

Abstract

In its relatively unchanged form and effective for nearly 140 years the Indian Act of 1876 is the basic law governing the rights and responsibilities of First Nations and their status within Canada. The law protects the special status of Indigenous groups in Canadian society albeit it has been criticized as discriminatory. Voices calling for change of the legislation are growing stronger with the deepening socio-economic problems of Aboriginal peoples. First Nations primarily require the assertion of their constitutional right to self-determination in any future reform. In contrast, the current Conservative government of Stephen Harper emphasizes self-sufficiency and financial responsibility of Native peoples. Legislative actions that Conservatives rarely consult with representatives of the Indigenous peoples themselves correspond to the general priorities of the Harper Government based on the principles of market economy and do not reflect the demands for self-determination and self-government of Indigenous communities. The Idle No More protest movement founded in 2012 in reaction to some of Harper's laws pertaining to Aboriginal peoples fights for their rights and environmental protection inextricably linked with their identity. The purpose of this thesis is to analyze different perspectives on the legal anchor of Indigenous peoples in Canada which in the case of First Nations is based on the Indian Act. By the comparison of the priorities of Prime Minister Stephen Harper related to Native peoples and the demands of Aboriginal peoples expressed by supporters of the Idle No More movement the author of this thesis highlights the incompatibility of the Harper Government's policies and the enforcement of Indigenous peoples' right to self-determination.