

Land Back and Indigenous Sovereignty:
Examining the Role of Land Reclamation in Decolonization Efforts in British Columbia

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Introduction:

Since land is fundamental to the Indigenous concept of identity, self-governance, and self-determination, the fight for Indigenous sovereignty in Canada is as contentious as it relates to land. Most of the land in British Columbia has not been ceded, and Indigenous tribes are still using a variety of legal, political, and grassroots strategies to assert their rights to their territory. The Land Back movement, which advocates for the return of the Indigenous world as a means of redressing colonial abuses and reviving Indigenous nations' ability to rule themselves, has emerged as one of the most powerful elements of this claim in recent years. The movement involves repairing damaged hemispheric ties in addition to land ownership. With this in mind, **I will seek to answer the main question: How does the Land Back movement influence the self-determination and sovereignty of Indigenous people in British Columbia?** British Columbia is simultaneously a unique and complicated province in terms of historical and legal frameworks regarding Indigenous land rights. Unlike other provinces in Canada, where treaties were signed between the Crown and Indigenous nations, British Columbia remained a largely untreated territory, leading to unique and ongoing complexity and dispute over land governance ownership. Colonization resulted in mass displacement of people, resource extraction, and environmental destruction, which continues to serve as a bulldozer for the Indigenous people.

With the passing of the Indian Act (1867) and the imposition of the reserve system, Indigenous people faced further forced relocation, which only worsened their forced dispossession of land. Regardless, land dispossession has always been met with resistance through legal action, advocacy, or active action. The *Calder v British Columbia*

dispute (1973), Delgamuukw v British Columbia (1997) case, and Tsilhqot'in Nation v British Columbia's court decision in 2014 changed the colonial claim over land forever. It strengthened the rights held by Indigenous people. These changes served as the Launchpad for the Land Back movement, which is based on recognizing and not merely accepting the self-governance of Indigenous people. These factors show that land is not just a piece of earth but the essence of Indigenous law, traditions, and economies. Indigenous nations strengthening their governments, exercising their legal rules, and jurisdiction over their territories are all part of land reclamation. In British Columbia, the extent of the self-determination of the indigenous people will be the measure of the success of the Land Back movement.

Literature Review:

The Land Back movement has gained attention in the past few years as a core part of Indigenous independence and self-sufficiency. This movement's purpose is to regain control of the colonialized lands and to reinstate Indigenous rule over the lands that were taken away through violence, legal loopholes, as well as other means. This review undertakes the investigation: **How does the Land Back movement influence the self-determination and sovereignty of Indigenous people in British Columbia?** This review addresses a currently existing gap in the literature by evaluating the processes of land dispossession and land restoration, policies surrounding the impediments to the Land Back movement, and the larger consequences of land restoration on the Indigenous people of British Columbia.

Theoretical Foundations of Land Back and Indigenous Sovereignty:

The understanding behind Land Back and Indigenous sovereignty: Since time immemorial, there have been conscious efforts to break down the legal systems and to weaken the sovereignty of Indigenous nations by putting up barriers. To relent on Indigenous self-determination, Coulthard (2014) articulates that they are cognizant of the fact that self-governance or self-administration over any segregated land is a right that is reserved for certain nations. State-governed or nation-governed self-reconciliation or reconciliation, which is sanctioned by the state, usually does not serve its true purpose of decolonization and is mostly used as a political gimmick. Such politicians are in favor of claiming 'sovereignty' so long as it is within the boundaries of the colonial power that exists (Alfred) and (Corntassel). Restitution of land should be viewed as one of the powerful measures to demolish Settler colonialism.

The above-cited authors further assail the effort of mainstream reconciliation in their claim of needing to 'move the settler to innocence'. With the common trend where the Commonwealth's 'politics of order' offer basic land acknowledgment together with insignificant acts of self. Such countries or states rather intent the avoidance of any principal land disinheritance matters. Their true metaphor of decolonization is not superficial change but rather the handover of the land to the indigenous people. The above mainstream claims serve as a baseline of understanding of how the Land Back Movement works in British Columbia.

Legal Frameworks and Barriers to Land Reclamation:

There is no doubt that British Columbia is a peculiar case with respect to land rights and the reason for this is the nonexistence treaties have laid over this province throughout history. The province's land is largely unceded, unlike the rest of Canada that was sectioned by the treaty - and hence, Indigenous claims to sovereignty are exceedingly strong (Borrows, 1997). The groundbreaking case of *Delgamuukw v. British Columbia* (1997) asserted Article 35 in the constitution that claims Aboriginal title possesses land, and it cannot be extinguished without proper consultation and recompense. Indigenous existence and possession were dominantly reinforced once more in the case of *Tsilhqot'in Nation v. British Columbia* (2014), where permit resources were exclusively determined for Indigenous systems managing legal governance structure (Christie, 2015).

Regardless of legal victories, the Indigenous communities are still compromised on several edges. The Land Back movement, for instance, puts up an exquisite challenge to these imposed legal limitations with the intention of direct restitution. The First Nations and settler states will not have to negotiate terms that recognize these colonial governance structures. The Comprehensive Land Claims Policy is a definite example of these legal limitations. This policy imposed by the Canadian government forces Indigenous nations to engage in costly negotiations that lead to lengthy treaties that aggravatingly fall short of what the Indigenous claim (Napoleon, 2013). Ultimately, this process indeed restricts Indigenous self-determination (Papillon, 2012).

Indigenous Resistance and Direct Action Movements:

In British Columbia, land reclamation progresses through legal avenues and activism. The Unist'ot'en Camp, created by the Wet'suwet'en Nation to reinforce their claim over their land, is a perfect example. Their land is constantly threatened by corporate intruders (Temper, Aviva & Del Bene, 2018). With this form of resistance, Indigenous land defenders have been able to combat development projects like the Coastal GasLink Pipeline, which infringe on Indigenous land (Simpson, 2017).

Tiny House Warriors is a prominent example and initiative from the Secwepemc land defenders meant to avert the expansion of the Trans Mountain Pipeline. Such movements reveal the futility of legal methods, and highlight the necessity for grassroots activism. In Simpson's conceptual framings, the place-based agency is very significant for Indigenous people because it strengthens their cultural and spiritual connection to their land.

Economic and Environmental Effects of Land Reclamation:

Ecosystem restoration is not only an expression of political might; it also has much more economic and environmental significance. Anderson (2018) looks into the fact that the Indigenous people's management of rainforest conservation initiatives like the Great Bear Rainforest Agreement shows the potential for Indigenous governance of natural resources. The Indigenous nations in British Columbia have been instrumental in the efforts to preserve wildlife, protect resource development, and prevent industrial development that exploits resources (Bennett et al., 2018).

In addition to this, Indigenous self-sustainable economies are dependent on the land's ownership. The loss of land inhibits Indigenous peoples' ability to construct viable

economies based on economic – tourism, farming, and resources (Cornell & Kalt, 2000). Restoring land to the Indigenous people, as well as enabling entrepreneurship, reduces the economic reliance on government support schemes (Coulthard, 2014). This aspect of economic empowerment of the Indigenous people through Land Back policies strengthens the argument for Economic Land Back policies.

Challenges and Critiques of the Land Back Movement:

Despite the increasing popularity of the Land Back movement, it faces a variety of challenges and criticisms that people do not often talk about. Some researchers assert that the movement is rather disjoint and lacks a common approach, mainly because different Indigenous nations have different views on land governance (Asch, 2014). . Another criticism is the feasibility of large-scale land transfers. Bone and Bore also claim that although a certain degree of direct action and legal victories have been triumphant in reclaiming some territories, staying successful in the long run will require systemic changes in the economic and governance structures (Borrows, 2020).

Conclusion

The Land Back movement is an important tool for the exercise of self-determination and sovereignty by Indigenous communities in British Columbia. This literature review works towards noting the interplay that exists between land reclamation, its legal implications, grassroots opposition, and environmental governance towards decolonization. Although significant legal milestones such as Delgamuukw and Tsilhqot'in have been achieved, there are still deep-rooted issues that persist, which need to be ardently opposed as well

as lobbied against. By nature, the Land Back movement goes beyond the simple task of land return. Its main focus is the recovery of Indigenous governance, culture, and care for the environment. While this research develops further, analysis of case studies along with policy evaluation will enhance understanding of the contribution that Land Back can have towards developing Indigenous sovereignty.

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