

# HANDOUT



## **Treaty Land Entitlement Negotiations: Background on the Federal Government**

The Treaties were made between First Nations and the representatives of the head-of-state of first Britain and later the representatives of the federal

**The federal government wanted to go back to populations as of the date of first survey**

government of Canada. Canada's Constitution gives the federal

government law-making power concerning "Indians and land reserved for the Indians."

### **Position of the Federal Government**

By the mid-1970s the federal government was committed to dealing with outstanding land promised under the Treaties. In doing this they faced a number of challenges. While they agreed that land was owed, because the First Nations' populations had been undercounted, they had to find a way of determining the date at which the population should be counted for calculating the amount of land owed under the Treaties.

At the start of the negotiations the federal government had rejected the Saskatchewan formula that used populations as of December

31, 1976 to determine outstanding entitlements. A lawsuit started by First Nations to enforce that agreement brought the parties back to the table. The federal government wanted to go back to populations as of the date of first survey. This was viewed as limiting the land debt to what was considered to be a more manageable amount. The federal government also had no land purchase policy at the time, which meant that they were not considering purchasing land to meet their obligations. They did however have a policy that additions to reserves had to be continuous with the existing reserve. This meant that land to fulfill the Treaty debt would have to be found right next to the existing reserve of the First Nation.