



# The U.N Declaration on the Rights of Indigenous People (UNDRIP): The Quiet Transfer of Canada

The legal architecture making this possible.

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*Most Canadians have never heard of UNDRIP, The United Nations Declaration on the Rights of Indigenous People, and it is a treaty that the federal government signed on behalf of Canadians without any meaningful public debate, without any referendum, and without any honest disclosure of what it actually obligates Canada to do. What this treaty requires is so consequential that if Canadians understood it clearly, there would be a national conversation that those in power have no interest in having.*

At its core, UNDRIP obligates signatory nations to vest property ownership back into the hands of the indigenous peoples who preceded European colonization. In British Columbia, we are already watching this play out in real time. The federal government has moved to transfer land in the Vancouver metro area, encompassing Richmond, Burnaby, and the broader lower mainland, to the Musqueam Nation. We are talking about a band with fewer than 2,000 members receiving jurisdiction over land that is home to approximately 2 million property owners. The government has not released the terms of the agreement. Canadians are being asked to accept a seismic shift in property rights without being permitted to read the document that governs it.

To understand why this is happening, you have to understand the legal architecture underneath it. The king of the United Kingdom owns all land in Canada. When you pay off your mortgage, you do not own your land. What you hold is called a fee simple, which is a grant from the king permitting you to use the land without restriction. The king can, and does, transfer that grant. What UNDRIP creates is a legal and political pathway for the king to transfer ownership from himself to indigenous bands. The mechanism is the courts, and the courts are bound to follow the law. The law, in this case, is a treaty Canada has signed.



The legal argument that will follow the unceded territory decisions in British Columbia is entirely predictable. The next step will be to challenge the validity of the ceded treaties, the ones signed across the prairies and elsewhere. The argument will be that indigenous peoples did not understand the European legal concept of land ownership, that they had no

framework for what they were surrendering, and therefore those treaties are invalid. If that argument succeeds, and there is a reasonable legal basis for it, then virtually all of Canada becomes unceded territory subject to UNDRIP obligations.

This is not a conspiracy theory. It is a logical reading of the treaty Canada has signed combined with the direction the courts have already begun moving.

The human consequences of what is already happening in British Columbia are enormous and almost entirely undiscussed. Property owners in the lower mainland do not know whether they will be able to refinance their homes. They do not know whether new mortgages will be issued on land whose title is now in legal uncertainty. They do not know whether the band will lease the land back to them, charge them rent, or eventually require them to leave. Commercial properties face the same uncertainty. The financial destabilization this creates for British Columbia, and potentially for Canada as a whole, is staggering. And it was done without a single public vote.

There is a deeper question worth sitting with. Even if you accept the premise that the history of colonization was exploitative and that indigenous peoples were wronged, the question of remedy still demands honest debate. Does transferring 2 million people's homes and businesses to a band of 2,000 people constitute justice? Does it not simply create a new class of dispossessed people while solving nothing structurally for indigenous communities? Could a more honest, generous, and negotiated settlement not have been reached that compensated indigenous peoples without destabilizing an entire province?

These are not rhetorical questions designed to dismiss indigenous rights. They are the questions that a functioning democracy would be asking loudly and publicly before signing a UN treaty and then quietly implementing it through court decisions and undisclosed agreements.

There is one more dimension to UNDRIP that Canadians need to understand. If indigenous bands that receive land title are unable to administer those lands, the treaty creates a pathway for the United Nations to step in as administrator. Read that sentence again. A foreign international body

those lands, the treaty creates a pathway for the United Nations to step in as administrator. Read that sentence again. A foreign international body, unelected by any Canadian, could become the effective administrator of Canadian land. At that point, the question of whether Canada is a sovereign nation becomes not a constitutional abstraction but a lived daily reality for every person trying to own a home, run a business, or simply know who governs the ground beneath their feet.

The goal of creative destruction requires dismantling the foundations of a nation before rebuilding it in a different image. Property rights are one of those foundations. UNDRIP, implemented quietly and without consent, is doing exactly that.

I've been doing various speaking events on this topic. Helping Canadians understand where their rights are vulnerable and what they can do to protect them.

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