

The Right to Housing For First Nations Communities On Reserve

Research Project Proposal

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Introduction

“Housing insecurity as indigenous peoples experience it on-reserve needs specific analysis” (Margot Young)

What legal recourse will First Nations (FN) have should they take the government to court over the right to social housing on-reserve?

Theoretical framework

“The way identity is recognized, socially and legally is often mediated through relationships with the house and home, both as a physical, material thing, and as an ideological construct.” (Jessie Hohmann)

Hypothesis

A right to social housing exists in both Canadian and International law for FN peoples living on-reserve.

Such a right may be predicated on a legal duty binding on the Crown and may be inherent or explicit in certain treaties, Federal Charter, *Indian Act* or the CHRA.

Methodology

The generation of socio-legal evidence would ideally include collaborations with non-profit community and advocacy groups devoted to indigenous housing rights in order to create an empirical framework for the study of the actual practices and procedures involved in housing rights claims and adjudication on-reserve.

Objectives

The subject of litigation and adjudication of housing rights is generally underreported in Canadian legal circles and the specific question of its application to Canada's FN living on-reserve has been almost completely ignored in the socio-legal literature.

Other Objectives

- The creation of an undergraduate/graduate seminar on housing rights in Canada.
- The publication of at least one article in a peer reviewed legal journal that specialises in indigenous rights or socio-legal scholarship in Canada.
- The creation of an empirical and qualitative socio-legal study that documents legal strategies and practices with respect to adjudication related to the right to social housing on-reserve in Canada.
- A public contribution to the growing awareness in both academia and society concerning the lack of social housing on/off-reserve and the gross human rights violations this situation engenders for indigenous/First Nations Canadians.
- Applying for federal/provincial/academic/non-profit research grants in order to fund the project.