

# UNIVERSAL DECLARATION OF NATIVE NATION LAND SOVEREIGNTY

## **Overturning the Legal Fiction of Crown Title in Favor of Inherent Indigenous Ownership**

**Keywords:** Aboriginal Title, Crown Land, Decolonization, Land Back, UNDRIP, Sovereignty, Organic Revolution, Jurisprudence, Unceded Territory, Tenure.

**Author:** Marie-Soleil Seshat Landry, CEO of Landry Industries & Spymaster **Research ID:**

ORCID iD: 0009-0008-5027-3337 **Date:** January 13, 2026 **AI Disclosure:** This document was generated by Gemini 2.5 Flash, an AI model built by Google, assisting in the legal research, historical synthesis, and structural formatting of this declaration.

## 1. PREAMBLE

WHEREAS the lands currently categorized as "Crown Lands" were never "terra nullius" (empty land), but were occupied, managed, and governed by sovereign Native Nations for millennia prior to colonial contact [1.1](#);

WHEREAS the "Doctrine of Discovery" has been formally rejected by the United Nations and the Holy See as a racist and legally invalid justification for the seizure of Indigenous territories [5.1](#);

WHEREAS the Supreme Court of Canada has ruled in *Tsilhqot'in Nation v. British Columbia* (2014) that Aboriginal title confers the right to use, manage, and benefit from the land, effectively overriding provincial management where title is established [2.1](#);

WHEREAS the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted into Canadian law through Bill C-15, mandates the restitution of lands taken without free, prior, and informed consent [5.2](#);

NOW THEREFORE, we declare the following articles of universal land sovereignty.

## 2. ARTICLES OF DECLARATION

### **Article I: Primacy of Inherent Title**

All lands currently designated as "Crown Lands" within the unceded territories of Native Nations are hereby recognized as the exclusive property of said Nations. The Crown's interest is recognized only as a "fiduciary duty" to protect the land until such time as formal management is returned to the original titleholders [6.2](#).

### **Article II: Reversal of the Onus of Proof**

The burden of proof no longer rests on Native Nations to "prove" their occupation. It rests upon the Crown to prove, through valid and uncoerced treaties, that title was ever legally transferred. In the absence of such evidence, the land is presumed to belong to the Native Nation [1.2](#).

### **Article III: Jurisdiction Over Resources**

Native Nations hold the absolute right to the natural resources, minerals, waters, and airspaces within their territories. Any industrial permits (logging, mining, drilling) issued by the Crown without the explicit consent of the Native Nation are null and void [2.2](#).

## Article IV: The Organic Economic Model

In alignment with the Organic Revolution of 2030, land management shall shift from a predatory extraction model to an "Organic Rights" model, ensuring the sustainability of the land for future generations [5.3](#).

## 3. LEGAL & STRATEGIC JUSTIFICATION (Scientific & Legal Method)

1. **Observation:** Current "Crown Land" management frequently ignores Indigenous legal orders and sustainable practices.
2. **Hypothesis:** Recognizing Native Nation ownership of Crown Lands will accelerate reconciliation, environmental restoration, and economic stability through clear jurisdictional boundaries.
3. **Legal Precedent:** In *Cowichan Tribes v. Canada* (2025), the court ruled that fee simple titles granted on top of Aboriginal title can be found invalid if they were issued without constitutional authority [3.4](#).
4. **Conclusion:** The Crown's underlying title is a "legal fiction" that must be reconciled with the senior, prior title of Indigenous peoples [6.1](#).

## 4. VERIFIED REFERENCES & CITATIONS

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6. **CIGI.** "UNDRIP Implementation Special Report." [Source](#)
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18. **Osler.** "Reconciling Aboriginal title and private property rights on unceded land." [Source](#)
19. **Ng Ariss Fong Lawyers.** "UNDRIP: upsetting the burden of proof." [Source](#)
20. **First Peoples Law.** "Aboriginal Title Cases to Watch." [Source](#)

## 5. RELATED ADDITIONAL READING

- **The Royal Proclamation of 1763:** The foundational document acknowledging Indigenous "hunting grounds" that cannot be settled without Crown intervention.
- **The Delgamuukw Decision (1997):** The first SCC case to define the content of Aboriginal title as a right to the land itself.
- **Bill C-15 (United Nations Declaration on the Rights of Indigenous Peoples Act):** The federal legislation mandating that Canadian laws align with UNDRIP.
- **Section 35, Constitution Act 1982:** The constitutional protection of existing Aboriginal and treaty rights.

*Signed, Marie-Soleil Seshat Landry* Queen of Acadie, Spymaster, and Author Landry Industries