



ABORIGINAL HOUSING MANAGEMENT: WHY AND HOW?

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1. Executive summary

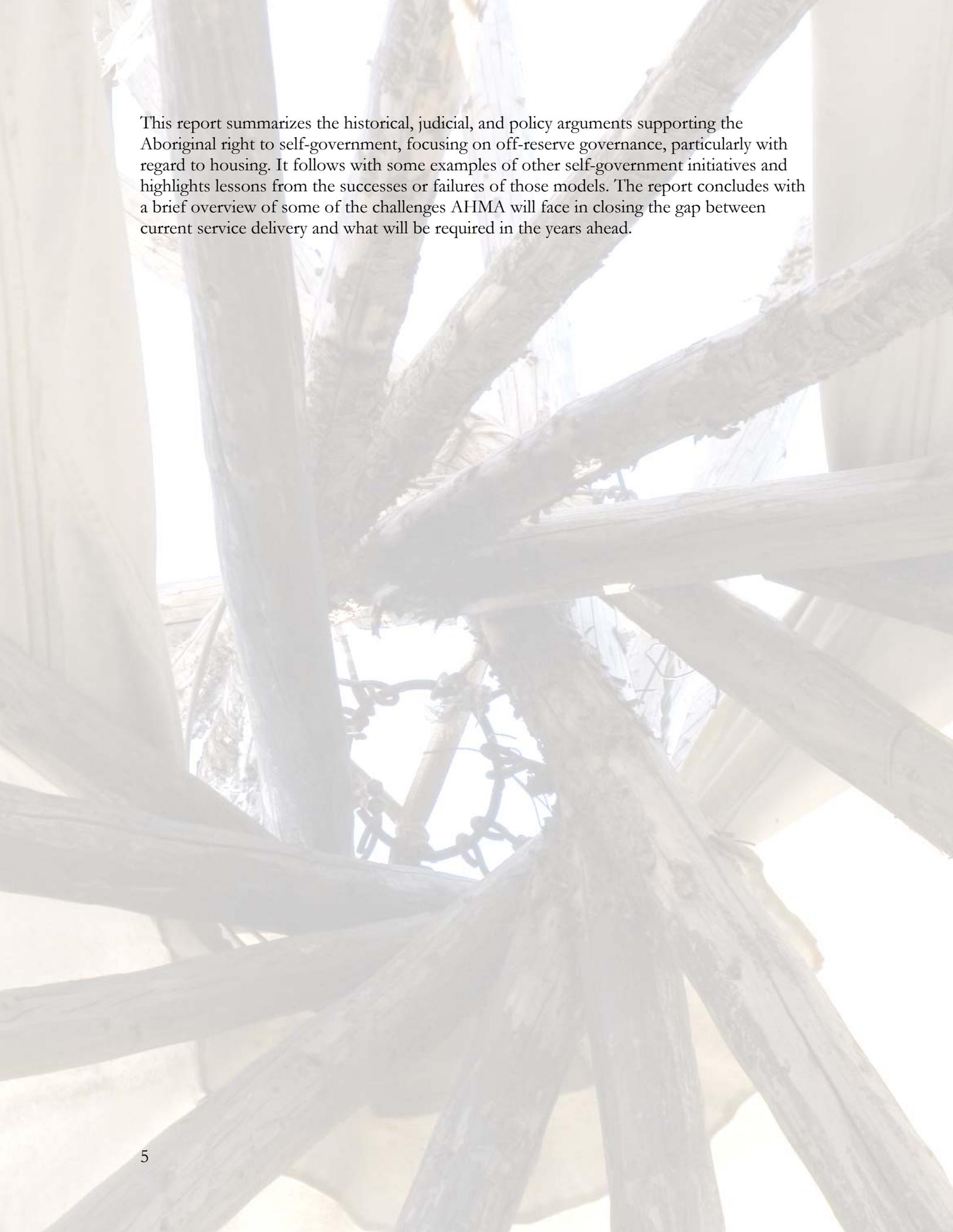
The Aboriginal Housing Management Association (AHMA) has operated until now as an association without true governing powers. In order to begin acting as a quasi-governmental authority, AHMA needs to demonstrate that it has a right to be self-governing, or else that self-governance by AHMA is in the best interests of the province and Aboriginal people. AHMA will also need to adopt an effective governance model in order to exercise the authority it obtains.

Aboriginal people have an inherent right to self-government, and federal and provincial governments have also delegated certain types of additional jurisdiction to Aboriginal people. The extent of Aboriginal rights to self-govern are still being defined in law and policy, and to date the discourse has been mostly limited to land- and nation-based governments, leaving out non-status and many off-reserve Aboriginal people. The Province of British Columbia, in practice, recognizes even fewer rights of self-government than does the Government of Canada.

Given this policy environment, AHMA's best strategy for achieving self-government as an authority is through negotiation with the provincial government for the devolution of housing management authority. Although devolved programs are not true self-government, they are the best that has been achieved to date outside reserves.

Other devolution processes, such as Health Canada's health transfer agreements and the establishment of Regional Aboriginal Authorities under British Columbia's Ministry of Children and Family Development, provide important considerations for AHMA as it pursues a devolution agreement with the province. The key lessons learned from these and related programs include:

- Successful devolution is a lengthy, ongoing process, unfolding over decades, not years, and some failures are inevitable. Both AHMA and the province must commit to staying the course despite setbacks.
- AHMA should insist on adequate provincial support for training and other capacity-building to ensure that AHMA is equipped to meet the responsibilities that the province delegates to it.
- AHMA should take on responsibility in a staged, gradual manner. Committing to too much too soon may result in system failures, which could derail the devolution process.
- AHMA should embrace an inclusive model that is status-blind and serves all Aboriginal people.
- AHMA will best serve its constituency by adopting a flexible governance model that allows for adaptation to local conditions and needs.
- AHMA should adopt a strong, responsive governance structure that includes a separate regulatory branch.
- AHMA should seek long-term, sustainable funding sources apart from government programs.



This report summarizes the historical, judicial, and policy arguments supporting the Aboriginal right to self-government, focusing on off-reserve governance, particularly with regard to housing. It follows with some examples of other self-government initiatives and highlights lessons from the successes or failures of those models. The report concludes with a brief overview of some of the challenges AHMA will face in closing the gap between current service delivery and what will be required in the years ahead.

2. Aboriginal housing management in British Columbia

Nearly one in six Aboriginal people in Canada lives in British Columbia. In 2001, of all the provinces and territories, British Columbia had the second-largest Aboriginal population. According to Statistics Canada, the Aboriginal population is growing at more than twice the rate of the general population.¹ Aboriginal people earn less money, live in more crowded households (including multi-generational households), and move more frequently than non-Aboriginal people (from 1996 to 2001, over half of the province's Aboriginal population had moved at least once). They are more likely to be in need of core housing, be single-parent families, or reside in dwellings that require major repair.²

Most Aboriginal people in British Columbia live off-reserve. Approximately 57 per cent of Aboriginal people in the province live in an urban centre, 30 per cent live on-reserve, and 13 per cent live in off-reserve rural areas. This means that of the estimated 63,780 Aboriginal households living off-reserve, comprising approximately 70 per cent of Aboriginal people, about 81 per cent live in an urban area. Roughly 35 per cent (23,000) of the total off-reserve households are low-income.³

Approximately 4,500 low-income housing units across British Columbia are owned or managed by Aboriginal housing societies. Urban Aboriginal Housing Program units account for approximately 3,350 units; Rural and Native Housing Program units account for 500 units, of which approximately 154 are individually owned and all are single-family dwellings. Approximately 650 units are either owned by the housing society through a provincial program (for example, Independent Living BC for elders and people with disabilities), or managed on behalf of the British Columbia Housing Management Commission (B.C. Housing).⁴ Although these units are not specifically or exclusively intended for Aboriginal people, many of the tenants are Aboriginal. This is likely due to the fact that they are managed by the Aboriginal housing society, or because they exist in areas with a high Aboriginal population. As of 2007 over 10,000 people were on the waiting lists of Aboriginal housing societies throughout British Columbia. This number did not include people who may have been in need of social housing but did not formally apply.⁵

Palmer & Associates reports that those societies that manage units on behalf of B.C. Housing operate on "administration dollars [that] are much lower than CMHC levels, and that they would not be able to manage these units on their own if they did not have the CMHC units to subsidize the administration costs for the other units."⁶

Housing self-government

The process of devolving authority for Aboriginal housing began in 1991, when the Canada Mortgage and Housing Corporation (CMHC), together with the federal government, established the Canadian Centre for Public/Private Partnership Housing. This initiated a major shift in responsibility, with the federal government backing away from the primary responsibility for housing in favour of acting as a facilitator for community-based initiatives. Unfortunately, this also indicated a shift toward a heavier reliance on community-based funding.⁷

In 1993 the federal government discontinued most social housing programs, including the Urban Native Housing Program. In 1996 social housing stock, including the Urban Native Housing Program portfolio, was transferred to the provinces. This transfer did not

take into account the government's fiduciary duty to and responsibility to consult with Aboriginal peoples.⁸ The year 2004 saw the first Aboriginal housing transfer agreement in Canada, when the B.C. government transferred 189 units to AHMA.⁹

The Government of Canada has recently announced new federal funding for housing, with just over 20 per cent earmarked for off-reserve Aboriginal housing. The administration of the earmarked funding varies by province, and it is still not clear whether it will be administered by Aboriginal organizations. In British Columbia, indications have been that money will be channelled through existing urban Aboriginal housing organizations.¹⁰

As previously mentioned, AHMA is the first and only Aboriginal social housing management agency in Canada. In 2004, when the Province of British Columbia transferred the 189 units to AHMA, it was the first province in Canada to transfer management of Aboriginal social housing directly to an Aboriginal organization. This transfer marked the first step toward AHMA's goal of complete Aboriginal self-management of urban Aboriginal social housing. The province will also be transferring administration of approximately 2,660 off-reserve Aboriginal social housing units to AHMA, and has been working with AHMA to increase the association's capacity to manage and build social housing units.¹¹

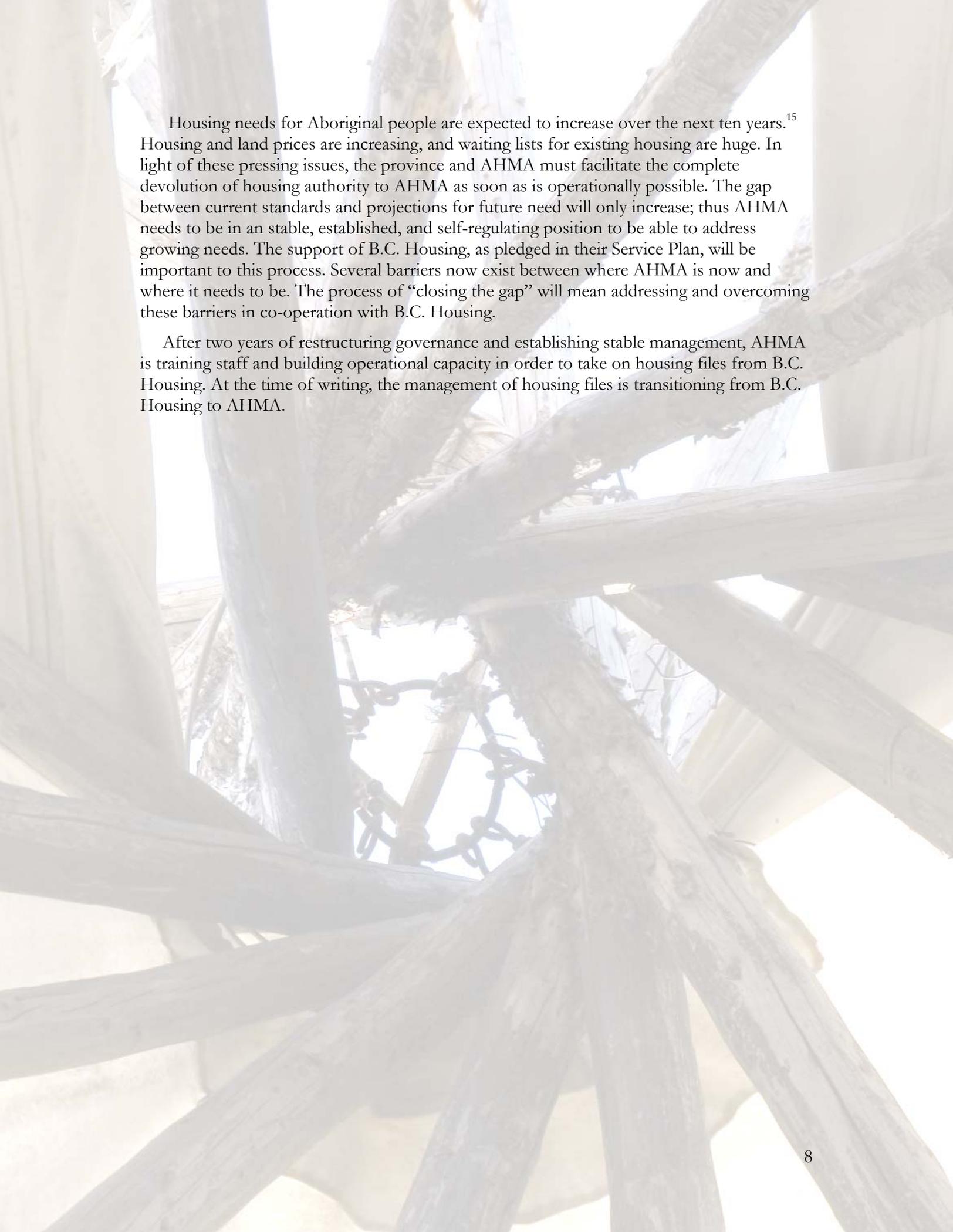
Some Aboriginal housing societies in British Columbia are not members of AHMA. These Aboriginal housing societies manage housing that was developed primarily through the Urban Native Housing Program and the Rural and Native Housing program (both under CMHC). Some of the societies also built or acquired housing through other programs such as Homes BC or Independent Living BC, which are not targeted specifically to Aboriginal people. Several manage housing for other agencies (including the British Columbia Housing Management Commission or municipalities).¹²

Two of these societies manage urban Aboriginal housing units, in addition to other units built and acquired under other programs, in Vancouver and Surrey, and another society manages rural and native housing units in the Lower Mainland and the Interior (rural areas around Prince George). These societies have a significant portfolio of housing units on their own and have chosen to remain independent of AHMA for various reasons.¹³

Future directions

A 2005 study by the Aboriginal Business Development Centre brought home the need to seek new solutions and develop new partnerships to address Aboriginal Housing issues. As the report stated, "Much effort has been invested in trying to remedy these very difficult issues and little gain has been realized using the existing partnership of federal agencies and their program funding approach. The prospect of a booming younger demographic... means these problems are probably going to be more difficult. It is clear we can't go on doing the same things in the same way or First Nations housing will clearly worsen."¹⁴

In 2005 the Province of British Columbia and leaders of Aboriginal organizations signed the Transformative Change Accord, a document that established both the government's and the Aboriginal community's commitment to closing the gap between the standard of living enjoyed by the majority of Canadians and the current low standard of living experienced by many Aboriginal people. Housing is an indispensable part of closing this gap. The shortage of low-income social housing for Aboriginal people presents significant challenges, including a major problem with Aboriginal homelessness.



Housing needs for Aboriginal people are expected to increase over the next ten years.¹⁵ Housing and land prices are increasing, and waiting lists for existing housing are huge. In light of these pressing issues, the province and AHMA must facilitate the complete devolution of housing authority to AHMA as soon as is operationally possible. The gap between current standards and projections for future need will only increase; thus AHMA needs to be in an stable, established, and self-regulating position to be able to address growing needs. The support of B.C. Housing, as pledged in their Service Plan, will be important to this process. Several barriers now exist between where AHMA is now and where it needs to be. The process of “closing the gap” will mean addressing and overcoming these barriers in co-operation with B.C. Housing.

After two years of restructuring governance and establishing stable management, AHMA is training staff and building operational capacity in order to take on housing files from B.C. Housing. At the time of writing, the management of housing files is transitioning from B.C. Housing to AHMA.

3. Foundation for AHMA as an authority

Aboriginal people in Canada have an inherent right to self-government based on their presence here prior to the arrival of Europeans. Canada's constitution, federal policy, and judicial decisions have all recognized this right. In addition to the inherent right of First Nations to self-government, federal and provincial governments have delegated expanded jurisdiction to many bands.¹⁶

Jurisdiction can be *exclusive* (exercisable by only one government) or *concurrent* (shared by more than one government).¹⁷ Canada's courts and political bodies are still in the process of defining the extent of First Nations' authority and its concurrency with federal and provincial governments. Self-government is a critical issue in current treaty negotiations.

The situation becomes even fuzzier when dealing with off-reserve governance. Another category of jurisdiction comes into play here: it may either be *territorial* (conferring authority over land) or *personal* (conferring authority over people).¹⁸ The off-reserve personal jurisdiction of First Nations is also in a state of flux and redefinition. A focus by governments and First Nations on inherent rights as a foundation for self-government has resulted in a land- and nation-based policy focus that has marginalized Aboriginals in urban settings.^{19,20}

Organizations like AHMA do not fall under any of the categories of governance listed above. AHMA is not a First Nation, does not have any territory, and is charged with serving many non-First Nation, non-status Aboriginal people living in urban areas. Peter Dinsdale of the National Association of Friendship Centres advocates a shifting of focus from "rights-based" self-government to "needs-based" self government in order to make sure all Aboriginal people are included. This approach is the one used by the National Association of Friendship Centres, which is pan-Aboriginal and status-blind.²¹ In fact, this has been the primary approach taken to off-reserve and Métis programming. Although this model has been coming under pressure recently and may not be sustainable, it affects the policy environment in which AHMA must operate.²²

The following sections outline the foundations upon which AHMA can make its claim to authority. AHMA represents an urban, non-status Aboriginal population base, but it can still lay claim to historical, judicial, and policy rights to self-government. We also offer an argument from a "needs-based" perspective for AHMA's right to operate as an authority .

Historical and policy foundation

Aboriginal people were self-governing prior to European colonization of North America. Thus, although self-government has been recognized in Canada's constitution and in treaties with First Nations, it was not created by those documents—it is inherent.²³ According to Jill Wherret, "Aboriginal peoples do not seek to be granted self-government by Canadian governments, but rather to have Canadians recognize that Aboriginal governments existed long before the arrival of Europeans and to establish the conditions that would permit the revival of their governments."²⁴

Section 35 of Canada's Constitution Act (1982) recognized and affirmed the existing treaty rights of Aboriginal people. These rights, however, were not specifically defined, leaving the courts to define them.²⁵

The Constitution Act was followed shortly by the pivotal 1984 “Penner Report.”²⁶ The Penner Report focused primarily on First Nations living on reserve lands, but it did argue that “Aboriginal people living off-reserve, and particularly in cities, are also a federal responsibility and should have access to special federal programmes by virtue of [the federal government’s] constitutional responsibility.”²⁷

In 1985 the government implemented the Urban Native Housing Program. Aboriginal organizations argued that the best way for the program to carry out its commitment to equity for all Canadians through social housing was through self-governing urban Aboriginal organizations.²⁸ In 1986 the Federal Policy on Community-Based Self-Government Negotiations increased band control over decision-making and allowed more scope for community government than had previously been allowed.²⁹

In 1995 the federal Liberal government announced a new policy that included recognition of the inherent right to self-government as laid out in Section 35 of the *Constitution Act*.³⁰ Although most Aboriginal self-government agreements have been land-based,³¹ the Liberals’ policy, known as the “Inherent Rights Policy,” also anticipated the delegation of authority in cases where no land base was present.³²

The government of Canada had convened the Royal Commission on Aboriginal Peoples in 1991, tasking it with investigating the relationships of Aboriginal people to Canadian government and society and with proposing comprehensive solutions to the problems in those relationships. The commission issued its report in 1996.³³ Volume 2 of the report dealt with governance issues and laid out an approach to self-government that was based on recognition of Aboriginal governments as one of three orders of government of Canada.³⁴

While focused primarily on land- and nation-based self-government, the commission “advocated for the design and delivery of programmes and services by Aboriginal institutions in urban areas where the population was large enough to support them.”³⁵

The federal government responded to the Royal Commission on Aboriginal Peoples report in 1997, with its report *Gathering Strength—Canada’s Aboriginal Action Plan*.³⁶ *Gathering Strength* expanded on the Inherent Rights Policy and included a specific reference to urban Aboriginal self-government.³⁷ It noted that the federal government had recognized self-government as an inherent Aboriginal right in Section 35 of the Constitution Act,³⁸ and recognized that “Aboriginal people maintained self-sufficient governments with sustainable economies, distinctive languages, powerful spirituality, and rich, diverse cultures on this continent for thousands of years.”³⁹

The government also agreed in *Gathering Strength* that off-reserve processes of self-government for direct control of programming by Aboriginal institutions could be negotiated: “The federal government is prepared to consider a variety of approaches to self-government, including self-government institutions, devolution of programs and services, and public government.”⁴⁰

The Federal Urban Aboriginal Strategy, developed in 1997 to respond to the needs of Aboriginal people in Canada’s urban centres, requires the government to work with Aboriginal partners.⁴¹ However, the Urban Aboriginal Strategy may have had the effect of circumventing Aboriginal rights of self-government and self-determination.⁴² The strategy seeks to address the problem of Aboriginal poverty, but because it is not structured around

the rights of self-determination, self-government, or Aboriginal identity, it perpetuates the old model of providing services based on an idea of charity.⁴³

In British Columbia, as of 2002 the provincial government had not reached any self-government arrangements with First Nations. The source of authority for First Nations' law-making powers was still under discussion in the treaty process. Although First Nations claim that this right is inherent, and the Government of Canada recognizes this right, the province prefers to negotiate a delegated form of self-government.⁴⁴ This is the policy environment in which Aboriginal organizations in British Columbia, such as AHMA, must make their case for self-government. Whether or not the authority exercised by the government is legitimate, it exists and has been imposed upon Aboriginal people.⁴⁵

Judicial foundation

In general, Canadian judges have not taken on self-government issues. Instead, the Supreme Court has encouraged settlement of claims through negotiation rather than litigation.⁴⁶ Nevertheless, a number of court decisions have strengthened Aboriginal claims to self-government.

The earliest example comes from the 1987 *Simon* case regarding Aboriginal hunting rights, in which the Supreme Court made it clear that “treaty rights are not limited to status Indians but can potentially apply to any descendant of the treaty beneficiaries.”⁴⁷

Although the Supreme Court has not ruled on whether Section 35 of the Constitution Act affirms self-government, the 1996 *R. v. Pamajewon* decision, regarding gambling on reserves, stated that “[the Court] assumes that section 35(1) rights include self-government claims.”⁴⁸ In this case the court established the “*Van der Peet* test” as a requirement to prove an Aboriginal right.⁴⁹

Van der Peet requires that First Nations prove that an asserted right “arose from a practice, custom or tradition that was integral to its distinctive culture prior to contact with Europeans.... [and also] that they regulated the activity at that time.” This test has been roundly criticized in its application to self-government.⁵⁰ Nevertheless, federal and provincial governments treat it as law, and *R. v. Pamajewon* has made it very difficult to prove the right of self-government in Canadian courts. Furthermore, doing so is costly and results in fragmented jurisdiction.⁵¹

The 1999 *Corbière* case established the right of band members living off-reserve to vote in band elections. The *Corbière* decision “gave all First Nation members whose elections are held under the Indian Act a voice in on-reserve governance, regardless of residency.”⁵² Although it dealt only with status Indians, the decision has had the effect of “extending the geographies of ‘Indianness’ into urban areas.”⁵³

In 2004 the Federal Court of Appeal decision in *Misquadis v. Canada* held that the federal government needed to negotiate with urban Aboriginal people, as it has with other Aboriginal communities. The decision defended the right to urban self-government specifically as it pertains to human resources development. The *Misquadis* decision “[added] legal clarity and certainty to the model of urban self-government by associational and community and self-governing institutions.”⁵⁴

In British Columbia the provincial Supreme Court, led by Justice Paul Williamson, ruled in the 2001 case *Campbell v. British Columbia*, regarding the self-government provisions in the

Nisga'a treaty, that self-government is an Aboriginal right.⁵⁵ Under *Campbell*, if an Aboriginal group has title to land, then they have a right of self-government in relation to those lands. This is now the law in British Columbia. Kent McNeil argues that this reasoning should not just be applied to land title but to every other Aboriginal treaty right as well. This argument has yet to be tested in the courts.⁵⁶

Cultural foundation

Cultural issues play an important part in providing social services, and services tailored to the cultural needs of those receiving services are more effective. In the words of the Auditor General of British Columbia, an important part of being a service provider is to be able to provide services in a “culturally appropriate way,” which helps to ensure that services are “equitably accessible” (because cultural barriers do not prevent uptake of service programs).⁵⁷ Managerial systems and decision-making processes that are attuned to cultural values are more efficient in providing services. Expensive programming that proves to be ineffective due to cultural barriers can be avoided through Aboriginal management of programs.

Although AHMA’s right to self-govern is founded not on cultural or needs-based grounds but rather on inherent rights of self-government, AHMA has an advantage over government in being able to offer culturally appropriate services and solutions. This advantage is especially apparent in British Columbia, where the current indigenous culture still maintains a direct relation to the traditional culture. A culturally appropriate service-delivery model will offer greater efficiency, while continuing with non-Aboriginal management risks further marginalization of urban Aboriginal communities. Such marginalization has been a product of the privilege given nation- or land-based self-government models in past Canadian policies and federal government discourse.⁵⁸

Terry Burke writes that “indigenous cultures *require* culturally specific management practices in social housing” in order to thrive (emphasis added).⁵⁹ Common non-Aboriginal managerial practices are often foreign to indigenous communities, or at least have little relevance to the problems faced by those communities. Using a system based on such management practices can lead to misguided decisions that compound problems.

Establishing organizational structures under Aboriginal management will take time. Evolving organizational structures that will be efficient, effective, and consistent with cultural values is a difficult, lengthy process that will require continual analysis.⁶⁰ One of the most important factors requiring consideration is the distinction between communitarian and individualistic societies.⁶¹

As explained by Burke, a traditional communitarian society is made up of a relatively closed group composed of known others, with outsiders not easily accepted in. Thus the extended family is extremely important within the Aboriginal clan.⁶² The clan or network of family affiliations in most indigenous societies provides a sense of identity and comprises a web of responsibilities and obligations. These often encompass housing support for members. These connections are more tenuous in non-Aboriginal cultures, but are foundational in Aboriginal ones. Individualistic societies have no strong sense of identity or belonging beyond the immediate family.⁶³

Recognition of the communitarian culture leads to housing practices and policies consistent with these values. In contrast, communitarian values and needs can be a major

problem for social housing management organizations in societies where the dominant values, including those related to housing, are individualistic.

Some examples of the fallout of this discrepancy may include antagonism on the part of Aboriginal lessees when required to pay rent for what they see as communal or collective property, or for land to which they have a spiritual connection. It may also include social housing dwellings that were allocated to one specific family, the leaseholder, but are then seen as communal dwellings—anyone who sees themselves as family or clan may claim their right to enter and use the facilities.⁶⁴

Many issues inherent in social housing, especially as they affect low-income Aboriginal recipients, are connected to deep-seated differences in cultural values. While these issues may be lessened through education and practice on the part of mainstream governments, it is advantageous for the service provider to be rooted in the community to which the service is being offered. In this way, complex problems can be avoided or more easily resolved, because the service provider understands the cultural sensitivities of those receiving services. Likewise, those receiving services will be more amenable to social aid when they have a relationship of trust with the provider. This is especially pertinent in Canada, where the legacy of mistrust left by residential schools can be a major impediment for Aboriginal communities on the receiving end of social programming.

The building of culturally appropriate housing services is often beyond the capabilities of non-Aboriginal governments.⁶⁵ However, Aboriginal governments, though attuned to the cultural needs of their communities, still require the support, training, funding, and infrastructure supplied by federal and provincial governments in order to set up management systems. Since both Aboriginal and non-Aboriginal governments must work together in partnership to achieve effective management in Aboriginal communities, the relationship between the Province of British Columbia and AHMA is critical. As Ryan Walker writes, “Governments must supply the policy and resources Aboriginal housing organizations need to build social housing that improves quality of life on Aboriginal people’s own terms—a task that these organizations are far better suited for than government bureaucracies.”⁶⁶

The RCAP report, as well as numerous other studies, found that:

Programs targeted to Aboriginal Peoples have made a major contribution to meeting the need for adequate housing for off-reserve Aboriginal peoples...the stable environment provided by these corporations has enabled tenants to take advantage of employment opportunities, to further their education and, in some instances, to buy their own homes. Through counselling services, the corporations have also helped tenants gain access to government and other resources to increase their chances for self-reliance.⁶⁷

Given its cultural advantages for housing management, AHMA stands on much more solid ground than its mainstream provincial and federal counterparts. AHMA is automatically tuned in to the social, cultural, and psychological mindsets of those receiving services. While AHMA’s right to self-govern has a solid foundation in the legal rights of self-government, the efficacy on AHMA’s part to provide culturally appropriate models, services, and management further support the argument for devolution of housing management authority to AHMA.

This devolution is not only right, but makes sense from a needs-based perspective. Devolving provincial social housing to a model self-governed by the Aboriginal people for whom services are intended will allow solutions to complex issues embedded in cultural contexts to follow naturally. The fact that in British Columbia, Aboriginal people are the main consumers of low-cost housing, and that housing run *by* Aboriginal organizations *for* Aboriginal populations has yielded better outcomes than mainstream programs in the past, further underscores the importance of establishing AHMA as the provincial Aboriginal housing authority.⁶⁸

International foundation

AHMA is the first Aboriginally managed, quasi-government, provincial housing authority worldwide. Support for organizations such as AHMA exists among international authorities, including the United Nations, which has made declarations regarding the basic human right to housing. In the *United Nations Declaration on the Rights of Indigenous Peoples*, the United Nations outlines several rights inherent to Aboriginal people that support AHMA's claim to authority. Article 21 states that "indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, *housing*, sanitation, health and social security"⁶⁹ (emphasis added).

Article 23 further states that "indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, *housing* and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions"⁷⁰ (emphasis added).

Finally, Article 37 states that "indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements."⁷¹

Many other international treaties, including the International Covenant on Economic, Social and Cultural Rights, recognize the right to adequate housing. The importance of housing in the discourse on poverty and world living standards is a critical issue that is tied to almost every other aspect of well-being. As the United Nations Human Settlements Program states, "Having a secure place to live is one of the fundamental elements for human dignity, physical and mental health and overall quality of life, which enables one's development."⁷²

The particular needs of indigenous peoples around the globe emerge repeatedly at global conferences as important issues requiring action, not only in Canada, but in nations around the world. Studies reveal inadequate programming in almost every nation in which housing for indigenous populations is required. In spite of the ratification of human rights instruments by international organizations, solutions to problems do not always translate to the national stage, as is apparent by the level of problems still extant. A study done by the United Nations Housing Rights Program revealed that the continuation of problems in social housing is in large measure caused by the denial of self-determination and the "exclusion of indigenous people from decision-making structures and processes. With respect to housing, this has meant that indigenous people have not been able to access and control the resources they need to develop and manage their own housing."⁷³

Steps to self-government for AHMA

All of the above strengthen AHMA's contention that it has a right to self-determination via devolved models of governance. The international arena is very supportive of Aboriginal self-determination; however, the difficulty for AHMA will be negotiating a devolved model of self-governance in the provincial political environment.

Although non-status urban Aboriginal people likely have an inherent right to self-government, this right is not yet well-established in law or policy. This may change in the coming decades, but in practical terms today, the decision whether to grant status to AHMA as an authority will rest with the government. Thus, negotiation with provincial and federal agencies will be key. AHMA can put forth an effective argument for self-government that is based on needs, not rights. This strategy poses risks, however. As in Winnipeg, a needs-based strategy could result in the allocation of funds to longer-standing, better-funded mainstream organizations. AHMA must be prepared to demonstrate why an Aboriginality run organization can provide the best services to Aboriginal people.

AHMA does already have some government support for its goal of taking on more authority for Aboriginal housing in British Columbia. B.C. Housing has pledged its support for addressing Aboriginal homelessness and Aboriginal housing needs. The commission's 2008–2011 service plan incorporates Aboriginal housing issues into its six main goals, citing Aboriginal housing needs as their third priority. B.C. Housing's strategy for eradicating the discrepancy that now exists between Aboriginal and non-Aboriginal households—28 per cent of off-reserve Aboriginal households are in need of core housing, as opposed to 15.8 per cent of non-Aboriginal households—includes overseeing the devolution of authority to AHMA.⁷⁴

Housing Matters BC addresses this discrepancy in three key ways: by earmarking funds to build housing that addresses the large number of Aboriginal people who are homeless; *through the transfer of administration responsibility of Aboriginal subsidized housing to the Aboriginal Housing Management Association*; and through linking trades training for Aboriginal people with the new construction of subsidized housing...⁷⁵ (emphasis added)

Thus government, in the case of housing, concurs that the successful devolution of responsibility to AHMA is of the utmost importance and will be a key mark of success of B.C. Housing's own goals.

4. Models of self-government

A good working definition of self-governance is provided by I. Cowie (cited in Wherrett, 1994): “a defined level of jurisdiction or control to be exercised either exclusively, or on a shared basis, with either Aboriginal and/or Non-Aboriginal governments, with a broad or narrow range of ‘government’ or jurisdictional sectors.”^{76,77}

Urban self-government

Urban Aboriginal communities present special governance challenges. They differ from First Nations in that they are more heterogeneous, have no land base, present variable and complex identities, and have more limited capacity in their organizations. They have a tendency to be mobile and migratory, and they present complex representation questions.⁷⁸ An urban Aboriginal “constituency is a self-selecting community rather than one that is circumscribed by a land-base (such as a reserve).”⁷⁹

When a population is dispersed, it means that “territory” is cultural, not geographical, and jurisdiction must be defined accordingly. Urban Aboriginal governance is characterized by a set of self-governing indigenous institutions in specific service sectors, such as the housing organizations developed under the Urban Native Housing Program.⁸⁰

Aggregation is the process of Aboriginal peoples collaborating to provide better services and representation to their people—a formal agreement between governments to share services and power. The Institute on Governance offers a handbook on aggregation, which provides examples of several models. AHMA’s structure most closely fits the “special purpose bodies with legislative powers” model. Powers given to the special-purpose body are usually given by another level of government, such as the province. The legislative base for this governance model is provincial law.

Organizations under this model focus on one service area and provide services to several communities. Participating communities pool their resources into a single organization, which reduces costs to individual communities or First Nations. This model allows for a greater number of professional services and fewer community conflicts; the participating communities benefit from economies of scale; and the organizations are usually stable and easier to create than an entire government. Centralization of services, however, may result in some lost accountability, cultural sensitivity, and community choices.

The First Nations Child and Family Services is one example of a special-purpose body with legislative powers. Other examples are the Cree school board and Aboriginal police services.⁸¹

Devolution

Throughout the 1990s, the general trend worldwide has been to export state responsibilities to lower levels of government and to civil society, a process known as “devolution.”⁸² For example, Canada’s national child benefit is highly decentralized. Aboriginally controlled devolved programs get their statutory authority from provincial and territorial laws.⁸³

The downside of devolution

Because they exercise authority granted to them by federal or provincial governments—authority that can be, and in some cases has been, taken away—devolved programs are not true Aboriginal self-government, but they are the closest to it that has been achieved off-reserve. Devolved programs usually have small and unstable funding sources, with a focus on measurement and standards of accountability.⁸⁴

Like many of the parastatal organizations created during the 1990s devolution period, devolved Aboriginal organizations have tended to be small and organizationally shallow, with little backup or support and many demands and expectations. Generally, they do not have enough funding to replicate the policy functions common to public bureaucracies.⁸⁵

This is an important consideration for AHMA. While seeking status as an authority, it is essential that AHMA not allow the province to “dump” its responsibilities without providing adequate funding, planning, or training. As Ryan Walker notes, “Without clearly articulated state social goals and long-term financial commitments, Aboriginal housing organizations are destined to spend their time filling out applications for short-term competitive financing and trying to find partners to add value to project proposals.”⁸⁶

Case study: Health Canada

Government policies advocating more First Nations’ involvement in health services date to the 1970s in Canada.⁸⁷ This position was first formalized in the Indian Health Policy of 1979, which recognized that “First Nation and Inuit communities could take over any or all aspect(s) of the administration of their own community health programs, at their discretion and with the support of the Department of National Health and Welfare.”⁸⁸

On March 16, 1988, Cabinet gave its approval for the transfer of health authority south of the 60th parallel. The Treasury Board gave the program approval on June 29, 1989, allowing for the authority and resources necessary to transfer Indian health services from Medical Services, Health and Welfare Canada (now Health Canada) to those First Nations and Inuit groups that chose to participate. This has been followed by two decades of efforts on the part of First Nations and Inuit to develop functioning health programs.⁸⁹ The transfer of authority involved heavy consultations among governments. Each community is allowed to set its own pace and, in certain cases, design its own programs and set priorities for the use of funds.⁹⁰

Aboriginal governments enter into different types of agreements with Health Canada based on the type of program they desire and their own internal capacity. In order to gain real authority and control over funds, they must go through a planning period and develop a community health plan. After this, they may enter into multiyear transfer agreements with Health Canada, allowing them to design new programs and redirect resources based on their communities’ priorities. Lower-level agreements do not allow such redirection of funds. First Nations that lack internal capacity can also set up a model that shares responsibility and administration between the First Nation and Health Canada.

Health Canada’s First Nations and Inuit Health Branch and Indian and Northern Affairs Canada also “collaborate on an ongoing basis to explore what actions could be taken to streamline funding mechanisms and instruments.” A new, multidepartmental funding

agreement was reached in 1999–2000, allowing for a First Nation to have a single agreement that covers several departments' programs, resulting in less administrative burden.⁹¹

Of the of eligible First Nations, 86% are involved in the First Nations Control process with Health Canada, and 20% of all treatment services south of the 60th parallel have been transferred under devolution arrangements.⁹² British Columbia has six Regional Aboriginal Health Councils, which work through “host” Aboriginal organizations.⁹³

Challenges

Participating nations have faced challenges to their capacity stemming from high birth rates. Funding is based on prior population estimates and does not keep up with growing population or inflation in health care costs. In many places health care is patchwork, but implementation of a national standard could conflict with flexible local solutions.⁹⁴ To attract and retain qualified staff in remote areas can be difficult; these difficulties, however, are not limited to only Aboriginal communities. Overall, the Health Canada devolution experience has been regarded as a success, and there are no indications that Canada intends to move away from this model.

Lessons learned

The transfer of health services has evolved in Canada over nearly thirty years, demonstrating that successful devolution can be a lengthy, ongoing process. Parties on both sides of the process must demonstrate commitment and nurturing of Aboriginal structures.⁹⁵

A positive feature of the health transfer was the establishment of a clearly stated objective for the process and a strategic plan for implementation. The *Indian Health Policy* adopted in 1979 laid out the goals and vision of the transfer; it also laid the foundation for future policies. It stated that the goal of the transfer was “to achieve an increasing level of health in Indian communities, generated and maintained by the Indian communities themselves.”⁹⁶ The policy recognized the historic responsibility of both federal and provincial governments to ensure continued services to First Nations and Inuit populations. The policy reasoned that improvements to the health of the Aboriginal population should be built on three pillars:

1. Community development, both socioeconomic and cultural/spiritual, to remove the conditions that limit the attainment of well-being.
2. The traditional trust relationship between Indian people and the federal government.
3. The interrelated components of the Canadian health system with its federal, provincial, municipal, Aboriginal, and private sectors.⁹⁷

The policy also removed issues of treaty rights from health policy considerations and re-established them as the province of Indian and Northern Affairs.⁹⁸ This shift allowed for the transfer to proceed uninhibited by jurisdictional conflicts. This early elimination of jurisdictional overlaps and barriers in the transfer process is significant. Policy overlaps have caused problems in later devolutions, including that of the B.C. Ministry of Children & Family Development, as seen later in this report. AHMA should learn this lesson from both devolutions and seek to eliminate all jurisdictional and policy barriers still existing in the social housing sector.

The success of the health transfer agreements also shows the importance of planning and capacity-building for the organizations preparing to take on responsibilities. In the health sector the government does not grant authority until an organization has demonstrated the capacity to adequately manage both funds and responsibility. Until this happens, Health Canada actively engages in helping the organization develop the necessary capacity to manage the health transfer agreement.

The Health Canada experience also shows the value of a flexible, locally grounded model. Many organizations with health transfer agreements are allowed to redirect resources to priority areas, while smaller, less-well-developed organizations are not expected to take on a greater share of health care responsibility than they can reasonably handle.

Case study: B.C. Ministry of Children and Family Development

The first devolution agreement in British Columbia occurred in the realm of child and family services. In 1987 the Ministry of Children and Family Development (MCFD) delegated authority to the Nuu-chah-nulth Tribal Council to provide child and family services on-reserve. Indian and Northern Affairs Canada provided funding.⁹⁹

In 1992 a legislative review of family and child protection legislation led to the Aboriginal committee's publication *Liberating Our Children and Liberating Our Nation*.¹⁰⁰ While this report offered many recommendations, of particular significance was the recommendation that provincial legislation explicitly acknowledge the jurisdiction and responsibility of Aboriginal nations to make decisions and resolve problems with respect to issues of Aboriginal families and children. The report also acknowledged the need to build capacity in Aboriginal communities to assume responsibility for services to Aboriginal children and families.¹⁰¹

In 1996 the Child, Family and Community Services Act turned this notion into policy by imposing a legislative requirement that the Aboriginal community be involved in planning for the care of their children and families.¹⁰²

The 1997 *Strategic Plan for Aboriginal Services* expanded the scope of devolution to the full range of services provided by MCFD. The ministry also increased the scope of delegation agreements under the Child, Family and Community Services Act to include services to First Nations people off-reserve, Métis people and urban Aboriginal people. A memorandum of understanding and protocol created in 2000 established the minister's Aboriginal Advisory Committee as a joint dialogue process for addressing Aboriginal child and family issues.¹⁰³

Finally, in 2001, the devolution of the MCFD began in earnest as the ministry engaged with Aboriginal communities regarding their interest in developing Aboriginal governance structures for services to Aboriginal children and families. Approximately 600 people participated in the consultations held throughout the province. The planning began with the idea of dividing the province into five geographical areas and creating five authorities to manage services in each of the regions. Aboriginal groups were concerned about how they would fit into this process. Through negotiation, the ministry and Aboriginal leaders agreed to create five separate, parallel bodies known as Regional Aboriginal Authorities (RAAs).¹⁰⁴

The 2002 Tsawwassen Accord announced the plans to create these authorities. The process was endorsed in a September 2002 memorandum of understanding and was signed by the Union of B.C. Indian Chiefs, the First Nations Summit, the Métis Provincial Council, and the Province of British Columbia.¹⁰⁵ Further policies and committees ensued from the

accord. The provincial director of child protection granted authority under delegation agreements to administer the Child, Family and Community Service Act, and the Joint Aboriginal Management Committee was created, comprising the Ministry, Aboriginal Leadership, and service providers.¹⁰⁶

The amount of responsibility given was a result of negotiation. Delegation has been gradual, and the ministry director will not sign off on any agreement until provincial requirements have been met. Agencies gradually receive more responsibility as their resources and expertise expand. “In law, the Director of child welfare remains the guardian of the 1,340 or so Aboriginal children who are in the care of Aboriginal agencies, but on a day-to-day basis, guardianship is handled locally... Even with full delegation, agencies are still governed by provincial legislation.”¹⁰⁷ Therefore, as mentioned above, this model of delegation of authority does not represent true self-government.

Between mid-2002 and mid-2003, the devolution of MCFD ran into considerable difficulty. By mid-2003 the ministry had to meet stringent budget reduction targets representing almost 12 per cent of services for children and families and 55 per cent of executive and support services, including quality assurance. As these budget cuts were occurring, the ministry was also moving forward on several fronts, implementing new programs and planning for the transfer of service delivery to a new Community Living Authority. Governance planning was absorbing a great deal of ministry energy as eleven regions were collapsed into five and further reorganization was undertaken in anticipation of regional governance. The ministry rolled out major program shifts to the regions, with little or no training, planning, consultation, or follow-up accompanying them.¹⁰⁸

In 2003, in the face of too many organizational changes and budget limitations, the devolution process came to a standstill. The death of a Nuu-chah-nulth child in Port Alberni brought the ministry under intense criticism. An investigation made clear that death reviews on hundreds of files had not taken place due to the ongoing transfer process and subsequent confusion of responsibilities. The culmination of all these concerns led the ministry to disband the five broader regional planning committees in order to focus on the Aboriginal agenda.¹⁰⁹

Following the setbacks of the early years of devolution, in 2006 the Honourable Ted Hughes was commissioned by the ministry to undertake an outside review of the devolution process to date and make recommendations. His report has been a critical document in the history of the MCFD devolution. It included 62 recommendations and requested the creation of a new independent position—a Representative for Children and Youth—who would monitor MCFD and provide advocacy for children, youth, and families in the child welfare system.¹¹⁰

In November 2006, Mary Ellen Turpel-Lafond, a member of the Muskeg Lake Cree Nation who was on-leave as a criminal judge in Saskatchewan, assumed full responsibility as the province’s Representative for Children and Youth. The position was to last for a five-year term, with the possibility of renewal and an eventual goal of phasing out the program once the devolution process was complete or stabilized. As of now, the official role has been frustrated by a lack of transparency or collaboration on the part of the government. The Office of Children & Youth has been publishing reports since its inception on the continuing failure of the ministry to properly implement the Hughes recommendations.

By 2008 the devolution of governance still revolved around the controversial RAAs. During the spring of 2008 Tom Christensen, then minister of MCFD, brought forward legislation that would have enabled the establishment of the authorities.¹¹¹ Due to lack of consultation with Aboriginal communities, Aboriginal leaders publicly expressed their lack of support for the legislation, and as a result it was pulled at the last minute under fire from the Opposition and Aboriginal leaders alike. The subsequent loss of trust in the partnership dealt a blow to the devolution process, which depends on partnership and trust between government and the devolving entity. The year following the failure of the legislation has been spent re-establishing a relationship of trust and collaboration between government and First Nations leadership. First Nations leaders and the Province of British Columbia signed a protocol in 2009 that renewed commitments to work together in a spirit of partnership toward devolution of services.¹¹²

The devolution process continues in fits and starts. Of roughly 200 First Nations in British Columbia, 156 currently have agencies that either have or have been developing delegation agreements to manage their own child and family services. Of these, 24 agencies exercise some level of delegated authority. Three of these are still in the start-up phase, “four can provide voluntary services and recruit and approve foster homes, ten have the additional delegation necessary to provide guardianship services for children in continuing care, and seven have the delegation required to provide, in addition to the above, full child protection, including the authority to investigate reports and remove children.”¹¹³ None of the RAAs have been established, though the government continues to declare its intention to develop them. After nearly eight years, it has only established two Interim Aboriginal Authorities.¹¹⁴

Challenges

British Columbia’s lack of success in the devolution of child and family services can be largely attributed to several specific obstacles. These include budget constraints, jurisdictional issues, lack of consultation or transparency, lack of a common vision, and difficulty establishing appropriate and effective governance.

Budget cuts

As mentioned, a major budget cut took place in the same year in which the devolution process began.¹¹⁵ Service centres closed, and both Aboriginals and non-Aboriginals alike assumed devolution had caused the closures. Programs disappeared in outlying areas, where the fewest resources were available to fill the gaps. Additionally, the rules appeared to be changing too fast for service workers to keep up.¹¹⁶ Hughes writes that “each of these changes, taken alone, posed challenges to the organization. Taken together they created a climate of instability and confusion that could only detract from the Ministry’s work on behalf of children.” He admonished the ministry that it needed to provide “equilibrium and stability.”¹¹⁷

Funding formulas on reserves are based on the number of children in care and do not pay for prevention or family support services. Agencies dealing with Aboriginal families often face much greater obstacles with fewer resources and tend to operate in small, remote communities, with little back-up support.¹¹⁸ When the administrative budget was cut by 55 per cent, much of the necessary infrastructure disappeared. The practice of moving responsibility and budget out to regions without systems to monitor performance,

expectations, readiness, or accountability jeopardized the ability to deliver key services. Hughes addresses the devastating effect of these budget cuts in his report:

The strongest impression I have gleaned from this inquiry is one of a child welfare system that has been buffeted by an unmanageable degree of change. There has been a revolving door in senior leadership positions; emphasis in practice has shifted between child protection and family support; functions have been shifted out to the regions and then pulled back to centre; new dispute resolution processes have been introduced. And much of this has gone on against a backdrop of significant funding cuts, even though it is commonly understood that organizational change costs money.¹¹⁹

Since Hughes' report, however, budget cuts have continued. The B.C. Government and Service Employees' Union outlined those cuts in a 2008 information bulletin:

The government's own figures show the child protection budget was cut by \$241.3 million—or 30 per cent—between 2003 and 2005... Despite the valuable solutions proposed by Hughes, funding for child protection services is still \$50 million a year less for the 2008/2009 budget than that spent in 2002.¹²⁰

MCFD has been criticized by a number of United Nations Committees. In 2005 the United Nations Human Rights Committee noted that the “severe cuts to welfare programs in British Columbia have had a detrimental impact on women and children, in particular Aboriginal peoples.”¹²¹ The United Nations Committee on the Elimination of Discrimination Against Women noted in a 2003 report that the changes in British Columbia had a disproportionately negative impact on women, particularly Aboriginal women.¹²² In spite of these international bodies' admonitions to analyze cuts and amend them where necessary, remedial efforts have not occurred.¹²³

Jurisdictional issues

Jurisdictional issues presented another stumbling block. For example, a lot of a small agency's time can be taken up trying to negotiate health care for children whose medical care is covered by different agencies, such as Health Canada and Indian and Northern Affairs Canada. There are also problems arising from shared jurisdiction over a child's care, especially when families move on- or off-reserve.¹²⁴

Ineffective management of funds by the RAAs, undertrained boards of directors, and conflicts between ministry staff and Aboriginal leadership have all presented additional stumbling blocks.¹²⁵

Lack of consultation and transparency

Since devolution began, talks between government and Aboriginal groups affirmed that the process would proceed in equal partnership. Collaboration was to be key in the endeavour, with every effort made to consult. Official documents defining the relationship confirm this. In spite of this well-intentioned beginning, the events that subsequently transpired revealed a rift between Aboriginal groups and government. Aboriginal authorities claim the ministry has not always acted in the spirit of a partnership; often the ministry attempted to progress more quickly by forgoing lengthy and complex consultation processes. The disconnect between government and First Nations became apparent in 2008 when the

RAA legislation was tabled without the consent of or consultation with the First Nations Leadership Council.¹²⁶

Although, in response to attacks from the Opposition, the minister assured the Legislative Assembly that he had collaborated with First Nations, the outcry on behalf of the Aboriginal community suggested the consultations had not been sufficient. Prior to the legislation being tabled, the Union of B.C. Indian Chiefs had sent an open letter to Minister Christensen decrying the government's attempt, saying, "We have worked diligently towards a new approach to providing services and support to our most vulnerable citizens: Our children. We have vested time, energy, resources and good faith in working with your Ministry. It has been a huge disappointment that minimal efforts have been made in the area of consultation and accommodation in the legislative process."¹²⁷

Because of the sensitive nature of child and family services and the high number of Aboriginal children and families involved, it is critical that all parties involved be on the same page. Publications dating from this period, however, reveal that government and Aboriginal agencies often had very different perspectives about the state of the devolution. For example, the government publication *Joint Multi-Year Plan Toward Regional Aboriginal Authorities* (2005) reports regarding discussions happening during this period, "there was general endorsement of the idea of Regional Aboriginal Authorities."¹²⁸ This was not mirrored in the Hughes Report a year later, which describes the RAAs as "controversial among Aboriginal people with experience in this field,"¹²⁹ continuing to say that "it is energetically supported by some. Others fear that the level of responsibility could be overwhelming, at least in the foreseeable future, when their communities face so many other challenges as well. Still others argue that it will take many more than five authorities if boundaries are to make sense in the context of Aboriginal territories and are to recognize their nation status."¹³⁰

Whether the rift in viewpoints is due only to a lack of communication is difficult to determine; regardless, it is clear that in order for the RAA legislation to have succeeded, the province needed to consult the highest governing bodies within the Aboriginal community, including the First Nations Leadership Council, and arrive at consensus.

The Representative for Children and Youth has also reported a frustrating lack of consultation on matters that rest within the office's jurisdiction. This sentiment has been mirrored by many of the regional authorities struggling to work within the system. For example, the B.C. Auditor General wrote in 2008 that the relationship between Aboriginal agencies and the ministry "is intended to be a partnership. According to the agencies, however, some ministry actions ... are not in the spirit of a partnership."¹³¹ The Office of the Representative of Children and Family has publicly commented on this, as well, stating, "The Representative has raised the concern that her Office is not consulted regularly when major shifts in policy or changes are contemplated or conducted, particularly when it affects children and youth receiving services or programs designated for review by the Representative."¹³²

Complaints directed toward the ministry also include the ministry's opacity in terms of information disclosure. Although Turpel-Lafond reports some improvement in her working relationship with MCFD, she writes that "information sharing and disclosure [are] the main continuing concerns."¹³³ As the Auditor General wrote, "Only limited information is provided in the ministry's *Annual Service Plan Report*. Without adequate reporting of the costs,

successes and challenges of the Aboriginal child welfare program ... the ministry is not providing adequate accountability information about the impact services are having on the children.”¹³⁴

Lack of a guiding plan or common vision

Finally, the devolution process has proceeded without a guiding plan or strategy. Some regions have moved quickly and others more slowly. While it can be a good idea to allow communities to move at their own pace as they develop capacity, the ministry is not integrating the services provided by the ministry and the local programs.¹³⁵

Correspondence between Lesley du Toit, deputy minister of MCFD, and Turpel-Lafond reveals a disconnect in their vision for MCFD and the importance of the Hughes review. Following a meeting with du Toit in July of 2007, Turpel-Lafond concluded that the ministry intended to leave behind the Hughes Review recommendations “in light of transformation.”¹³⁶ However, in November of that same year du Toit assured a *Victoria Times Colonist* reporter that the ministry would implement about 90 per cent of the Hughes recommendations within a year.¹³⁷ Conflicting messages regarding the Hughes reviews and MCFD’s guiding vision poured out of the Ministry.

In retrospect, MCFD clearly proceeded without concrete direction. Two offices, those of the deputy minister and the Representative for Children and Youth, were charged with establishing a vision and direction for MCFD. The deputy minister’s report *Strong, Safe and Supported* laid out a vision that had no timelines and was not based on the Hughes recommendations; the Representative for Children and Youth was simultaneously attempting to move forward with the Hughes recommendations, for which her office had been specifically set up. Turpel-Lafond reported to media that “although MCFD’s recent guiding document, *Strong, Safe and Supported*, is strong on vision and aspiration, it is short on concrete, measurable plans and goals and little progress has been made towards the implementation of the recommendations.”¹³⁸ This criticism was levelled at the ministry nearly seven years after the devolution had seriously begun.

Blame for the confusion has been laid with the very highest levels of government. A lack of leadership from the premier in defining the roles of the separate offices laid the foundation for future confusion of responsibility among them, which in turn has led to a neglect of the Hughes recommendations. Numerous reports and audits detailing weaknesses and recommending solutions have not been addressed, sometimes leaving the ministry spinning its wheels.

Governance

Issues of governance and leadership have plagued the MCFD devolution, but AHMA and government can learn from the example. Proper governance structures must be set out from the beginning, especially in respect to the allocation of funds, and decision-makers must have clearly defined roles. Government must show leadership at the outset in organizing fair and clearly outlined procedures for obtaining and allocating funds. Only when governance structures are in place can the devolved body become truly self-regulating. A lack of leadership in the early stages of devolution can lead to infighting and conflict both between and within governments.

Lessons learned

The experience of the MCFD and its partner organizations in the Aboriginal community show that devolution is a lengthy process that requires patience and understanding on both sides. The province must support its Aboriginal counterparts, and the devolved programs must have a strong, responsible governance structure.¹³⁹

For the devolution process to be successful, the partners involved must also have a clear vision, based on consultation with the affected communities. The ministry must contend with a diversity of interests and community conditions, and some Aboriginal leaders think it could take many more than five authorities for boundaries to make sense in the context of Aboriginal communities.¹⁴⁰

The Aboriginal agencies managing the devolved programs will need, at minimum, for the ministry to provide the means for obtaining office management systems and skills, computer equipment and Internet access, and access to same training given to ministry staff, in addition to extra training for the special circumstances faced by Aboriginal organizations.¹⁴¹

In his 2006 review of the MCFD, Ted Hughes made several recommendations regarding the devolution process that are applicable to AHMA's situation. He stressed the need for a long-term commitment by all parties, noting that system failures would be inevitable and the province must be prepared to move on despite such failures. Budget stability is essential, and the program must be developed as a partnership between the province and communities. Finally, he argued that full responsibility should be transferred only when a region actually has capacity to meet it.¹⁴²

AHMA must learn from MCFD's failure to address weaknesses. In spite of expensive and detailed evaluations and performance reports, MCFD has yet to lay out a plan to effectively address these weaknesses. Of the 62 recommendations provided by Hughes in 2006, as of 2008 "none of the ... recommendations are assessed as complete or fully operational, although one is substantially completed."¹⁴³ As AHMA progresses toward becoming a self-regulating body, it must continue to have regular performance reviews and external evaluations, and make every effort to address the weaknesses identified in those evaluations.

Case study: Housing

Although there are no examples of Aboriginal housing organizations operating as authorities under a devolved model, several cases provide good models for successful governance structures. In addition, AHMA can look to some of these models to see what potential pitfalls may be in store.

The Mohawks of the Bay of Quinte were one of 14 CHMC housing award winners in 2002. This 2000-person community now manages a multimillion-dollar housing portfolio. A large majority of the community's households own their own homes, and housing conditions are regarded as excellent.¹⁴⁴

Their success has been attributed in part to their strategy of relying on multiple sources of funding, with only a small percentage of their revenue coming from the federal government.¹⁴⁵ AHMA should look to the example of the Mohawks of the Bay of Quinte and consider seeking more private sector investment in housing; running their housing portfolio as a business and balancing revenues and expenses; and improving coordination among federal partners.¹⁴⁶

Kinew Housing Incorporated began in Winnipeg in 1970. It was a progenitor of the Urban Native Housing Program, started by Aboriginal community advocates and led by the Indian and Métis Friendship Centre. They acquired units, developed services such as tenant counselling, and worked with CHMC to increase their budgets in order to provide bigger subsidies to the neediest Aboriginal households. In the 1970s they were held up as model across Canada.¹⁴⁷ Today they operate almost 400 units.

Kinew Housing Incorporated demonstrates how autonomy might help a housing authority better respond to Aboriginal community needs. Kinew's tenant counsellors, pepper-pot portfolio (spreading units throughout the city to avoid community opposition), focus on single or semidetached dwellings for larger families, maintenance of older stock, and deeper subsidies (25 per cent instead of 30 per cent) have all helped them better serve Winnipeg's Aboriginal community.

Kinew's story also points to another key element of success: leadership. Much of Kinew's success is attributed to its manager, who has been with the organization since inception and has both experience and standing in the community.¹⁴⁸

The Lu'ma Native Housing Society in Vancouver operates 325 subsidized rental units and is Vancouver's oldest Aboriginal housing society. They have recently faced major budgetary challenges—their funding sources have dried up and their subsidy agreements are expiring. In response, they are undertaking revenue-generating projects: contracting out their services as a property manager and seeking other sources of funding for “soft services” such as tenant counselling. Their success is also largely attributable to strong leadership—their CEO, Patrick R. Stewart, and their professional affiliates. All have strong reputations for innovation and vision and a track record throughout British Columbia.¹⁴⁹

The success of the Métis Urban Housing Association of Saskatchewan comes from the flexibility of its new agreement with the Saskatchewan Housing Corporation. The agreement allows banking and reinvestment of savings in order to build a reserve fund. This contrasts with their previous agreement with CMHC, which required them to transfer any savings back to the province. Autonomy, administrative flexibility, and decision-making powers have all been key for this organization.¹⁵⁰

In Winnipeg the Supporting Communities Partnership Initiative has developed alongside the Urban Aboriginal Strategy homelessness initiative, though it has not supported Aboriginal self-determination. The criteria for federal Urban Aboriginal Strategy funding applications included “partnership” and “sustainability,” which were both difficult requirements for Aboriginal-run organizations. The criterion of “partnership” posed a challenge because of the relationship of Aboriginal groups to the community and distrust between Aboriginal and mainstream institutions and service users. “Sustainability” was an issue because Aboriginal organizations generally are less well funded and well staffed than mainstream groups, so continuation of projects after federal funds dry up is difficult. Because of these two challenges, funders demonstrate a strong bias toward awarding funds to non-Aboriginal groups to provide services to Aboriginals.¹⁵¹ This is the risk of focusing the development of programs on needs as opposed rights. It also demonstrates that a long-term funding strategy and sustainability will be key to AHMA's success.

Case study: Employment and training

In the late 1970s and early 1980s several events occurred that would trigger the eventual devolution of labour market services in British Columbia. In 1981 Employment and Immigration Canada (EIC) published *Labour Market Development in the 1980s*,¹⁵² questioning that ministry's ability to help Aboriginal people participate more fully in the employment market. At the same time, the 1981 Slavic Report concluded that distrust and confusion characterized the relationship between Aboriginal community leaders and EIC. The publications occurred at a time of flux for Aboriginals on the national political scene. Aboriginal leaders were already pressing for changes and greater sovereignty within Canada, and this carried over directly into EIC's services. Aboriginal leaders across Canada were challenging the effectiveness of EIC service delivery, stating that methods and programming were unsuitable for Aboriginal communities.¹⁵³

In June 1981 British Columbia's regional director-general established a task force of EIC staff and Aboriginal leaders to examine services then being offered by EIC and to arrive at a plan of action. The committee concluded that the number and complexity of EIC programs made it difficult for Aboriginal organizations to find suitable contacts for their needs. Furthermore, they found that government staff had difficulty relating to the unique employment needs of their Aboriginal clients, and this disconnect was an impediment to finding employment solutions. Finally, Aboriginal people were frustrated that EIC officials made unilateral decisions about their employment and program needs with little or no input from the Aboriginal organizations involved.¹⁵⁴

The result of these conclusions was the creation of eleven district advisory boards, whose role was to provide input on a local level to the EIC. Ten of these were in British Columbia, and one was in the Yukon. A British Columbia Native Employment Advisory Committee would target the regional level. Counselling and placement services delivered by Canada Employment Centres to Aboriginal clientele would be improved, and specialized Aboriginal program officers would be hired within EIC offices. This formed the basis for the British Columbia/Yukon Territories Native Employment Strategy, with "One Window" being the main component. One Window comprised three main elements: budget, delivery, and consultative mechanisms designed to facilitate smooth program delivery to the Aboriginal community.¹⁵⁵

In February of 1990 EIC came out with a new initiative called the Labour Force Development Strategy. Concerns that it omitted Aboriginal people from the consultation process prompted the formation of the Aboriginal Employment Working Group, comprising both Aboriginal and government leaders from across the country. The group existed to help improve the design and delivery of Aboriginal employment strategies, especially in the area of consultation. After setting the foundation for the new *Pathways to Success* strategy (forerunner to the Aboriginal Human Resources Development Strategy), the Aboriginal Employment Working Group disbanded. An interim National Aboriginal Management Board assumed the working group's responsibility for guiding consultation at both regional and local levels.¹⁵⁶

Pathways to Success was a national Aboriginal employment strategy endorsed by EIC minister Barbara McDougall in 1990. Consultation and local control of decision-making were to be an integral part of the strategy. To this end, the EIC created ten Aboriginal management boards/district advisory boards and a regional board known as the British

Columbia Aboriginal Training and Employment Association were. The ministry allocated \$200 million per year to the program for five years. British Columbia and the Yukon received approximately \$37.8 million of that amount.¹⁵⁷

Throughout the 1990s Aboriginal organizations assumed increased responsibility for administering and delivering federal government programs.¹⁵⁸ The successful history of partnering between government and Aboriginal groups on joint projects had already laid a foundation within Aboriginal communities in terms of resources and capacity. In light of this, government and Aboriginal groups agreed that Aboriginal control over program design and delivery should be increased.

In 1996 Human Resources Development Canada signed the first of three National Framework Agreements with national Aboriginal organizations: the Assembly of First Nations, the Métis National Council, and the Inuit Tapirisat of Canada.¹⁵⁹ These agreements formed the foundation for the negotiation of separate regional bilateral agreements with 54 Aboriginal organizations. These agreements provided the opportunity for participants to design and deliver their own labour-market programs and services.

The programming administered under the regional bilateral agreements was more-or-less successful. Following review, however, the program participants sought a more flexible model, and the Aboriginal Human Resources Development Strategy replaced the regional bilateral agreement initiative in 1999. The new strategy consists of five pillars: internal human resources development program integration; capacity-building; partnerships; the Aboriginal human resources development sector council and horizontal management; and the Aboriginal Human Resources Development Agreements (AHRDAs). The AHRDAs are the key pillar of the strategy. As the replacement for the regional bilateral agreements, they are intended to transfer control and responsibility for the design and delivery of labour-market programs directly to local Aboriginal organizations.¹⁶⁰

The objective of the AHRDAs or contribution agreements is to support Aboriginal people in preparing for, finding, and keeping employment. To this end, the agreements are signed with Aboriginal organizations that design and deliver labour-market programs either directly or through subagreements, subcontracts and the like. Through the AHRDAs, the federal government provides assistance and funding to Aboriginal organizations to develop and implement programs that may include labour-market programs, youth and child care programs, and other programs that address the local and regional employment needs of Aboriginal people.¹⁶¹ The initial allocation of funding to AHRDAs was \$1.6 billion, to be delivered over the five-year period from 1999 to 2004.¹⁶²

In March 2004 the first agreement (referred to as AHRD 1) was given a one-year extension. By March 31, 2005, a new five-year agreement was signed. When it expired on March 31, 2009, the Aboriginal Human Resources Development Strategy was extended to March 31, 2010. The one-year extension is intended to allow the Government of Canada to fulfill its 2008 budget promises. The government has committed to continuing to engage with Aboriginal groups and other stakeholders as they work collectively on the design and transition to a successor strategy.

Overall, the devolution of labour-market services in Canada has been a success. Human Resources and Skills Development Canada statistics report that as of May 2008, close to 150,000 Aboriginal people had become employed as a result of the Aboriginal Human Resources Development Strategy, and the approximately 80 AHRDA holders across Canada

had completed about half a million client interventions. Resources have been limited and progress incremental, but over a decade, holders have built an effective training and employment infrastructure that produces tangible results for the Aboriginal population in Canada.¹⁶³

Challenges

One of the challenges facing the AHRDAs has been to provide equal access to a geographically diverse population. Early criticism of the Aboriginal Human Resources Development Sector Council claimed that limited outreach caused the Eastern and Maritime regions to be neglected. In 2004 the council attempted to ameliorate this problem by expanding its office base in Atlantic Canada.¹⁶⁴

ACCESS, an organization that holds an AHRDA for the Greater Vancouver Regional District, has attempted to improve outreach by creating an industry advisory council, social enterprise projects, and e-learning centres. The group has created the Corporate Circle, which comprises unions, governments and employers; the Musqueam Café Chef Training Program; and an e-learning employment readiness training program. They hope that by diversifying programs and methods and encouraging greater involvement from government and business alike, services will be accessible to a greater population base.¹⁶⁵

A challenge for ACCESS has been the creation of an integrated database to track clients, entrepreneurs, and job seekers across the province. The group has poured significant funds into creating a database that has struggled to get off the ground. While in theory a database used consistently across employment offices, AHRDAs, and regions would be extremely beneficial, the sheer size of what is required, and the difficulty of tracking a highly mobile population, makes implementing the idea expensive and difficult.¹⁶⁶

The Centre for Aboriginal Resource Development holds the AHRDA for Winnipeg. One of the challenges they face is the lack of formal education on the part of Aboriginal clientele. While new jobs are available in Winnipeg, most require post-secondary education. This is a major obstacle for the Aboriginal population there, of whom 54 per cent do not have a grade 12 education. The centre attempts to mitigate this by offering educational programs targeting a wide clientele, including provision of in-house training for computer technicians, machine operators, early childhood educators, woodworkers, and carpenters. The centre also teaches basic skills for gaining employment, such as resume writing, interviewing, job negotiation, and operation of basic technology such as telephones, fax machines, and computers.¹⁶⁷

Partnership initiatives, while not always perfect, have at least been undertaken in earnest throughout the devolution process. Importantly, partnership has been encouraged not only between the government and Aboriginal service providers but also among other groups, such as other Aboriginal organizations participating in the process, all provinces and territories, other federal departments, and the private sector. The Aboriginal Skills and Employment Partnerships initiative, a program for which Human Resources and Skills Development Canada actively sought and obtained funds, was formed specifically for facilitating such co-operation.

Lessons learned

The AHRDAs can be considered successful devolutions, and several factors have contributed to this success. AHMA should note that the labour market devolution has proceeded incrementally. In the words of one participant in the devolution, the AHRDAs “learned to walk before they ran.”¹⁶⁸ Responsibilities were not dumped onto organizations before they had developed the capacity to shoulder them. Programming was built in succession, with increasing authority granted to organizations with each subsequent program.

Although Canada and the AHRDAs have worked collaboratively from the beginning, questions over the existence of true partnership naturally ensue when only one partner grants funding. Often, small disagreements over budget matters reflect a relationship that is not in the spirit of equal partnership. An example of this was a requirement that an AHRDA holder purchase fireproof filing cabinets for \$7,000, when the AHRDA had determined the money would be much better allocated elsewhere.¹⁶⁹ Other small signals, such as AHRDA holders flying coach class while their federal counterparts fly first class on the same plane on the way to the same meeting, point to a discrepancy between words and actions. As in most devolutions, partnership rhetoric is strong in the beginning, but has a tendency to lessen as the devolution is extended and becomes increasingly expensive.¹⁷⁰

Government regulations and policies often present obstacles to AHRDAs as they attempt to get off the ground. “We basically have to play their game,” reports Mike Mearns, a former Aboriginal employment coordinator in the Yukon. This illustrates a disadvantage to devolution arising from the fact that AHRDA holders are never independent from government because of the funding structures. AHMA and its members can learn from the experiences of AHRDAs in British Columbia, which were able to become more independent of government by supporting one provincial voice to represent AHRDAs across the province. AHRDA holders in British Columbia had originally decided against such a body, preferring to negotiate with government individually; however, proved to be a weaker position. AHRDAs in the province are now working toward the establishment of a provincial regulatory body to administer agreements. Learning from this experience, as AHMA garners the support of housing societies within British Columbia, member societies must realize that they occupy a stronger position with AHMA at the head than they would if they were to continue as separate entities.¹⁷¹

5. Devolution of Aboriginal housing management to AHMA

The experience of other Aboriginal organizations with devolution can point the way to AHMA's success. It is essential to recognize that devolution of authority from the government to AHMA will be a slow process, and AHMA must be careful not to seek or accept more responsibility than it is capable of managing with current resources. Once authority is transferred, AHMA may become a scapegoat for any failures, even if those failures are a result of provincial failure to provide adequate resources. Because devolved authority is delegated by the government, not treated as a right, there is always the risk that it can be taken away.

If the experience of other organizations can offer one lesson, it is that developing strong, sustainable self-government will be a long and difficult process. As the Institute on Governance writes, Aboriginal groups in Canada can draw three main conclusions from international experience in particular: "First: there are no magic solutions or universal formulas; there is no 'royal road' to good governance, no easy 'cookbook' to follow. Communities must shape their own paths. And this will take time—decades in many cases... The road to good governance is most likely an evolutionary one with plenty of tough logging. 'Build on what works' is a useful rule of thumb."¹⁷²

AHMA must be able to demonstrate that it has a clear plan and the resources to carry it out—or at least a strategy for obtaining those resources. Government funding is chronically inadequate and subject to the whims of the political climate. Thus, AHMA must have a plan in place to ensure stable funding over the long term to cover gaps or shortfalls in government money.

Priority areas

AHMA has identified three prerequisites for future stability. The first is establishing good governance by separating politics from housing, the second is good information systems, and the third is good staff. AHMA has effectively revamped its governance and organizational structures to eliminate conflicts of interest and provide set-up for the transfer of operations, and time and effort have been expended in the successful implementation of technologically up-to-date information systems. As Hughes wrote in his recommendations, it is impossible to operate without proper technology in place. AHMA is now turning its attention to hiring and training staff. Once this is complete, AHMA will be set to take on full responsibility for operations from B.C. Housing.

Creating good governance structures

Extensive research has been carried out over the last decade concerning the steps necessary for effective self-government. Excellent criteria and models are provided in Wherrett (1994) and Graham (2004).^{173,174} Although both reports focus on land- and nation-based governance, they include numerous criteria applicable to urban organizations serving non-status Aboriginals.

In a study of Alaska Native governance,¹⁷⁵ the Harvard Project on American Indian Economic Development identified several keys to development success in those communities. These essential components included:

- Practical self-rule, which promotes citizen engagement, puts the development agenda in indigenous hands, and links decisions with their consequences.
- Capable governing institutions, which send a message to investors that an organization has stability, non-political business management and dispute resolution, procedural efficiency, and fair and sensible regulatory regimes. To achieve this, the organization must have separation of powers and checks and balances. The new board structure that AHMA adopted in 2008 is a good step in this direction.
- Governing institutions that have the support of the people they govern and that offer a “cultural match.” These structures must not depart significantly from indigenous conceptions of institutions and governance, meaning that governing institutions will not look the same across all Aboriginal communities. For AHMA, this means understanding whom the organization is serving and what models those constituents expect and will relate to.

While a worthwhile project, development of self-governing authorities in urban areas, particularly without resources, can also provide a way for other governments to dispose of their responsibilities.¹⁷⁶ AHMA must beware allowing the province to “dump” too much responsibility before AHMA has the resources and capacity to carry out the new duties it receives. To be successful and sustainable in the long term, devolution must be a lengthy, step-by-step process. In the words of the Aboriginal Council of Winnipeg, “A bottom-up, grass roots approach appears to be the only way to build sound governance systems... Sound governance is about evolution—it is built step by step rather than created all at once and it has to be earned by building human capacity; it is not an entitlement.”¹⁷⁷

The arbitrary distinctions that Canada has created among Aboriginals—status vs. non-status, First Nations vs. non-First Nations, and so on—are not helpful.¹⁷⁸ Many scholars argue that urban Aboriginal governance bodies need to erase these distinctions and treat all Aboriginal people equally, using an inclusive model. They say that status-blind programming is key to successful urban Aboriginal programming success.¹⁷⁹

A regulatory function is also essential for a self-governing institution to achieve critical health and safety objectives. The 2000 tragedy at Walkerton, Ontario, where water contamination with *E. coli* led to six deaths and 2,300 illnesses after it took nearly a week to alert residents of the risk, is one example of the potentially extreme consequences that can occur when this regulatory function fails or is absent. All governments have difficulty regulating themselves. AHMA has two options for addressing this issue: it can apply federal or provincial regulatory systems to its operations, or it can develop a two-tier government that has separate, clearly defined regulating and operating roles.¹⁸⁰

The devolutions demonstrated by the Health Transfer program, British Columbia’s Ministry of Children and Family Development, and Human Resources and Skills Development Canada provide examples of both what to do and what not to do. The most successful of these, the health program, has had much more coordination from the Canadian government. Each agency receives extensive assistance to set up a new program, and authority is not delegated until the agency has the capacity to manage the responsibilities it is given. Health Canada also provides a great deal of flexibility and choices for programming.

It is important to remember that the Health Transfer and AHRDA programs have been developing for at least 30 years, much longer than MCFD, which has been in place for less than 10. If they still exist in another 25 years, the MCFD RAAs will probably look much different and hopefully will be much more successful. Similarly, AHMA must look 20 to 30 years down the road in planning for its own success.

Operations

Adopting the operational standards set by the International Organization for Standardization is an important next step for AHMA in order to become sustainable and self-regulating. The benefits to implementing this type of accredited managerial system are manifold. They include:

- improved services to members;
- enhanced accountability and transparency for funders and members;
- greater confidence of potential partners such as financial institutions;
- better-focused capacity-building efforts to attain the accreditation;
- sustainability of reforms because of the need to be continuously re-accredited; and
- a commitment to continuous improvement as the accreditation standards undergo ongoing review and enhancement.¹⁸¹

When AHMA becomes certified under the International Organization for Standardization framework, it will solidify its operations and build the capacity of its staff. AHMA will thereby have a solid base for delivering services to its members and be able to act as a self-regulating authority.

Training and education

An area in which B.C. Housing could support AHMA is in funding training and education for housing organizations. These might include mentoring programs, communications, tenant relations, property management, real estate training, local government training (particularly planning and zoning processes), training in forming a development corporation, and legal training.¹⁸²

Barriers to closing the gap

A report commissioned by the B.C. Office of Housing and Construction Standards identified a number of barriers currently existing in areas relating to social housing. In total, the researchers identified 20 barriers following interviews with Aboriginal organizations and communities and an analysis of current literature on the topic. We present several of these barriers here as points worthy of consideration by AHMA as it establishes itself as the authority for Aboriginal social housing.¹⁸³

Jurisdictional Barriers

Some jurisdictional issues may prove to be obstacles for AHMA. Prior to the mid-1980s the federal government financed and managed all social housing projects across Canada.

These included housing for off-reserve, low-income Aboriginal people. Constitutional negotiations challenged the role of the federal government in housing; the result was that the federal government agreed to relinquish control of housing to the provinces. The Charlottetown Accord (Section 33) reads that “exclusive provincial jurisdiction over housing should be recognized and clarified through an explicit constitutional amendment and the negotiation of federal-provincial agreements.”¹⁸⁴ The Charlottetown Accord was defeated in 1992; however, the federal government determined in 1993 that it would not continue increasing support for social housing. Instead, existing administrative responsibilities for social housing were offered to provinces and territories as an alternative support. In June 2006 an agreement between British Columbia and Canada allowed for the transfer of responsibility for 51,600 existing social housing units to the province.

As a result of fiscal and jurisdictional issues, no new social housing units targeted specifically to off-reserve Aboriginal people have been built since 1993. This has contributed to the gap between need and capacity that AHMA now faces. As mentioned, the lack of new housing has led to long waiting lists and has arguably contributed to the high numbers of Aboriginal homeless people. The report by Palmer & Associates mentioned in Section 2 also states that the lack of programs that include an ongoing subsidy will also continue to contribute to this problem, as many projects will simply not be viable without this support.¹⁸⁵

Jurisdictional issues also exist among federal, provincial and Aboriginal governments. Aboriginal people have long articulated their preference for managing their own social housing. Aboriginal Housing societies say they need more flexible programs and policies than are now possible. More flexibility will allow them to adapt their units to fit the needs of tenants. This flexibility would be significantly more attainable if housing programs were self-managed. Finally, many on-reserve communities have indicated that the requirement to continuously apply for funding to meet their housing needs is onerous and difficult to manage.¹⁸⁶ A higher degree of self-governance would ameliorate this problem.

The lack of authority for Aboriginal societies and communities to manage their own housing often discourages creative approaches to problems, such as modifying existing units to accommodate smaller families or building more culturally appropriate structures. Other problems include the perception that there is limited ability to tailor solutions to the specific needs of service beneficiaries, because of the limitations of policies driven by government. A community interviewed by Palmer & Associates stated that typical “‘CMHC/INAC’ houses were not appropriate to their community and that log-houses would last longer, but they were unable to build log-houses because they would not meet government specifications.”¹⁸⁷

Several housing societies reported dissatisfaction with the fact that generating extra revenue merely brought penalization, as all extra revenue is deducted from the overall subsidy. They stated that this practice discouraged self-sufficiency by continuing the cycle of dependence.¹⁸⁸

Included in jurisdictional barriers is the lack of coordination “between and within governments.”¹⁸⁹ Palmer & Associates reports that “a majority of senior federal officials interviewed as part of the Auditor General’s 2006 Report said that the lack of a *coordinated approach* to First Nations programs within the federal government is a problem” (emphasis added).¹⁹⁰ Programs tend to overlap or are too similar, too narrowly defined, or merely duplicate each other rather than efficiently targeting diverse areas of need. There is a perception that federal and provincial governments operate in isolation of each other rather

than collaboratively. The lack of coordination increases the work load placed on the shoulders of Aboriginal organizations. Creative solutions by Aboriginal entities requiring the coordination of governments are not pursued because of the perception that governments do not work collaboratively.

Lack of coordination is not merely applicable to federal and provincial governments. A report prepared by the Housing Policy Branch of the B.C. Office of Housing and Construction Standards underscores this, stating that one of the major impediments to closing the gap in social housing is the lack of coordination among agencies that deliver housing, as well as among governments.¹⁹¹ Their assessment points to a current lack of coordination among Aboriginal organizations. Communities on-reserve do not generally track the whereabouts and location of their members who leave the reserve. This is indicative of a lack of collaboration between on-reserve community governments and off-reserve housing societies. Many organizations have noted a spirit of competition for limited resources among organizations. This contributes to a further lack of coordination among non-housing Aboriginal organizations, including friendship centres, Métis locals, reserve communities, and other Aboriginal organizations that have limited involvement in housing.

Jurisdictional barriers contribute to the lack of coordination among Aboriginal organizations and municipalities. During community engagement sessions conducted by Paler & Associates, participants at “virtually every session” reported challenges in dealing with zoning bylaws when working with municipalities. They suggested that the “education of municipalities would improve relationships with Aboriginal people and increase potential partnerships.”¹⁹²

Other suggestions for improving the relationships among municipalities and Aboriginal organizations include encouraging municipalities to provide land or other in-kind contributions for social housing, enabling municipalities to provide Aboriginal housing societies with tax breaks when building new units, donating development costs to a trust fund for social housing, transferring density bonuses not used by one development to other properties for social housing, requiring that any new developments contain some component of social housing, and encouraging municipalities to take an active role in supporting the homelessness initiative.¹⁹³

Information sharing could be improved by the establishment of a centre where Aboriginal people could obtain consistent, standardized information about housing. This could be managed either locally or by a provincial authority such as AHMA; it could alternatively be administered by friendship centres or through social media such as Facebook.¹⁹⁴ AHMA, as the provincial authority, might consider taking the lead on any of these initiatives as it forges ahead with closing the gap.

The Parker & Associates report on its community engagement sessions reiterates the need for greater communication and coordination and “a more seamless delivery of housing services for people that move on and off-reserve.”¹⁹⁵ Suggestions about how to resolve this issue of on and off-reserve coordination included:

- The provincial housing authority (at the time of the report, B.C. Housing) could work with Aboriginal housing societies to promote coordination with First Nations communities.

- The federal government could assume financial responsibility for First Nations people who move off-reserve.
- First Nations communities could share the cost of housing for their members who move off-reserve.
- Any federal housing dollars not used up by First Nations communities could be reallocated to building housing off-reserve rather than being returned to the Treasury Board.
- A position for an off-reserve housing officer could be created to help tenants who have recently moved off-reserve.¹⁹⁶

Information sharing will also need to be addressed if greater coordination is to exist between Aboriginal organizations. A number of Aboriginal organizations interviewed reported a need for “more information sharing via emails and the Internet about such things as upcoming conferences, workshops, and housing resources.” Other issues that arose were the need to encourage home ownership and develop more housing and services for Aboriginal homeless people.¹⁹⁷ These are all areas that AHMA can help address (see AHMA’s official reports on homelessness and rural native housing).

Financial barriers

Substantial costs are associated with developing new social housing units. Often these costs are not reimbursed up front, if at all, creating a sometimes insurmountable barrier for a community or organization that wishes to develop social housing. The planning surrounding new development can also be overwhelming to housing societies, particularly now that ongoing subsidies for new low-income housing have been cancelled. Often communities and organizations not involved in development have expressed interest in getting involved in building, but lacked resources to begin the process. The lack of money affects housing and non-housing organizations alike: housing societies, community organizations, and on-reserve communities all reported the limited funds were barriers to building new social housing units.¹⁹⁸ Government subsidy levels were reported as being outdated and inadequate for either building or acquiring new housing. Brainstorming at the aforementioned community engagement sessions came up with two possible solutions. One was to encourage land donations for social projects, about which Palmer & Associates write:

In addition to encouraging municipalities to donate land for housing projects, some participants said that the Province should also donate available Crown or other land for Aboriginal housing projects. A few participants said that the Federal Surplus Real Estate Property Program should be considered as a potential source of land...In addition, participants stressed the importance of owning—rather than leasing—the land used for housing projects because ownership leads to equity, with provides more independence and flexibility.¹⁹⁹

AHMA might also consider creative solutions for building housing in more cost-effective ways, such as partnering with organizations like Habitat for Humanity to build homes for Aboriginal people or developing multi-use housing to make the best use of available land and improve the economic viability of projects (for example, a commercial space on the lower level of buildings and rental units on upper levels).²⁰⁰

AHMA must also consider financial barriers faced by those receiving services as the organization seeks to help those in need of low-income housing. Solutions to such barriers could include reducing the percentage of income that a person in social housing is required to pay for rent. Other suggestions include revising and expanding the rental assistance program, which currently has problems. Even with a rental subsidy, many cannot find affordable housing in areas such as Vancouver or Prince George. The program also does not apply to people on income assistance. Some have suggested expanding rental assistance to cover higher rents and include people on income assistance, thereby making it more relevant.²⁰¹

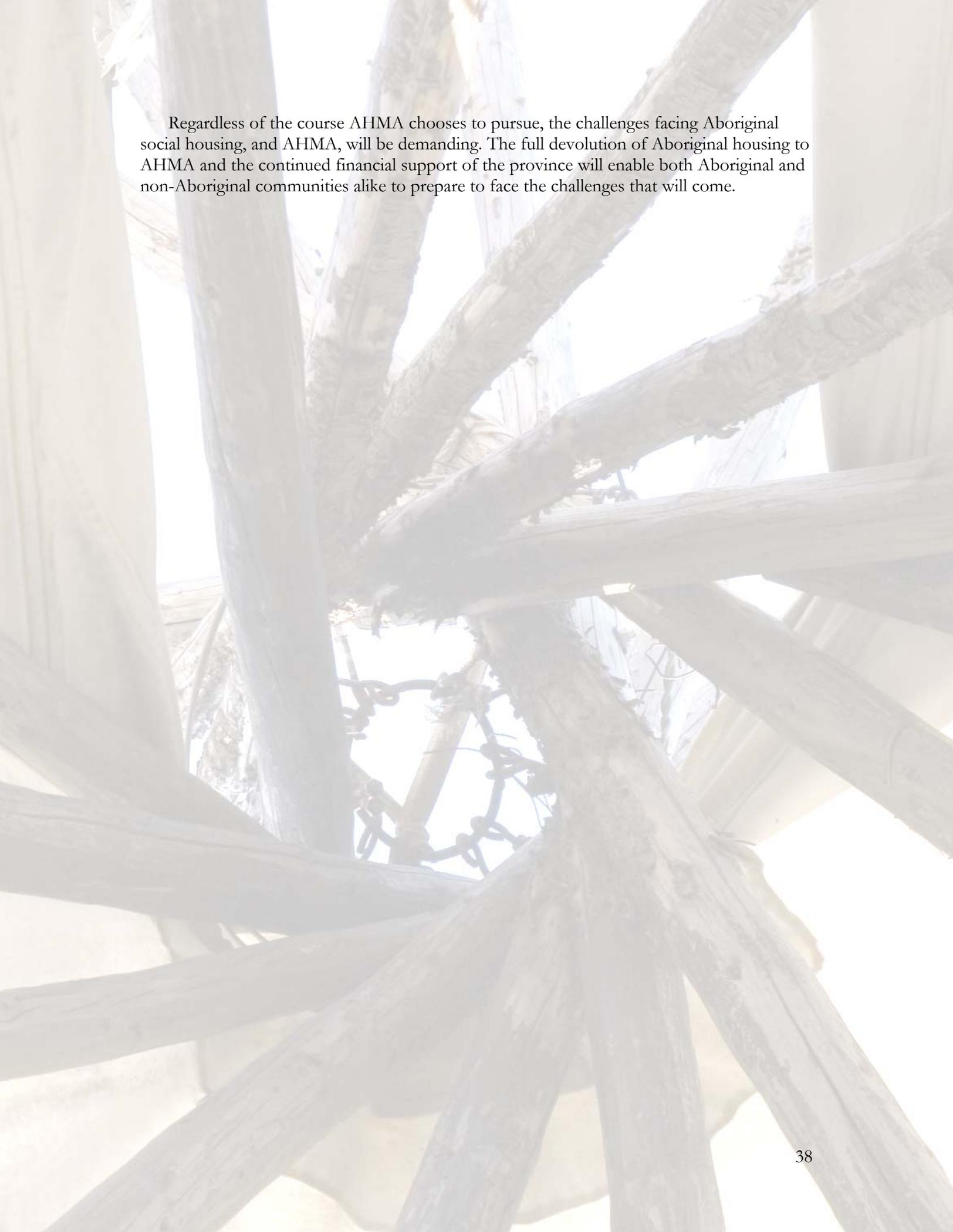
Future directions

We have presented an argument for *why* AHMA has a right to self-government and illustrated *how* it should continue to manage the devolution process. AHMA's right to operate as a self-governing authority is founded on the inherent rights of self-government of Aboriginal people, rights that are substantiated by judicial and policy foundations in Canada. The devolution of housing authority to AHMA is also in the best interests of the province and Aboriginal communities. AHMA is the quasi-governmental authority that can offer management and services to Aboriginal communities in ways that are both culturally appropriate and, in due course, more effective and efficient than services managed by mainstream governments.

The examples in this paper support AHMA's contention that devolution requires an extended investment of time, effort, and funding. Both governments and Aboriginal entities involved in the devolution must have a firm commitment to the process. Consultation within First Nations and other Aboriginal leadership groups is a key component of this—history shows that devolution cannot be successful without it. Devolution must begin with a strategic plan that includes clearly outlined objectives and timelines, but must simultaneously rely on a model that is flexible enough to adjust to changes as new situations require them.

Establishing effective management, governance, and, finally, operations is imperative to AHMA's success. These steps are substantially underway. Once fully in place, AHMA will face many challenges in closing the gap in the standard of living between Aboriginal and non-Aboriginal people across British Columbia, of which housing is a critical component. The challenges AHMA faces in British Columbia are similarly felt across Canada, and all governments, including federal, provincial, Aboriginal, and municipal, must work in partnership to tackle issues of poverty and homelessness. The urban Aboriginal low-income housing sector across Canada is in need of significant reinvestment. Reinvestment plans must be accompanied by clearly outlined objectives and goals indicating precisely what resource allocations would aim to achieve. AHMA must work with provincial and federal bodies to encourage reinvestment in housing by government and private institutions.

Like previous devolutions, the devolution of authority to AHMA will take time and will inevitably involve setbacks along the way. However, devolution of urban Aboriginal housing is the right thing to do. Successful devolutions within Canada are possible with adequate funding and consultation and with sustained effort over time. AHMA can avoid many of the mistakes made by previous devolutions as it continues to work in partnership with B.C. Housing for the successful devolution of urban Aboriginal housing in British Columbia.



Regardless of the course AHMA chooses to pursue, the challenges facing Aboriginal social housing, and AHMA, will be demanding. The full devolution of Aboriginal housing to AHMA and the continued financial support of the province will enable both Aboriginal and non-Aboriginal communities alike to prepare to face the challenges that will come.

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