Standing Water Nation  
PO Box 96124  
VANCOUVER RPO MOUNTAIN VIEW, BC, V5V 0H7  
Canada

Re: Call for Input: Decriminalization of homelessness and extreme poverty.

September 21, 2023

Dear Special Rapporteur,

The Standing Water people are an indigenous people, the majority of which currently reside within the region of space and time claimed by Canada, a United Nations member state. Our cosmology is very different to that of the United Nations: it is based on light, not land. We live in the light, and we are guided by our ancestral our law, which is our sovereign and our inheritance.

United Nations norms, such as the corporate creation of legislation (parliaments, congresses, etc. are corporations, and their acts, such as municipal laws, are properly called acts of corporations), have destroyed the capacity of our people to live according to our ancestral customs. We are a nomadic people, so the introduction of fixed tenures, and the requirement to live only on lands where one has secured a United Nations member state token, such as a lease or land title from the Government, has created homelessness and poverty among our people.

Anciently, we would hunt, fish, camp, travel, build fires, and erect structures throughout the world, particularly in North America, but our history stretches back much further than the peopling of the Americas. We are called Standing Water because in our cosmology we are water that has evolved the capacity to build, to climb and to explore.

In addition to the land law of United Nations member states, we should like the rapporteur to focus on the special intersection between Indigenous rights (though we do not really, except for international relations, call ourselves indigenous: our demonym/autonym is Standing Water) and the municipal law of the state, and its frustration of Indigenous economic self-determination. In Canada, for example, the Government has a policy of, more or less, reducing Indigenous peoples to a state of servitude. This is especially important for nomadic peoples, such as ourselves, whose economic activities were never traditionally confined to one state, reservation, or other box.

The requirement, for example, to seek Government permission in the form of a business license or other token of permission, means that Indigenous peoples and individuals are deprived of economic self-determination. We are also mindful that Canada’s implementations of the United Nations Declaration on the Rights of Indigenous Peoples (“the UNDRIP”) is racist and colonial, in that it does not acknowledge the rights of all Indigenous peoples of the world: it posits a very bizarre understanding, whereby only “Indigenous peoples of Canada” as defined in Canada’s municipal law have their rights acknowledged. Canada’s position, articulated in its legislation, is that “Indian, Metis and Inuit” are the three “Indigenous peoples of Canada,” which is facially incorrect: the term “Indian” is a collective, statutory term that refers to many different Indigenous peoples that now reside within the space and time over which Canada claims Sovereignty.

Although untested by the Courts, the Canadian statutory position is that an Indigenous people has no rights to their spirituality in Canada, unless they are acknowledged by the Canadian government. That is not self-determination. The UNDRIP states, in Article 34, that

“Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards”

This right is for all the Indigenous peoples of the world, wherever they reside. For Indigenous people to promote, develop and maintain their spirituality requires economic means: Standing Water, for example, has a system of institutions related to dining, and in order to enact these requires economic activity. The Special Rapporteur should investigate the degree to which Canada’s implementation of the UNDRIP pays mere lip service to the international rights of Indigenous peoples, by reducing Indigenous peoples international juridical subjects to statutory constructions that exist only within the positive law of the State.