



## **The Saskatchewan Treaty Land Entitlement Framework Agreement: The Equity Formula**

In 1989 a Treaty Commissioner was appointed in Saskatchewan. At this time 27 First Nations had outstanding Treaty land claims. The Commission realized that if The Saskatchewan (1976) Agreement were used, some First Nations who might have had a small “shortfall” at the date of survey, would receive large amounts of land if they happened to have large populations in 1976. Other First Nations might have had large shortfalls, with perhaps half of the original First Nation not receiving lands, but if they had small current populations they would receive much less land. This did not seem equitable according to the principles of the Treaty. On the other hand, the failure to take account

of changing needs by using only the original shortfall did not seem equitable under Treaty, either.

The Commissioner proposed an Equity Formula for determining how much land was owed. The Treaty Commissioner’s formula is based on first determining what percentage of the First Nation’s population was not counted when the first survey took place. This percentage is then applied to the current population. For example, if 40% of the First Nation was not included in calculating the size of the original reserve the outstanding land entitlement would be calculated by taking

40% of the current population and multiplying it by the number of acres each member was entitled to by Treaty.

The Equity Formula has the advantage of considering both

**The Equity Formula has the advantage of considering both the original shortfall and the current population**

the original shortfall and the current population. While it does not provide for additional land allotments for every First Nations person born in the future, it does help to provide a land base for agricultural and economic development.

The proposed Equity Formula was accepted by all the parties and subsequently formed the basis of The Saskatchewan Treaty Land Entitlement Framework Agreement.

**The Treaty Commissioner’s formula is based on first determining what percentage of the First Nation’s population was not counted when the first survey took place**

### **Questions for Consideration**

1. What were the problems with The Saskatchewan (1976) Agreement regarding the calculation of populations to determine the amount of land owed under a Treaty? What were the issues with using the date of first survey to determine the population of a First Nation for Treaty Land Entitlement purposes?
2. What formula did the Office of the Treaty Commissioner propose to determine the population of a First Nation on which Treaty Land Entitlements would be based?
3. A First Nation has 200 members at the date of first survey but only 150 were counted. Currently, their population is 900. What population would be used to determine their outstanding Treaty Land Entitlement using the Equity Formula?