

## Treaty Land Entitlement Negotiations: Background on the Provincial Government

Although Treaties were made between the Crown, representing the federal government, and First Nations, the First Nations people live in the provinces of Canada. For this reason it was necessary for the provinces and the federal government to cooperate in fulfilling Treaty promises, especially promises regarding setting aside lands for reserves.

When Saskatchewan became a province in 1905, Crown lands remained under federal control and Treaty rights were unaffected. Manitoba and Alberta were in the same position. *Natural Resources Transfer Agreements* (NRTA) were later made between each of these provinces and the federal government to give these provinces jurisdiction over and ownership of their natural

resources. This meant that Crown land in the province was for the most part transferred to ownership by the province.

The agreements did not transfer to the provinces any land selected and surveyed for reserves. The agreements required the provinces to transfer back to the federal government, free of charge, lands that were needed to

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fulfill Canada's obligations under the Treaties. The provinces were given the right to agree with the selection of land for a reserve before it would be transferred to the federal government.

### Position of the Province

The province faced a situation where, while the need for land to fulfill outstanding Treaty promises was increasing, the amount of unoccupied provincial Crown land available to fulfill

these promises had decreased substantially from the time the Treaties were signed. In addition third parties now depended on these lands as part of the way they made a living, for example as community pastures. Rural municipalities also expressed concerns to the province regarding their loss of a tax base if land in their municipalities became reserve land. Depending on the percentage of municipal land that could become a reserve there were concerns about being able to maintain rural services such as roads.

Like the federal government, at the time the negotiations started the provincial government had indicated that they wanted to go back to the date of first survey to determine the amount of land owed to First Nations under the Treaties. Also like the federal government, the provinces wanted to reduce the amount owed to what they considered a manageable amount given the land that was available and third party interests in that land.