident from the way Cree elders (of both James Bay and Lubicon Lake) talked of their early days, that living directly on the land in temporary dwelling did not have the same expectations and provided for many aspects of well-being that are relatively intangible to those of us viewing it from a western/occidental perspective (see Goddard, 1991; Richardson, 1975). The goal of challenging domicile is surely not to intensify colonialism by compelling Indigenous people through social policy to live in static urban dwellings. So what, then, are the appropriate goals? We are at the beginning of this conversation.

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