

Anthropology 1120
Aboriginal Rights and History of Land Title Policy in BC (1871-2007)

1. Treaty 8
2. General Context
 - Questions about aboriginal land title define 20C Native-Non-Native relations
 - General context includes the BC government's refusal to acknowledge the possibility of aboriginal title to land throughout most of the 20C (until about 1990)
3. Motivating Questions (Academic and Political Contexts)
 - Why are there no treaties in BC?
 - Do BC First Nations continue to have aboriginal title to the land on which they live?
 - Did aboriginal title exist before 1849?
 - Was title extinguished explicitly (i.e. with treaties) or implicitly (i.e. through colonial processes)?
4. Reserve Commissions and Early Land Policy
 - Federal-Provincial Reserve Commission (1876-1878)
 - Sproat and O'Reilly
 - Royal Commission on Indian Affairs in BC (aka McKenna-McBride Indian Reserve Commission) (1912-1916)
5. Allied Tribes and Native Brotherhood as Advocates
6. Changes to the Indian Act (1927 and 1951)
7. Calder Case (Resolved in 1973) – Nisga'a attempts at Title
8. Events in the 1980s
 - i. Constitution Act (Section 35)
 - ii. Sparrow Case
9. Delgamuukw Case
10. Treaty Process
11. Nisga'a Treaty
12. Events in the '00s
 - i. Treaty Referendum
 - ii. Other Court Decisions
 - iii. Maa-nulth Treaty, Tswwassen Treaty
13. Cole Harris's Ideas on Settling Land Disputes