

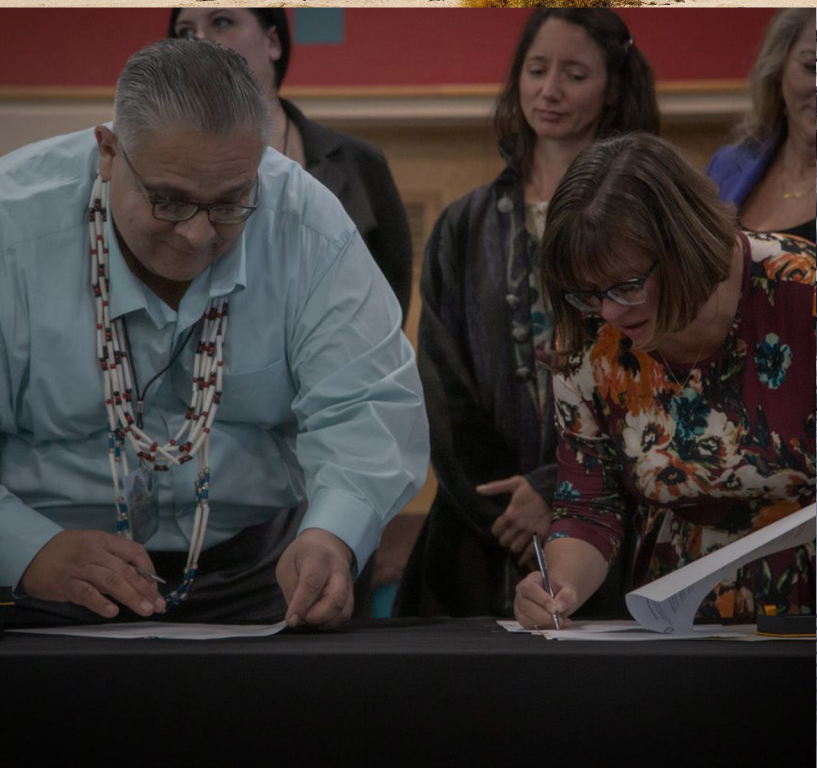


UCLA

School of Law
The Promise Institute
for Human Rights



INDIAN LAND



Advancing Indigenous
Housing Rights in Los Angeles:
International Best Practices
and a Legal Framework

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The Los Angeles City/County Native American Indian Commission would like to thank Emmanuel Hurtado and Erin Shields, who prepared this report under the supervision of Joseph Berra, director of the Human Rights in Action Clinic of The Promise Institute for Human Rights, UCLA School of Law.

Suggested Citation:

Advancing Indigenous Housing Rights in Los Angeles: International Best Practices and a Legal Framework. Los Angeles City/County Native American Indian Commission and the Promise Institute for Human Rights, UCLA School of Law. March 2024.

Land Acknowledgement

The County of Los Angeles recognizes that we occupy land originally and still inhabited and cared for by the Tongva, Tataviam, Serrano, Kizh, and Chumash Peoples. We honor and pay respect to their elders and descendants — past, present, and emerging — as they continue their stewardship of these lands and waters. We acknowledge that settler colonization resulted in land seizure, disease, subjugation, slavery, relocation, broken promises, genocide, and multigenerational trauma. This acknowledgment demonstrates our responsibility and commitment to truth, healing, and reconciliation and to elevating the stories, culture, and community of the original inhabitants of Los Angeles County. We are grateful to have the opportunity to live and work on these ancestral lands. We are dedicated to growing and sustaining relationships with Native peoples and local tribal governments, including (in no particular order) the

- Fernandeño Tataviam Band of Mission Indians
 - Gabrielino Tongva Indians of California Tribal Council
 - Gabrieleno/Tongva San Gabriel Band of Mission Indians
 - Gabrieleño Band of Mission Indians – Kizh Nation
- San Manuel Band of Mission Indians
 - San Fernando Band of Mission Indians



Introduction

“Los Angeles County (LAC) is home to the largest population (327,930) of American Indians and Alaska Natives (AIAN) in the United States. Due to a legacy of systemic racism and genocide, AIAN endure disproportionate symptoms of intergenerational trauma (e.g. mental health, chronic disease, substance use, and economic disparities).”¹ Due to these increased risk factors, homelessness poses a major problem for the Indigenous² community, one that is increasing year to year.



“There’s a certain level of bang-your-head-against-the-wall irony there, because this was our land and now we’re homeless on it,” Janeen Comenote, executive director of the National Urban Indian Family Coalition, a Seattle-based advocacy and research group said. “We’re kind of homeless twice. It happened when the colonizers came, and now in modern times we’re homeless again.”³

This memo seeks to present and analyze frameworks for the advancement of the rights of Indigenous people experiencing homelessness. This includes a human rights framework, predominantly drawn from the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP); however, while the language of UNDRIP is powerful, empowering, and should serve as a guideline for legislative bodies considering policies affecting Indigenous peoples, social practice and precedent giving content to these rights is still emerging and limited. To fill in some of these gaps, we’ve also analyzed frameworks and real-world examples for the advancement of Indigenous rights from other settler-colonial societies with large Indigenous populations, such as New Zealand and Canada as well as practical examples within the United States.

Introduction to the United Nations Declaration on the Rights of Indigenous Peoples Framework

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) is a declaration, not a treaty. As such, it is not binding on states or directly enforceable in the same way that a treaty is. However, declarations “represent the dynamic development of international legal norms and reflect the commitment of common understanding about the rights of Indigenous peoples, upon a foundation of fundamental human rights”⁵ and constitutes “an extension of the commitment assumed by United Nations Member States – including the United States – to promote and respect human rights under the United Nations Charter, customary international law, and multilateral human rights treaties to which the United States is a Party.”⁶ UNDRIP can therefore be seen as reaffirming and re-contextualizing rights, such as the right to “equality, self-determination, property and cultural integrity,”⁷ that are legally binding under customary international law and human rights treaties.

The former Special Rapporteur on the rights of Indigenous peoples, James Anaya, stated that “the Declaration should [...] serve as a beacon for executive, legislative and judicial decision-makers in relation to issues concerning the Indigenous peoples of [the United States]. All such decision-making should incorporate awareness and close consideration of the Declaration’s terms. Moreover, the Declaration is an instrument that should motivate and guide steps toward still-needed reconciliation with the country’s Indigenous peoples, on just terms.”⁸ As such, UNDRIP provides legislative officials, including those at the municipal level, with an important set of principles which should guide any and all decisions that affect Indigenous peoples.⁹

¹ “Identifying, Supporting, and Serving American Indians and Alaska Natives Who Are at Risk of or Experiencing Homelessness.” Motion to the Board of Supervisors.

² We will generally use the term Indigenous in this paper, rather than AIAN or Native American. This is to be inclusive of Indigenous peoples who did not traditionally occupy lands within the present day United States, as is the case of many in cities like Los Angeles.

³ <https://www.seattletimes.com/seattle-news/homeless/we-cried-for-happy-news-housing-project-first-in-seattle-to-address-needs-of-homeless-native-adults/>

⁴ <https://www.un.org/esa/socdev/unpfii/documents/FAQsIndigenousdeclaration.pdf>

⁵ Report of the Special Rapporteur on the rights of Indigenous peoples, James Anaya, Addendum The situation of Indigenous peoples in the United States of America, para 82.

⁶ *Id.* at para 81.

⁷ *Id.* at para 82.

Reclaiming Land

UNDRIP

Perhaps some of the most important rights delineated by UNDRIP are those dealing with land. UNDRIP states outright that “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired,” which includes the “right to own, use, develop and control” those lands.¹⁰ The State is required to “give legal recognition and protection to these lands, territories and resources.”¹¹ Where those lands have been “confiscated, taken, occupied, used or damaged without [Indigenous peoples’] free, prior and informed consent,” “Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation.”¹²

After his 2012 Country Visit to the United States, former Special Rapporteur Anaya stated that “what is now needed is a resolve to take action to address the pending, deep-seated concerns of Indigenous peoples, but within current notions of justice and the human rights of Indigenous peoples.” He provided the examples of “the return of the sacred Blue Lake to Taos Pueblo and the restoration of land to the Timbisha Shoshone Tribe,” as well as “the more recent initiative to transfer management of national park lands to the Oglala Sioux Tribe in South Dakota,” as measures that exemplify “the kind of restorative action to be taken consistent with contemporary human rights values.”¹³ This is because these actions understand the “centrality of land and geographic spaces to the physical and cultural well-being of Indigenous peoples, in accordance with standards now prevailing internationally and accepted by the United States.”¹⁴ Recognizing the centrality of land-back claims to the fulfillment of the international human rights of Indigenous peoples, Anaya recommended that

“measures of reconciliation and redress should include, inter alia, initiatives to address outstanding claims of treaty violations or non-consensual takings of traditional lands to which Indigenous peoples retain cultural or economic attachment, and to restore or secure Indigenous peoples’ capacities to maintain connections with places and sites of cultural or religious significance, in accordance with the United States international human rights commitments.”¹⁵

Hence, the most integral strategy and rationale for addressing the unhoused Native American and Indigenous population of Los Angeles involves some form of land return or reclamation project. The land-based tribes of Los Angeles were stripped of their land by the settler colonial project and forcibly brought into the urban landscape. Similarly, the Native American and Indigenous diaspora to the Los Angeles metropolitan area is a direct product of the ongoing settler colonial project, with the added onus of being uprooted and displaced from their homelands and home communities. The needs of the unhoused of these communities demands some transformation of urban land tenure, even if only in the area of Native American home ownership. What follows are some transformational models of land reclamation projects that may illuminate potential strategies, actions and solutions to address Native American and Indigenous homelessness in Los Angeles.

⁸ *Id.* at para 82.

⁹ California expressly endorsed UNDRIP (though without enacting its provisions as legally enforceable rights) in resolution AJR-42 (2014), available at: https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201320140AJR42.

¹⁰ UNDRIP Article 26

¹¹ *Id.*

¹² Article 28. “Just compensation” can take the form of “lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.” *Id.*

¹³ Special Rapporteur report para 78

¹⁴ *Id.*

¹⁵ *Id.* at para 90.

Land Back

The Yellowhead Institute is a First Nation-led research centre based at Ryerson University in Toronto, Ontario.¹⁶ Their report, “Land Back: A Yellowhead Institute Red Paper” discusses the alienation and dispossession of First Nations lands in Canada due to resource extraction.¹⁷ In part three of their Red Paper the authors discuss “recognition,” which encapsulates many of the ways that the Canadian government (and corporations) formally “recognize” Indigenous jurisdiction and rights. “Recognition,” however, has mostly ended with consultation and revenue sharing arrangements for projects on First Nations land; moreover, “an unanswered question is whether or not [“recognition” strategies] reinforce, validate, or resist settler authority and ongoing assimilation.”¹⁸ Indigenous “reclamation” strategies, on the other hand, “reject Crown alienation, and while exploiting Crown recognition where possible, also generally operate outside of accepted Canadian legal and institutional channels.”¹⁹

One such method is the “physical reclamation or occupation of lands and waters.”²⁰ The Red Paper discusses four examples, three of which are particularly relevant to the issue of land-back: the Tiny House Warriors project, the Unist’ot’en Healing Centre, and the Nimkii Aazhibikong camp. While these projects have been met with varying degrees of resistance and long-term success, all have managed, at least for a time, to re-occupy traditional lands for community benefit.

The Tiny House Warriors project is “a campaign to build ten tiny houses along the 518-kilometre route of the Trans Mountain pipeline as it crosses unceded Secwepemc land,”²¹ in order to monitor the pipeline and protest the construction of “man camps” for pipeline workers. The project is “not only a strategic reoccupation of Secwepemc territory to reassert jurisdiction”²² but also “[provides] housing to Secwepemc families facing a housing crisis due to deliberate colonial impoverishment.”²³ The project has been funded

¹⁶ <https://yellowheadinstitute.org/about/>

¹⁷ Shiri Pasternak & Hayden King, Land Back: A Yellowhead Institute Red Paper, 48 (October 2019).

¹⁸ *Id.* at 48.

¹⁹ *Id.*

²⁰ *Id.* at 56.

²¹ *Id.*

²² *Id.*

²³ *Id.* at 57.

²⁴ *Id.* at 56.

²⁵ *Id.* at 57.

²⁶ *Id.*

by donations and the houses built by volunteers.²⁴ Though one of the tiny houses has been raided and the founders of the campaign arrested and released, the tiny houses still stand and have become “a ‘village’ of land defenders” which have gained many supporters through the campaign’s clever use of social media.²⁵

The Unist’ot’en Healing Centre was built on unceded Unist’ot’en land; when a TransCanada subsidiary sought to build a pipeline that would cross a mile away from the Centre, the Centre expanded to block its route.²⁶ Rather than “a site of protest or demonstration,” this action is characterized by the Unist’ot’en as “an occupation and use of our traditional territory as it has for centuries.”²⁷ The Centre has been run and funded primarily by the support of the community and its allies. Unfortunately, however, the courts granted an injunction against a blockade at Unist’ot’en and the company was granted access to construct the pipeline. However, “the conflict resulted in an outpouring of solidarity and sparked actions in over seventy cities around the world”; the Centre remains open to this day and continues to “run programming for women and youth integrating cultural healing practices.”²⁸

In 2017, Elders and community members from the Anishnaabe Nation built Nimkii Aazhibikong camp at Ompa Lake, a site which is Anishnaabe land but is considered Crown land by the province.²⁹ The Camp’s goal is to “connect young people with elders for arts and cultural land-based teachings, help to produce the next generation of fluent (Ojibway) speakers, and facilitate cultural resurgence of sustainable Indigenous practices and restoration of traditional Indigenous practices and restoration of traditional Indigenous land and resource protection and management.”³⁰ The Camp was built entirely via fundraising efforts, without any government or organizational funding; it also does not possess provincial permits or permissions.³¹ However, the camp is still going strong, and is planning to expand the Camp to add “a large central language learning centre and art studio that visiting First Nations will be able to use, free of charge.”³²

²⁷ *Id.* at 57.

²⁸ *Id.* at 58.

²⁹ *Id.* at 58.

³⁰ *Id.* at 58.

³¹ *Id.* at 58.

³² *Id.* at 58.

³³ In Canadian law, an aboriginal title claim requires evidence of “occupation of the land in question prior to sovereignty, a continuity between present and pre-sovereignty occupation (if present occupation is relied on

as proof of occupation pre-sovereignty), and exclusive occupation.” <https://www.thecanadianencyclopedia.ca/en/article/aboriginal-title> paraphrasing Delgamuukw, 1997.

³⁴ This section was added with available information in early April 2020, while still early in the COVID-19 pandemic

³⁵ <https://la.curbed.com/2020/3/16/21182478/moms-occupy-el-sereno-house-caltrans>

³⁶ *Id.*

It is important to note that the Red Paper is mainly concerned with prohibiting land and resource exploitation and thus is mainly focused on free, prior and informed consent and negotiation regarding development and extraction projects on traditional First Nations land. Reoccupation in many of the examples listed above occurred on traditional lands where First Nations have strong claim to aboriginal title.³³ Unlike Los Angeles, the reoccupied lands are largely rural or uninhabited.

However, reoccupation strategies may still have a place in urban settings.

While “public” spaces such as the uninhabited or rural areas in the examples above may be difficult to find in urban settings, abandoned ‘public’ spaces such as old libraries may be able to be ‘reclaimed’ and ‘reoccupied’ in a similar fashion.

The COVID-19 crisis gave rise to movements to reclaim land in multiple cities. Realizing the danger of remaining unhoused or in packed shelters during a pandemic, people experiencing homelessness and activist allies have taken over vacant buildings. “Reclaiming Our Homes,” for example, is based in El Sereno, where Caltrans owns 163 homes on land it had planned to build a highway extension over.³⁵ The construction project never went through due to backlash, but the homes have remained vacant.³⁶ These homes have been occupied by activists, citing both the dangers of shelters and other forms of temporary housing during a pandemic and the injustice of thousands of Los Angeles homes sitting vacant when so many lack shelter.³⁷ The Reclaiming Our Homes website proclaims, “No one should be homeless when homes are sitting empty. Housing is a human right!”³⁸ The reclaimers of these homes are currently facing eviction and are in ongoing negotiations to remain in their homes.³⁹

Similarly, in Surrey, British Columbia, an activist organization called the Red Braid Alliance for Decolonial Socialism, which describes itself as a “revolutionary working class and Indigenous organization,”⁴⁰ has started a campaign called Hothouse Squat (or #Squat2Survive), which calls “for poor and homeless communities all over the Province to take over vacant buildings as part of the #SQUAT2SURVIVE movement, in an act of militant self-defense from COVID-19.”⁴¹ On April 1, 2020 they began to occupy a vacant public recreation center. While they were evicted from the center by police shortly after they began to occupy it, B.C. Housing has since used the recreation center as an overnight shelter during extreme weather alerts.⁴³

Reoccupation is a form of direct action and therefore can be very risky, as evidenced by the arrests, injunctions and forced evictions that took place in many of the examples above. However, reoccupation may also attract media attention and provide at least temporary relief. Smart use of social media in many of the above examples meant that these movements were successful in raising awareness and garnering public support. Many of the movements led by First Nations and Native American groups foreground for the public an important narrative about Indigenous claims to land in settler nations.

How the Wiyot Tribe Got Their Land Back

In an unprecedented move, the City of Eureka recently returned Duluwat Island to the Wiyot Tribe. The island is part of the traditional lands of the Wiyot people and considered the spiritual home of the tribe. It was the site of a massacre in 1860, when a group of white settler men murdered as many as 250 Wiyot people on the day of their World Renewal Ceremony. The island was subsequently purchased by a white man who drained the marshes and used the land for cattle ranching; the island was later used for lumber mills and a shipyard. A sea wall made of ship batteries to prevent sea erosion had slowly been leaking toxic sludge into the harbour. The ecosystem had seriously suffered from these activities. Beginning in the 1970s, the Wiyot tribe asked many times for Eureka to give them their land back, but their requests were dismissed. In what could be seen as a kind of “reclamation,” the Wiyot tribe committed themselves to the rehabilitation of the island, even before it was given back to them.

Nearly every weekend for years, members of the tribe and other volunteers in the community worked to remove the piles of debris that had accumulated on the grounds. The battery seawall was slowly replaced with a less-toxic one made of oyster shells donated by a local seafood company. Railroad tracks that led into the bay, once used for lifting boats, were removed. To date, the tribe says it’s cleared 60 tons of scrap metal and garbage and invested \$3 million in Duluwat’s rehabilitation. In 2014, the U.S. Environmental Protection Agency gave Duluwat Island a clean bill of health.⁴⁴

The Wiyot tribe also held yearly vigils on Duluwat for non-Native Eureka residents to remember the 1860 massacre, which some credit as “forcing Eureka citizens to confront and understand the “deep community wound” that was inflicted in 1860.”⁴⁵

³⁷ *Id.*

³⁸ <https://reclaimingourhomes.org/>

³⁹ Phoenix Tso, “Fight for homes left vacant by Caltrans heats up as “Reclaimers” are sued by city.” Los Angeles Public Press, July 13, 2023. Available at: <https://lapublicpress.org/2023/04/fight-for-homes-left-vacant-by-caltrans-heats-up-as-reclaimers-are-sued-by-city-la/>. See also the Reclaiming Our Homes website at: <https://reclaimingourhomes.org/>.

⁴⁰ <https://www.redbraid.org/about/>. The Red Braid Alliance for Decolonial Socialism also writes: “We practice and advocate for a strategic unity between Indigenous peoples fighting for sovereignty through dismantling colonialism, the national struggles of peoples around the world against imperialism, and the working class for worlds without capitalism. We test our politics through practices of politicizing community survival struggles, political education, protest, and direct action.”

⁴¹ <https://www.redbraid.org/2020/04/01/hothousesquat/>

⁴² <https://www.cbc.ca/news/canada/british-columbia/homeless-activists-surrey-bc-covid-19-coronavirus-1.5518500>

⁴³ <https://twitter.com/stopdisplacemnt/status/1245601539839774726>

At first, the Wiyot tribe was able to purchase 1.5 acres of the 250 plus acre island. They raised community support and awareness through advocacy and vigils, and “[convinced] the city that, as stewards of the land, the tribe would perform a public environmental good.”⁴⁶ By 2015 – a year after the EPA gave Duluwat a clean bill of health – the City Council unanimously voted to give the island back to the Wiyot tribe. After four years of negotiation between the city council and the tribal council, the island’s return has been made official.

“Nonprofits and the federal government have returned land to Native people, but nobody consulted by the *Journal* could recall a local municipality repatriating hundreds of acres of land to a local tribe in the absence of a sale or lawsuit settlement.”⁴⁷ While public support was not unanimous – one Eureka resident offered to buy Duluwat to keep it from being given back to the Wiyot tribe – the Wiyot tribe’s reclamation efforts resulted in a peaceful transfer of their land from the settler government back to the tribe. In that way it poses an interesting comparison to many of the examples of reoccupation discussed above from the Red Paper: the Wiyot tribe’s reoccupation of Duluwat was temporary, unlike a physical blockade; their reclamation efforts performed an uncontroversial public service. While the Wiyot’s reclamation efforts were more of a burden on the tribe (spending \$3 million on an island they couldn’t be sure they would ever regain control over), they were also less risky than other forms of reoccupation (no one was likely to be arrested for cleaning up toxic sludge.) ***Likewise, finding spaces where an affordable housing development would be seen as an improvement on the existing use of space in an urban setting could be an effective strategy for gaining public and municipal support.***

Urban Reserves

Urban spaces posit a particular challenge for land-back, as “settler states continue to pursue the violent transformation of Indigenous land into settler property and to police Indigenous place-making and self-determination particularly aggressively in relation to cities [...]. This includes the active “forgetting” of the historical geographies of urban areas as Indigenous, often unceded, territories.”⁴⁸ Urban reserves have not yet been used to address housing concerns, and moreover are part of a different legislative landscape. However, they provide an interesting example of an urban, government-supported “land-back” program that could be adapted to address AIAN homelessness in Los Angeles.

“Many First Nations in Canada are located in rural areas, far from the cities and towns where most wealth and jobs are created. This geographic remoteness can sometimes pose challenges for First Nations trying to increase their economic self-sufficiency.”⁴⁹ One way Canadian governmental entities have chosen to combat these challenges (after significant pressure and resistance from First Nations) is via the creation of “urban reserves.” “The majority of urban reserves are created as a result of specific claim and Treaty Land Entitlement settlements, which provide First Nations with cash payments that may be used to purchase land” within or adjacent to the city.⁵⁰ The land purchased is then granted “reserve” status by the federal government, which largely means that the land is not subject to taxation; that First Nations people are exempt from sales tax for products purchased on that land;⁵¹ and that First Nations people do not have to pay income tax on money earned there.⁵² “There are now more than 120 urban reserves across Canada,” the majority of which are in the prairie provinces.⁵³

⁴⁴<https://www.citylab.com/equity/2019/11/duluwat-island-wiyot-tribal-native-land-return-california/600991/>

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ <https://www.northcoastjournal.com/NewsBlog/archives/2019/10/21/duluwat-island-is-returned-to-the-wiyot-tribe-in-historic-ceremony>

⁴⁸ Settler Cities at 928.

⁴⁹ <https://www.aadnc-aandc.gc.ca/eng/1100100016331/1100100016332>

The urban reserve program has not been without criticism. Envisioned by the settler state as “narrowly [serving] economic development objectives,” urban reserves are posited “as modernizing agents that legitimize a limited form of First Nation jurisdiction and corporate presence in cities.”⁵⁴ The federal government gets final say on which projects may be granted reserve status, and has been more willing to approve economic development projects than community or housing projects.⁵⁵ “More generally, a fundamental problem with this process of addressing the land debt owed to First Nations is that they are forced to buy land in their Treaty and traditional territories from willing sellers at market rate.”⁵⁶ Urban reserves can therefore be seen as part of a larger neoliberal project of individualization and privatization, where “Indigenous sovereignty is [...] converted into private property and framed as “progress” by the settler state.”⁵⁷

However, some First Nations have been successful in subverting this narrative and using urban reserves as spaces of resistance and community, “repurposing neoliberal governance arrangements to fight marginalization.”⁵⁸ Successful economic development projects on urban reserves still constitute a “subversion of the colonial socio-spatial order[...], which has excluded First Nations from the right to the city.”⁵⁹ “For example, Muskeg Lake Cree Nation’s urban reserve, which was created in 1988 as one of the first of its kind, sits on 35 acres on the eastern edge of Saskatoon, on land originally purchased by the federal government to build a correctional institution. [...] The urban reserve, known as the McKnight Commercial Centre, employs over 300 people in over 30 businesses and organizations.”⁶⁰ Moreover, recent urban reserves have pushed back on the notion that these spaces should be purely about economic development. The first urban reserve to serve educational purposes was created in Regina, Saskatchewan in February of 2019; the 32 acre reserve in the middle of the city encompasses a First Nations university, and the Star Blanket Cree Nation plans to add residences and daycare facilities.⁶¹

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² <https://www.cbc.ca/news/canada/manitoba/demystifying-urban-reserves-1.2993051>

⁵³ <https://www.aadnc-aandc.gc.ca/eng/1100100016331/1100100016332>

⁵⁴ Julie Tomiak, *Contesting the Settler City: Indigenous Self-Determination, New Urban Reserves, and the Neoliberalization of Colonialism*, 49(4) *Antipode* 928, 930 (2017).

⁵⁵ *Id.* at 934.

⁵⁶ *Id.* at 930.

⁵⁷ *Id.* at 934.

⁵⁸ *Id.* at 935.

⁵⁹ *Id.* at 939–40.

⁶⁰ *d.* at 38.

⁶¹ <https://globalnews.ca/news/4958633/first-nations-university-of-canada-urban-reserve-educational-purposes/>

Would state or local governments in Los Angeles consider transferring public or municipal land to the land-based tribes or tribal organizations in recognition of Native American land entitlement? Once land has been located for housing, is there a way for the city to designate that space as a sovereign or quasi-sovereign, Indigenous space? Are there certain benefits or exemptions that can be granted to that space by the city, county, or the state? The analogy to urban reserves may also help us think about the ways in which the city or state can acknowledge and support a broader vision of Indigenous reconciliation and well-being by supporting Indigenous housing developments in urban spaces.

To some extent precedent has been established for land return or reparations in Los Angeles County vis-à-vis the reparations given to the Bruce Family, a Black family whose beach front land was used for a beach lodge and resort that welcomed Black beachgoers. Their land was unjustly taken through eminent domain for the purpose of building a park, but was shrouded under racist motivations. Nearly 100 years later the land was returned to the Bruce Family. The family has since decided to sell the land back to LA County for \$20 million dollars. Significantly, though, there was no recognition of the land as Tongva land originally.

Although different than government land return, the Tongva Taraxat Paxaavxa Conservancy did generate general awareness of LandBack when they received a well-publicized one-acre land transfer from a private citizen in Altadena. "We're working towards one common goal, and that is to have a place of safety, security, where we can have ceremonies and where we can exercise our self-determination," said Kimberly Johnson, vice president of the Tongva Taraxat Paxaavxa Conservancy, the nonprofit set up by the community to receive the land. "That's where the healing has begun."⁶²

Economic, Social and Cultural Rights in Connection with Land and Housing

Ending Indigenous homelessness will ultimately require the allocation of land or physical space for those experiencing homelessness, but as discussed earlier in this paper, Indigenous claims that focus on the return of their lands are often difficult and long-term struggles. Moreover, while land-back claims have been successful in some cases, it is difficult to measure their effectiveness in urban settings due to the complexities of municipal governments.⁶³ Focusing instead on the historic displacement and cultural disintegration of Indigenous communities not only creates space for conversations about reparations but also helps highlight the importance of holistic solutions to Indigenous homelessness. This strategy could be especially effective in a city like Los Angeles, which has a diverse Indigenous population composed of many different Indigenous diasporas, in addition to the land-based tribes of LA County.⁶⁴ While the diasporic communities have no claim to the land Los Angeles sits upon, nearly all of them share a history of colonization, which could provide a legal and moral basis for demanding the improvement of their economic and social conditions in an urban context together with the land-based tribes.

UNDRIP explicitly recognizes the fact that "Indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests" as a justification for the rights described in the declaration. In addition to the rights discussed above, UNDRIP specifies numerous rights that are relevant to Indigenous homelessness:

Article 21

1. 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.

⁶² Jonah Valdez, "After nearly 200 years, the Tongva community has land in Los Angeles County." Los Angeles Times, October 10, 2022. Available at: <https://www.latimes.com/california/story/2022-10-10/after-nearly-200-years-the-tongva-community-has-land-in-los-angeles-county>.

⁶³ AIAN peoples have successfully secured affordable housing and similar services for their communities in some US cities, but it is difficult to determine whether land-back claims played a role in those victories without reaching out to the leaders of those movements directly.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.

Article 23

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.

Article 24

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Because they are contextualized in the historic injustices faced by Indigenous peoples and require affirmative action by the state, these rights may be linked to reparations as a path towards their full exercise and enjoyment. Rather than just focusing on the return of land, however, these rights prioritize the holistic well-being of Indigenous peoples, regardless of their claims to the land they live on.

Such an approach is well-suited to addressing Indigenous homelessness in Los Angeles because it recognizes that the issue is much broader than the number of Native American and Indigenous people who are unable to find physical shelter. Of course, increasing access to affordable housing must be a priority for any person or entity attempting to solve the problem.⁶⁵ But recognizing the multifaceted nature of Indigenous homelessness and acknowledging Indigenous notions of “home” is imperative when considering possible interventions or supportive services for Native American and Indigenous populations.

Unlike the common colonialist definition of homelessness, Indigenous homelessness is not defined as lacking a structure of habitation; rather, it is more fully described and understood through a composite lens of Indigenous worldviews. These include: individuals, families and communities isolated from their relationships to land, water, place, family, kin, each other, animals, cultures, languages and identities. Importantly, Indigenous people experiencing these kinds of homelessness cannot culturally, spiritually, emotionally or physically reconnect with their Indigeneity or lost relationships.⁶⁶

This definition, drafted by Canada’s Aboriginal Standing Committee on Housing and Homelessness, contemplates the complexity of Indigenous homelessness and identifies struggles specific to the AIAN experience that require specialized attention. Bringing light to those struggles could help bolster essential healing and reconciliation efforts and pave the road for meaningful conversations about the role of reparations.

Perhaps more importantly, “Establishing Indigenous concepts of home will allow governments, service providers and Indigenous people themselves to direct ample funding to culturally sensitive social, cultural and material supports for Indigenous Peoples, especially those in crisis situations.”⁶⁷ This notion is exemplified by New Zealand’s approach to Maori homelessness:

Derived from the principles of Te Tiriti [a treaty signed in 1840 between the British Crown and most (but not all) Māori leaders of Iwi], New Zealand has a framework for Māori wellbeing, called Whānau Ora, grounded in the central role of whānau/ family in Māori well-being. Whānau Ora, literally meaning the complete wellbeing of Māori families, is a government model that deconstructs artificial barriers between housing, health, and education, integrating them into one model of care that is driven by the whānau based on their priorities.⁶⁸

Whānau Ora also emphasizes the importance of “solutions to Māori homelessness that are grounded in connection to Māori communities, cultural practices, worldviews and values.”⁶⁹ By centering Indigenous knowledge, this approach enables the Government of New Zealand to approach Indigenous homelessness in a holistic way.

⁶⁴ <https://mila.ss.ucla.edu/>

⁶⁵ <https://everyoneinla.org/about-us/>

⁶⁶ <https://www.homelesshub.ca/IndigenousHomelessness>

⁶⁷ *Id.* at 14

Looking beyond physical shelter, addressing Indigenous homelessness requires creating a sense of community, culture, and belonging. UNDRIP repeatedly acknowledges the importance of preserving and protecting Indigenous traditions and customs:

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures[...].

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons. 2. States shall take effective measures to ensure that this right is protected[...].

Given the long history of cultural disintegration caused by colonization, local governments should prioritize policies that allow Indigenous communities to reconnect with their cultures. The Wiyot tribe's reclaiming of Dulawat island is a perfect example of this. Although the tribe has no plans to inhabit the island, tribal chair Ted Hernandez argued that the tribe's renewed ability to perform its most sacred ritual could help "to bring balance back, to get rid of all the addictions hidden in Humboldt County—children not having homes, being homeless." According to Hernandez, "everybody here needs that healing. That's why the world renewal ceremony is important to us."⁷⁰ In this regard, reclaiming sacred spaces of the land-based tribes could play an important role in the healing process.

Financial Resources and Technical Assistance: Control and Self-Determination

How should holistic Indigenous homelessness prevention projects be funded? How can we work within and/or outside of the legal system to obtain funding? UNDRIP provides for both fair and equitable compensation for "lands, territories and resources which [Indigenous peoples] have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged," as well as for "access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration." These rights explicitly delineate states' obligations to provide financial and technical assistance to Indigenous communities either as a form of compensation for stolen land or as a recognition of the rights described in the declaration.

As noted earlier, UNDRIP contextualizes universal human rights like the right to housing and other economic, social and cultural rights for Indigenous people. Large swaths of the population, for example, of LA city and county are deprived of the same housing right. One strategy for addressing Indigenous homelessness is through accessing universal programs through traditional governmental channels. Under the universalist framework, the state is responsible for providing the necessary resources and deciding how they are allocated; the state remains the primary architect of such programs. Moreover, the state's obligation to protect Indigenous interests is viewed as an extension of the state's obligation to protect all of its citizens. This is one of many approaches used by New Zealand to combat Maori homelessness, through international effort to end homelessness known as Housing First:

⁶⁸ <https://www.sciencedirect.com/science/article/pii/S2352827319300333>

⁶⁹ *Id.*

⁷⁰ <https://www.citylab.com/equity/2019/11/dulawat-island-wiyot-tribal-native-land-return-california/600991/>

The protection of Māori interests to be housed and not be homeless is visible in Housing First, Aotearoa [New Zealand] although not explicitly stated as a Tiriti [treaty] based commitment. Housing First offers a universalist approach to housing the homeless based on need rather than, for example, specific Māori cultural imperatives. While the HF work with a small Aboriginal population in Edmonton, Canada is evolving, evaluation findings from 2010 recommended that HF undergo a programme of decolonisation and that an Aboriginal worldview underpin their work with this population (Bodor et al., 2011). Whether that has implications for HF Aotearoa's work with Māori is unclear.⁷¹

Universalist approaches can be strategically appealing because they lend themselves to coalition building, and they are grounded in the well-established obligations of states to their citizens. As the New Zealand and Canadian examples show us, however, such approaches are likely to overlook specific Indigenous cultural imperatives upon implementation, and at a deeper level, inhibit rather than strengthen self-determination.

One way to contextualize general programs for addressing Native American and Indigenous homelessness is through **tribal consultation**, which can include the allocation and distribution of resources, as well as the implementation of programs to address the issue. Under the design of UNDRIP, the right to consultation and free, prior and informed consent is a safeguard to ensure the protection and enjoyment of other substantive rights by prioritizing the right to self-determination. Here it would also ensure access to resources, participation and even control and ownership of the programs destined to alleviate homelessness in the Native American and Indigenous communities of greater Los Angeles. Ideally, such a framework would require local governments to center Native American and Indigenous knowledge, including the Indigenous conceptions of home and community discussed above.

Alternatively, Indigenous communities could attempt to **secure financial resources in the form of reparations**. By asking for (and receiving) resources in exchange for the injustices they have been

⁷¹ <https://www.sciencedirect.com/science/article/pii/S2352827319300333>

⁷² *Id.*

subjected to, Indigenous peoples would be in a better position to assert their sovereignty, because they would be able to make their own decisions about how to allocate those resources. This approach has been used with some success:

“Some iwi (for example, Ngāi Tahu/Tainui) who have received payment to settle historical grievances and the claims of justice are now actively involved in housing their people. For example, papakāinga/communal housing development on tribal lands is an example of Māori led solutions although somewhat constrained within the ambit of government policy. Iwi/tribal-led papakāinga/communal housing development enabled by financial settlements for breaches of Te Tiriti o Waitangi have and continue to enable iwi to fund papakāinga housing on Māori land, thereby drawing Māori with tribal connections, home to the tribal fold.”⁷²

The most obvious benefit of this approach is that it puts power back into the hands of Indigenous communities (consistent with Article 23 of UNDRIP), but with that power comes heightened responsibility. Even if they were able to secure funding, Native American and Indigenous people may require further resources, political power, or technical knowledge to address the various elements of Indigenous homelessness in an urban context.

Locally in Los Angeles, an American Indian and Alaska Native Housing Collaborative comprised of AIAN serving non-profits, tribes, tribal entities, and beyond is in its early stages of establishing a formal governance structure. The purpose of the Collaborative is to leverage funding in order to build community and individual organizational capacity to more appropriately serve unhoused relatives. This indeed is meant to build community power while simultaneously building technical knowledge and interaction with the larger homelessness system.

Instead, a hybrid approach could allow Indigenous peoples to assert their sovereignty by taking control of mechanisms within the state. In fact, this is one of the key features of the Whānau Ora approach in New Zealand:

It is an inside out model rather than the typical government-funded outside in model of intervention. Whānau Ora is continually evolving with large scale Whānau Ora commissioning agencies now managing programme funding for the government. The role of government agencies is diminished in this model and the commissioning agencies are comprised of tribal/iwi representatives to enhance greater alignment between Whānau Ora as a government funded programme and iwi development.⁷³

The compromise is The Māori Housing Network, a government entity housed within the Ministry of Māori Development, which supports Indigenous peoples with “practical support and financial assistance for a range of housing activities.”⁷⁴ More specifically, “It supports whānau with information, advice and practical support to improve and develop whānau housing and works alongside whānau, hapū and iwi to help them with housing goals, project planning, developing funding proposals, and providing agreed funding as projects are implemented.”⁷⁵

⁷³ *Id.*⁷⁴ *Id.*⁷⁵ *Id.*

Holistic Approaches and Tribal Sovereignty

Since the 1970s, when strengthening tribal sovereignty and self-determination became official U.S. policy, many Native Nations have seen a robust reclamation of sovereignty in economic, social, cultural and political spaces, including in the arena of housing. The Chickasaw Nation, for example, offers a variety of housing assistance programs to its citizens, both in and outside of the Nation’s boundaries. These include, among others: rental assistance, grants to help first time homeowners pay a downpayment, and grants for landscaping, home improvement, and to improve handicap accessibility.⁷⁶ While some programs are only available within Chickasaw territory, others are more geared to providing support to citizens in the towns where they live. The Chickasaw Nation has also used their economic resources to provide a network of social services for their citizens, strengthening the social and cultural fabric of the tribe.⁷⁷ Indigenous organizations in urban areas have also created comprehensive, holistic programs to meet the needs of the urban Indigenous population. The following section provides some examples of urban Indigenous populations that have exercised their right to sovereignty and self-determination to create culturally-appropriate services and housing solutions.

Chief Seattle Club’s Eagle Village

Eagle Village is a \$3.3 million bridge housing program in Seattle that consists of 24 private units in six modular trailers.⁷⁸ Chief Seattle Club was approached by the county to run the village and provide culturally appropriate services.⁷⁹ Chief Seattle Club, which runs the program, is itself a Native American-run space for AIAN community, job training, and the revival of cultural & spiritual practices for those experiencing homelessness.⁸⁰ The Club supports people experiencing homelessness in a variety of ways, including providing hot meals, counseling and traditional healing services, legal aid, and housing assistance.⁸¹ They even have an apprenticeship program called Native Works, where AIAN peoples with criminal records, who are

⁷⁶ <https://www.chickasaw.net/Services>.⁷⁷ <https://www.chickasaw.net/Services>.⁷⁸ <https://www.seattletimes.com/seattle-news/homeless/we-cried-for-happy-news-housing-project-first-in-seattle-to-address-needs-of-homeless-native-adults/>⁷⁹ <https://www.king5.com/article/news/local/eagle-village-seattle-sodo-king-county-native-american-homeless/281-5494576c-01fb-4a7e-8c47-8b0d74f56e73>⁸⁰ <https://www.chiefseattleclub.org/>⁸¹ <https://www.guidestar.org/profile/91-0852503>

experiencing homelessness, and/or are struggling with mental health or addiction are given the opportunity to produce Native American art which is then sold at Pike Place Market.⁸² Eagle Village currently features Native American cultural services such as traditional healing circles, Native American case managers, a medicinal garden and a drum circle.⁸³

The annual operating cost of the program is around \$800,000.⁸⁴ “Funding for Eagle Village came from a variety of sources, according to county officials, including the Veterans, Seniors and Human Services Levy, King County General Fund, hotel/motel tax revenues, and funding from the State Department of Commerce.”⁸⁵ The project also relies on non-government funding from organizations such as BECU, The Bernier McCaw Foundation, The Bill & Melinda Gates Foundation, Champion Foundation, the Paul G. Allen Family Foundation, Raikes Foundation, Schultz Family Foundation, Seattle Foundation, Seattle Mariners, Starbucks and the University of Washington.⁸⁶ The development rests on land owned by King County’s Metro.⁸⁷ Colleen Echohawk, the Executive Director of the Chief Seattle Club, frames the government’s contribution in reparative terms, stating that she sees this “as sort of a way for government officials to fulfill those old obligations that have been forgotten by most part.”⁸⁸

County officials cite the necessity of culturally appropriate housing, given the fact that Native Americans “are disproportionately represented in the homeless population.”⁸⁹

“We have been working with King County closely to address the disparity that we have within our homeless population,” [Colleen] Echohawk said. “We decided that we would work together to offer a cultural response, to offer a cultural home for Native

⁸² <https://www.guidestar.org/profile/91-0852503>; <https://nativeworkscsc.org/>.

⁸³ <https://archpaper.com/2020/01/seattle-modular-housing-homeless-eagle-village/>; <https://www.kuow.org/stories/going-modular-and-culturally-competent-in-homeless-housing>.

⁸⁴ <https://dchsblog.com/2019/11/04/homeless-to-housed-eagle-village-prepares-to-open-in-sodo/>

⁸⁵ <https://www.king5.com/article/news/local/eagle-village-seattle-sodo-king-county-native-american-homeless/281-5494576c-01fb-4a7e-8c47-8b0d74f56e73>

⁸⁶ https://www.builderonline.com/design/modular-trailers-become-homeless-refuge-in-seattle_c

⁸⁷ <https://www.king5.com/article/news/local/eagle-village-seattle-sodo-king-county-native-american-homeless/281-5494576c-01fb-4a7e-8c47-8b0d74f56e73>

⁸⁸ <https://www.npr.org/2019/12/30/791766439/seattle-shelter-focuses-on-native-peoples-experiencing-homelessness>

⁸⁹ <https://www.king5.com/article/news/local/eagle-village-seattle-sodo-king-county-native-american-homeless/281-5494576c-01fb-4a7e-8c47-8b0d74f56e73>

people right here in Eagle Village.” “We’ll offer a place where Native community can find a connection to tradition and to culture. We know that’s important because Native people have experienced a lot of trauma,” she said.⁹⁰

However, in order to comply with fair housing laws, the program is not exclusively for AIAN peoples experiencing homelessness.⁹¹ People applying for housing through the county are given the option to select a preference for Native-American community, and are sorted into the facility based on that preference.⁹² If not enough people select that preference, the housing is opened up to the homeless population at large.⁹³

As of 2022, the Chief Seattle Club completed construction and opened a Native American housing development, this time offering permanent housing for residents making 30% or less of Seattle’s median income.⁹⁴ The development is called *ʔáíʔal*, which “translates to “home” in Lushootseed, the Native language of Seattle-area Coast Salish people.”⁹⁵ *ʔáíʔal* features 80 studio apartments, communal spaces, a health clinic, expanded space for the Chief Seattle club to provide more services, a café and an art gallery.⁹⁶ “[I]nside, furnishings and gathering spaces will be inspired by local customs and traditions.”⁹⁷ As of 2023, Chief Seattle Club also successfully acquired two additional permanent supportive housing developments, Goldfinch Elder’s Housing and Salmonberry Lofts, with 66 and 76 units, respectively. In addition, they have since opened a Women’s Clean and Sober House and an enhanced tiny house village named Raven Village, and are in predevelopment for a Sacred Medicine House which will 120 units of housing and a longhouse.

⁹⁰ <https://www.kuow.org/stories/going-modular-and-culturally-competent-in-homeless-housing>

⁹¹ <https://www.seattletimes.com/seattle-news/homeless/we-cried-for-happy-news-housing-project-first-in-seattle-to-address-needs-of-homeless-native-adults/>

⁹² *Id.*

⁹³ *Id.*

⁹⁴ <https://static1.squarespace.com/static/590cf733d482e9ff42aad0e/t/5e609721f755fe73e4b59c/db/1583388456612/Chief+Seattle+Club+al+al+Case+Statement.pdf>. See also the Chief Seattle Club website at: <https://www.chiefseattleclub.org/permanent-housing>.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

Red Lake Nation's Minneapolis Alliance

"In 2015, Native people accounted for 8 percent of Minnesota's homeless adult population even though they were just 1 percent of the overall population, the largest disparity of any group in the state."⁹⁹ This disparity became particularly visible in 2018, when the city of Minneapolis became the site of one of the state's largest ever homeless encampments, which came to be known as the "Wall of Forgotten Natives."¹⁰⁰ At its height, the encampment consisted of more than 200 tents and occupants, the vast majority of whom were Native American.¹⁰¹ The sheer size of the encampment offered many of its Native American residents "a sense of community and relative safety."¹⁰² However, reports of drug overdoses, fires, and the deaths of a handful of residents raised fears that the city would crack down on the encampment.¹⁰³ In response, "Red Lake Nation, a tribe some four and a half hours' drive north, offered to help build temporary shelters on land it had bought [...] for a permanent housing development in the city. Other tribes in Minnesota supported Red Lake's shelter proposal, forming a partnership to help win concessions from local officials and secure emergency relief."¹⁰⁴ This decision marked the beginning of an unprecedented alliance between tribes, nonprofits, and local government.

In an official statement, the Metropolitan Urban Indian Directors wrote that "a broad coalition of government, non-profit, and community partners and stakeholders are coming together to address the short-term, mid-term and long-term barriers to housing for the residents of this camp, as well as those in other camps not so visible."¹⁰⁵ The city of Minneapolis responded by allocating \$1.5 million to support the Navigation Center project, and several philanthropic organizations followed suit.¹⁰⁶ Such a project typically would have taken nearly six months to complete, but construction was completed in approximately eight weeks thanks to the expertise of local nonprofits as well as the cooperation and

city government.¹⁰⁷ The temporary shelter offered approximately 120 beds in heated tents, meals, showers, and cultural events.¹⁰⁸ While drug and alcohol use is not permitted, intoxicated individuals are not turned away, and the facility is open 24/7 without curfew.¹⁰⁹ Native Leaders pushed for the temporary project to have as few rules as possible in order to create the most welcoming environment possible.¹¹⁰ The Navigation Center remained open until mid-2019, when the Red Lake broke ground on its permanent housing project.¹¹¹ The new apartment complex will have 110 units of affordable housing and is expected to offer social services and cultural events.¹¹²

⁹⁹ <https://www.nytimes.com/2018/12/23/us/native-americans-homeless-minneapolis-reservations.html>

¹⁰⁰ <https://www.npr.org/2018/11/05/664492155/native-american-nonprofits-tribes-lead-response-to-minneapolis-homeless-populati>

¹⁰¹ <https://nextcity.org/daily/entry/how-minneapolis-managed-a-massive-homeless-encampment>

¹⁰² *Id.*

¹⁰³ <https://www.nytimes.com/2018/12/23/us/native-americans-homeless-minneapolis-reservations.html>

¹⁰⁴ *Id.*

¹⁰⁵ <https://www.franklinhiawathacamp.org/>

¹⁰⁶ The Catholic Communities Foundation donated \$1 million to the project. <https://nextcity.org/daily/entry/how-minneapolis-managed-a-massive-homeless-encampment>

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ <https://www.nytimes.com/2018/12/23/us/native-americans-homeless-minneapolis-reservations.html>

¹¹¹ *Id.*

¹¹² *Id.*

Conclusion: Opportunities for Advocacy

UNDRIP provides for either the restitution of land itself, or for the provision of equivalent financial compensation for stolen lands. In practice, a willing government may peacefully transfer land back to tribes; more likely, land will be returned only after significant advocacy and resistance. This may take the form of a direct action such as reoccupation or restoration; such efforts may be rewarded in time, after garnering widespread public awareness and support, but may also impose harsh burdens upon tribes and their advocates in the process. Ideally, a process of reclamation and restoration could occur in cooperation with local governments and communities.

Under UNDRIP, the state may have an obligation to provide funding to Indigenous groups, both as financial compensation for stolen lands and for the displacement and cultural disintegration of Indigenous communities caused by centuries of colonization. Financial assistance for the fulfillment of basic rights is thus owed by the government whether or not the Indigenous people involved have a direct claim to Los Angeles land. Funding may be used to purchase land and support programming, which the government may then be able to designate as a recognized Indigenous space, as in the case of Canadian urban reserves.

The right to housing is a universal human right, codified in the International Covenant on Economic, Social and Cultural rights. This was reaffirmed by a 2023 visit to Los Angeles on the issue of the unhoused from the Special Rapporteur on Economic, Social, Cultural and Environmental Rights of the Inter-American Commission on Human Rights. Indeed, her first listed recommendation underscores the importance of adopting a 'human rights approach in the prevention and eradication of homelessness, which considers Economic, Social, Cultural, and Environmental Rights (ESCER), with an intersectional and gender perspective.' Other key recommendations from the 2023 visit that are particularly important

for Indigenous rights is the recommendation to 'strengthen the role of the Interagency Council on Homelessness and other relevant government institutions, to make more efficient the coordination and articulation amongst government entities; especially between federal, state, and local governments.' Particularly in the context of AIAN people and tribes, coordination of the listed entities with tribes and tribal entities is imperative. And although the entirety of her recommendations are salient, data collection that accurately reflects the experience of Indigenous people is paramount in mounting a proper response. "Developing a program to advance data collection from a human rights, gender, and intersectional approach that considers structural factors –including root causes–, which will help the decision-making process."

Regardless of how space for housing is obtained, both UNDRIP and the Canadian definition of Indigenous Homelessness stress the importance of creating exclusive or specialized spaces for Indigenous people experiencing homeless in order to safeguard important rights to culture and community.

UNDRIP provides that "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." The LA City/County Native American Indian Commission and the emerging AIAN Housing Collaborative could continue to dialog around various options suggested here regarding land reclamation, creation of Native American and Indigenous spaces, holistic reparation, and self-determination and control over the programs and services addressing homelessness in the AIAN community in Los Angeles, in order to create a strategy going forward.

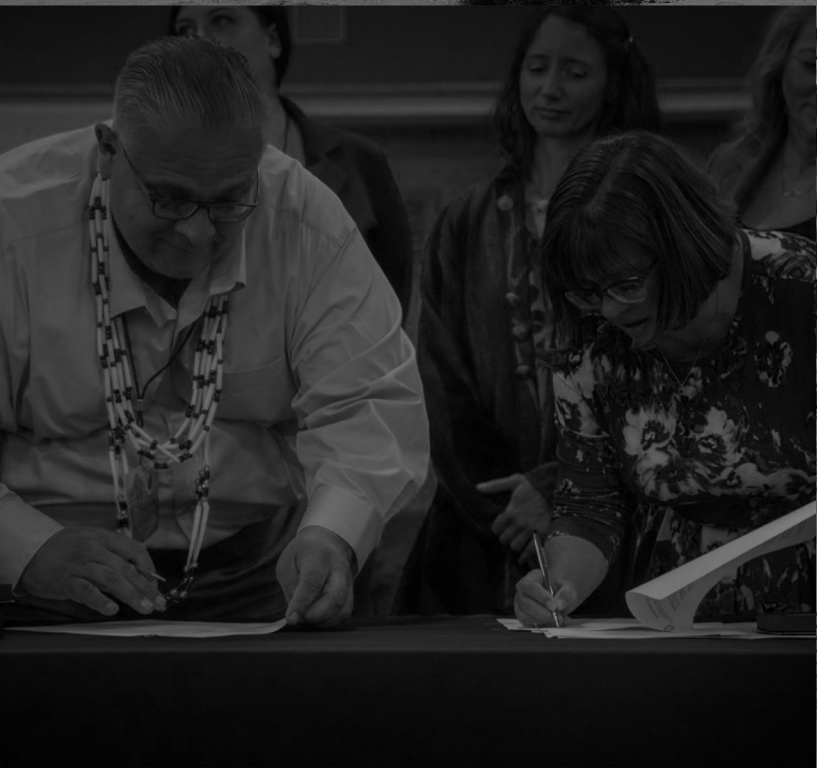


UCLA

School of Law
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for Human Rights**



INDIAN LAND



**Los Angeles City/County Native
American Indian Commission**

500 W. Temple Street,
B-79-2, Los Angeles, CA 90012

Tel: (213) 738-3241

Website: lanaic.lacounty.gov

Email: contact@lanaic.lacounty.gov