

## Dismantling Canada as We Know It: The Cowichan Decision

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On August 7, 2025, the Supreme Court of British Columbia ruled that the Cowichan Tribes have aboriginal title over 800 acres of land in Richmond, BC<sup>1</sup>—land currently occupied by businesses and multi-million dollar homes on fee simple title lots owned by Canadians, most of whom are not of Cowichan lineage.<sup>2</sup>

This ruling follows previous precedent-setting court cases (notably *Delgamuukw*<sup>3</sup> and *Tsilhqot'in*<sup>4</sup>), which progressively moved the needle on aboriginal rights and title in Canada. More recently, the BC Government negotiated an agreement that recognized the aboriginal title for Haida Gwaii (formerly the Queen Charlotte Islands) as belonging exclusively to the Haida Nation.<sup>5</sup>

Note that all of these historic and wide-ranging changes occurred in British Columbia, where very few treaties have been signed between indigenous peoples and the federal or provincial governments during the decades of Canada's development and population growth. That may be significant, as in other provincial jurisdictions, many indigenous tribes have signed—in the past—treaties officially ceding title.

In BC, such agreements were rarely made (with a few exceptions). The recognition of rights and title deemed to have been in place prior to contact with European and other settlers is now being demanded by the courts and implemented by successive provincial and federal governments and agencies. Acceptance of this new status quo is being reinforced in the general population with the politically-correct land acknowledgments now being obediently parroted at almost every public meeting, and even in classrooms across the country. The use of the term “unceded” is thrown around, often in regard to land that actually had been officially ceded by indigenous peoples to the governments of the day.<sup>6</sup>

It is a pity that indigenous people were not represented at Confederation in 1867. Their willing participation at the foundation of the Dominion of Canada would have simplified the challenges facing Canadian politicians and judges today. Most of us believe that we live in a nation called Canada, where all citizens are considered equal and where every citizen enjoys the same rights and freedoms, the same standing before the law, the same opportunities to succeed and to prosper. Sadly, such is not the case.

While Section 15 of the Charter (*Subsection 1*) says, “Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability”, it goes on (in *Subsection 2*) to approve unequal treatment through affirmative action, saying: “*Subsection 1* does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”

The Charter also—in Section 25—makes specific commitments to aboriginal peoples that lead them to expect to be treated differently than other non-aboriginal Canadians: “The guarantee in this Charter of

certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada, including:

a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and

b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

The “may be so acquired” clause is certainly problematic in that it extends Charter protections and benefits to aboriginal peoples (and only to them) for decisions made in the future by fallible judges and foolish politicians, whose decisions render “equal treatment of all citizens” moot and unenforceable.

If we are ever to return to a shared vision of Canada as a place of equality and justice for all citizens, we will have to consider creative and courageous efforts to find solutions to the injustices of the past that don’t subject future generations to injustices of the future. If documents of the past—including our Constitution—are unable to sustain the righteous fulfilment of our very real moral obligation to achieve equal justice and opportunity for all our children—aboriginal and non-aboriginal—then we must resolve to amend or replace those documents.

Under the BC Supreme Court Cowichan decision, the private property rights of all title-holding property owners in BC are at risk. If those rights can be ignored in BC, then Canada itself can be dismantled in the courts, province by province. The decision is, of course, being appealed to the Supreme Court of Canada. Remember that the Supreme Court of Canada is composed of 9 fallible human beings. In the past, they have ignored the foundational premises of the Charter: “the supremacy of God and the rule of law.”<sup>7</sup> They have repeatedly failed to recognize the personhood of the pre-born. Pray for them, that they might place the future of Canada above the politically-correct assertions that have dominated lower courts and legislatures in recent years.

The Christian Heritage Party<sup>8</sup> is working to restore the biblical morality and philosophical framework upon which Canada was founded. Only when we return to a full acknowledgment of the “supremacy of God and the rule of law” can we hope to achieve true freedom, justice and prosperity.

## **Footnotes**

<sup>1</sup> [www.mltaikins.com/insights/b-c-supreme-court-recognizes-cowichan-aboriginal-title-in-landmark-ruling/](http://www.mltaikins.com/insights/b-c-supreme-court-recognizes-cowichan-aboriginal-title-in-landmark-ruling/)

<sup>2</sup> [dailyhive.com/vancouver/cowichan-first-nation-tluqtinus-richmond-bc-land-claim-aboriginal](http://dailyhive.com/vancouver/cowichan-first-nation-tluqtinus-richmond-bc-land-claim-aboriginal)

<sup>3</sup> [www.thecanadianencyclopedia.ca/en/article/delgamuukw-case](http://www.thecanadianencyclopedia.ca/en/article/delgamuukw-case)

<sup>4</sup> [en.wikipedia.org/wiki/Tsilhqot'in\\_Nation\\_v\\_British\\_Columbia](http://en.wikipedia.org/wiki/Tsilhqot'in_Nation_v_British_Columbia)

<sup>5</sup> [vancouversun.com/news/local-news/b-c-government-haida-nation-reach-aboriginal-title-agreement](http://vancouversun.com/news/local-news/b-c-government-haida-nation-reach-aboriginal-title-agreement)

<sup>6</sup> [communityliteracy.org/how-much-of-canada-is-unceded/](http://communityliteracy.org/how-much-of-canada-is-unceded/)

<sup>7</sup> [www.chp.ca/commentary/canadian-charter-of-rights-and-freedoms-and-the-supremacy-of-god](http://www.chp.ca/commentary/canadian-charter-of-rights-and-freedoms-and-the-supremacy-of-god)

<sup>8</sup> [www.chp.ca](http://www.chp.ca)

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