

INDIAN CLAIMS COMMISSION

REPORT ON THE MEDIATION

OF THE

GEORGE GORDON FIRST NATION

TREATY LAND ENTITLEMENT NEGOTIATIONS

May 2008

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SUMMARY

GEORGE GORDON FIRST NATION TREATY LAND ENTITLEMENT NEGOTIATIONS MEDIATION Saskatchewan

The report may be cited as Indian Claims Commission, *George Gordon First Nation: Treaty Land Entitlement Negotiations Mediation* (Ottawa, May 2008).

*This summary is intended for research purposes only.
For greater detail, the reader should refer to the published report.*

Treaties – Treaty 4 (1874); **Treaty Interpretation** – Treaty Land Entitlement; **Treaty Land Entitlement** – Policy – Population Formula – Saskatchewan TLE Framework Agreement; **Mandate of Indian Claims Commission** – Mediation; **Saskatchewan**

THE SPECIFIC CLAIM

George Gordon First Nation submitted its treaty land entitlement (TLE) claim to the Department of Indian Affairs and Northern Development (DIAND) in 1992, alleging a shortfall of entitlement lands based on additions to the band membership after the date of first survey (DOFS). The claim was rejected in 1996. After the Indian Claims Commission (ICC) reported on a number of inquiries relating to TLE issues, DIAND amended its TLE policy. The George Gordon TLE claim was reassessed and accepted under the 1998 Historic Treaty Land Entitlement Shortfall Policy on March 9, 2004. When negotiations to settle this claim began in July 2004, all parties at the table requested that the Indian Claims Commission provide administrative and facilitation services throughout the negotiations.

BACKGROUND

The ICC's involvement in this claim related only to its mediation mandate. As mediator, the ICC did not receive historical records or legal submissions from the parties.

Chief Ka-ne-on-us-ka-tew (also known as George Gordon) signed Treaty 4 in 1874 on behalf of his followers, whose descendants now call themselves the George Gordon First Nation. Treaty 4 specified that government officials and individual bands were to select the location of reserves, which were to be surveyed according to a formula of one square mile for each family of five (128 acres per person). Indian Reserve (IR) 86 was surveyed in 1876 and resurveyed in 1881, 1883, and 1884. Order in Council PC 1151, dated May 17, 1889, confirmed the 48-square-mile reserve on the western edge of the Little Touchwood Hills, approximately 61 kilometres northwest of Fort Qu'Appelle, Saskatchewan.

In 1998, following several ICC Inquiries into TLE matters, Canada amended its policy and agreed to include eligible new adherents to treaty and transferees from landless bands after the date of first survey when calculating treaty land entitlement. It was on this basis that the Minister of Indian Affairs accepted the George Gordon First Nation TLE claim in March 2004.

MATTERS FACILITATED

The ICC's role was to chair the negotiation sessions, provide an accurate record of the discussions, follow up on undertakings and consult with the parties to establish acceptable agendas, venues, and times for meetings.

OUTCOME

On February 15, 2008, the George Gordon First Nation ratified the proposed settlement of \$26.6 million in compensation, with authorization to purchase up to 115,712 acres of land which can be converted to reserve status.

REFERENCES

The ICC does no independent research during mediation and draws on background information and documents submitted by the parties. The mediation discussions are subject to confidentiality agreements.

PART I
INTRODUCTION

In the 1870s, some reserves set aside in what is now the Province of Saskatchewan under Treaty 4 did not meet the terms as negotiated and specified in that agreement. This is a report on how, almost 130 years after the survey and establishment of a reserve, a claim based on such an error was, with the assistance of the Indian Claims Commission (ICC), successfully resolved.

Gordon Indian Reserve (IR) 86 contains 14,438.3 hectares of land on the western edge of the Little Touchwood Hills, approximately 61 kilometres northwest of Fort Qu'Appelle, Saskatchewan. The Gordon First Nation changed its name to the George Gordon First Nation in 2007. The total registered band population as of December 2007 was 3,021, of whom 992 lived on reserve.¹

This report will not provide a full history of the George Gordon First Nation treaty land entitlement (TLE) claim but instead will briefly outline the historical background. It will also summarize the events leading up to the settlement of the claim and illustrate the Commission's role in the resolution process.

George Gordon FN submitted a TLE claim to the Department of Indian Affairs and Northern Development (DIAND) in 1992; it was rejected in September 1996. After the Indian Claims Commission held a number of inquiries regarding TLE claims, Canada revised its TLE research guidelines in 1998, and George Gordon's TLE claim was considered under the new criteria. This claim was accepted by the Minister of Indian Affairs in letters from him and the Assistant Deputy Minister dated March 9, 2004.² After the First Nation passed a Band Council Resolution (BCR) agreeing to enter into negotiations on the basis of these letters, the Chief wrote to the Specific Claims Branch requesting a meeting during which Canada would outline its position. In that letter, dated

¹ Canada, Indian and Northern Affairs Canada [INAC], First Nation Profiles, Gordon First Nation, <http://sdiproduct2.inac.gc.ca/fnprofiles> (consulted January 18, 2008).

² Andy Mitchell, Minister of Indian Affairs, to Chief Bryan A. McNabb, Gordon First Nation, March 9, 2004, and Michel Roy, Assistant Deputy Minister, Claims and Indian Government to Chief McNabb, March 9, 2004, ICC file 2107-56-1M, vol. 1.

May 11, 2004, the Chief also asked that the ICC facilitate the negotiations.³ Canada agreed. Negotiations began in July 2004.

THE COMMISSION'S MANDATE AND MEDIATION PROCESS

The Indian Claims Commission was created as a joint initiative after years of discussion between First Nations and the Government of Canada on how the process for dealing with Indian land claims in Canada might be improved. Following the Commission's establishment by Order in Council⁴ on July 15, 1991, Harry S. LaForme, a former commissioner of the Indian Commission of Ontario, was appointed as Chief Commissioner. With the appointment of six Commissioners in July 1992, the ICC became fully operative. The ICC is currently being led by Chief Commissioner Renée Dupuis (QC), along with Commissioners Daniel J. Bellegarde (SK), Jane Dickson-Gilmore (ON), Alan C. Holman (PEI), and Sheila G. Purdy (ON).

The Commission has a double mandate: to inquire, at the request of a First Nation, into its specific land claim; and to provide mediation services, with the consent of both parties, for specific claims at any stage of the process.

An inquiry may take place when a claim has been rejected or when the Minister has accepted the claim for negotiation but a dispute has arisen over the compensation criteria being applied to settle the claim. As part of its mandate to find more effective ways to resolve specific claims, the Commission has established a process to inquire into and review government decisions regarding the merits of a claim and the applicable compensation principles when negotiations have reached an impasse. Since the Commission is not a court, it is not bound by strict rules of evidence, limitation periods, and other technical defences that might present obstacles in litigation of grievances against the Crown. This flexibility removes those barriers and gives the Commission the freedom to conduct fair and objective inquiries in as expeditious a way as possible. In turn, these inquiries offer the

³ Band Council Resolution BCR 2003/04-39, March 24, 2004, and letter, Chief Glen Pratt to Specific Claims Branch, May 11, 2004, ICC file 2107-56-1M, vol. 1.

⁴ The original Commission has been substantively amended in the years since 1991, most recently on November 22, 2007, whereby the Commissioners are, among other things, directed to complete all inquiries by December 31, 2008, including all inquiry reports, and to cease, by March 31, 2009, all their activities and all activities of the Commission, including those related to mediation.

parties innovative solutions in their efforts to resolve a host of complex and contentious issues of policy and law. Moreover, the process emphasizes principles of fairness, equity, and justice to promote reconciliation and healing between Aboriginal and non-Aboriginal Canadians.

The Commission provides broad mediation, facilitation, and other administrative services at the request of both the First Nation and the Government of Canada. These services are available at any stage of the specific claims process, including research, submission, review, acceptance, and negotiation. Together with the mediator, the parties decide how the mediation process will be conducted. This method ensures that the process fits the unique circumstances of each particular negotiation. The mediation process used by the Commission for handling claims is aimed at increasing efficiency and effectiveness in resolving specific claims.

PART II
A BRIEF HISTORY OF THE CLAIM

In September 1874, representatives of Her Majesty the Queen met with Cree and Saulteaux Indians at Qu'Appelle Lakes in what was then the North-West Territories, to negotiate Treaty Four. In exchange for the surrender of Aboriginal title to "195,000 square km of territory ranging from the southeast corner of present-day Alberta through most of southern Saskatchewan to west-central Manitoba"⁵ the Crown promised to provide the Indians with perpetual annuities, schools, agricultural assistance, and reserve lands. The treaty specified that government officials and individual bands were to select the location of reserves to be surveyed based on a formula of one square mile for each family of five (that is, 128 acres per person):

And Her Majesty the Queen hereby agrees, through the said Commissioners, to assign reserves for said Indians, such reserves to be selected by officers of Her Majesty's Government of the Dominion of Canada appointed for that purpose, after conference with each band of the Indians, and to be of sufficient area to allow one square mile for each family of five, or in that proportion for larger or smaller families.⁶

Chief Ka-ne-on-us-ka-tew (One That Walks on Four Claws) – also known as George Gordon – signed Treaty 4 at Qu'Appelle Lakes on September 15, 1874,⁷ on behalf of the 47 families of Plains Cree, Swampy Cree, Saulteaux, Scottish mixed blood, and Métis⁸ paid with him at that time.

As instructed by the Indian Commissioner and the Surveyor General, William Wagner, Dominion Land Surveyor (DLS) travelled to the Treaty 4 area late in the summer of 1875 to begin the survey of the reserves promised in the treaty. After travelling to Fort Ellice and Fort Pelly, Wagner arrived at Touchwood Hills sometime after mid-September 1875 and met with Chief George

⁵ "Treaty 4," *The Encyclopaedia of Saskatchewan*, http://sk.uregina.ca/entry/treaty_4.html

⁶ Canada, *Treaty No. 4 between Her Majesty the Queen and the Cree and Saulteaux Indians at Qu'Appelle and Fort Ellice* (Ottawa: Queen's Printer, 1966), 6.

⁷ Canada, *Treaty No. 4 between Her Majesty the Queen and the Cree and Saulteaux Indians at Qu'Appelle and Fort Ellice* (Ottawa: Queen's Printer, 1966), 5, 8.

⁸ Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal and Kingston: McGill-Queen's University Press, 1990, paperback 1993), 46.

Gordon. At first, the Chief stated he did not want his reserve surveyed that fall, preferring to first hold a council with all Chiefs at the Touchwood Hills. Several days later, Charles Pratt (a member of Gordon's Band who had been an interpreter at the Treaty 4 negotiations) came to Wagner and asked him to return to meet with Chief Gordon. The surveyor was able to reach an agreement with the Chief regarding the location of the reserve and he began to define the boundaries.

On my arrival at Touchwood Hills I called on the Chief to point out to me the place of commencement of the Reserve, but he asked me to meet them next day since his Headman was not present. I did so and after waiting a few hours they began to speak and the result was, that they did not want it surveyed that fall, but would hold a council, with all the chiefs who intended to settle at Touchwood Hills.

I explained to them that it was not their business, that each tribe had to look out for themselves, their objections too ridiculous to mention. I over ruled but it was of no avail. No survey could be done.

On my return to my camp I fell in with a halfbreed⁹ – McNab – who is interested in this Reserve and speaks good English, engaged him to take my supplies to the Hudson's Bay Company Post for storage and at the same time talked the question of Reserve over with him, told him the foolishness of the chief, since as long as the Reserve was not surveyed, the land being Public property and therefore anyone could settle on it without the Government being able to forbid it.

This McNab also informed me that Pisqua, the Chief who had chosen Duck Lake for his reserve, had a messenger and presents sent up to Gordon, to advise him to oppose the survey of the Reserve – his reason I could not make out.

Next day was Sabbath and stormy so I remained in my tent, but on awakening Monday morning, I found Charles Pratt and his son waiting for me to ask me to come back, to which I consented, and so I moved my camp nearer to the centre of the Reserve. It took me again two days before I could come to an understanding ...¹⁰

Wagner reported that he had received instructions from the Indian Commissioner that the Band was entitled to 41 square miles. To this he added another 7 square miles to compensate for the

⁹ People of mixed ancestry were permitted to take treaty if the Commissioners decided that they generally lived the traditional Indian lifestyle (see report of M.G. Dickieson to the Minister of the Interior, October 7, 1876, Canada, *Annual Report of the Department of Indian Affairs for the Year Ended June 30th, 1876*, xxxiii–xxxv). The McNab referred to by Wagner was in fact a member of Poor Man's Band.

¹⁰ William Wagner, DLS, Ossowo, to Minister of the Interior, January 1876, Library and Archives Canada (LAC), RG 88, vol. 300.

Hudson's Bay Company and old settler claims and to meet the entitlement for 30 people who had indicated that they, although currently paid with other bands, wished to be included with Gordon:

According to instructions from the Indian Commissioner the Band was entitled to 41 square miles but during the councils which were held at Touchwood Hills the following 5 families with 30 heads wished to be included in this band, viz: – formerly belonging to the Poor Man's Band –

Andrew McNab	1 man, 1 woman, 8 children
Thomas McNabb	1 [man], 1 [woman], 4 [children]
Alex McNabb	1 [man], 1 [woman]
Francis Cyre	1 [man], 1 [woman], 7 [children]

John Corcoran 1 [man], 1 [woman], 1 [child]
The last belonging to Prince's Band, his wife to Gordon's and he wished to be with his relations.

Total 5 men, 5 women, 20 children

which would entitle them to 6 square miles more and calculating for the Hudson's Bay Company claim and old Settlers claim 1 square mile gives a total of 48 square miles, which I laid out in 6 miles north and 8 miles west.¹¹

Wagner began the survey after his meeting with the Chief but was unable to complete the work because of a snowstorm in late October. He returned to Touchwood Hills the following summer and completed the survey by the end of July 1876.

In 1881, Indian Agent McDonald reported that Gordon's Band wanted to exchange some of the wooded area for prairie land more suitable for agriculture. Surveyor J.C. Nelson was instructed to make the necessary changes. In October 1881, Nelson added land on the west side where the Band was already farming outside the reserve boundaries, plus a small amount of land on the northwest corner and cut off an equal amount of land from the south and east side.

I had visited Gordon's band, at the Mission, with a view of ascertaining the nature of the country that would be taken into their reserve by changing the boundaries as these Indians desired.

¹¹ William Wagner, DLS, Ossowo, to Minister of the Interior, January 1876, LAC, RG 88, vol. 300.

They said they were anxious to make a change of good, timbered land for open prairie for farming purposes, and asked for a strip a mile deep to be added to the north and west sides of the reserve; and to have a similar strip cut off the south and east sides.

I found, upon investigation, that the strip they wanted on the north side would take in the remainder of a patch of valuable timber land, most of which they had already on their reserve.

A strip added to the west side of the reserve, of about a mile wide would take in the farms and improvements made by this band outside the west boundary; and a small bit added to the north side of the north-west corner would be all that is necessary to cover improvements.¹²

There was no change in the total acreage.

In 1883 and 1884, Surveyors Ponton and Nelson made additional changes to the boundaries of the reserve, altering the north and west boundaries, but still without adding to or subtracting from the acreage. IR 86, measuring 48 square miles (30,720 acres), was confirmed by Order in Council PC 1151 dated May 17, 1889. A brief description of the reserve was included in the Order in Council:

The surface is generally rolling and covered, for the most part, with poplar timber, generally of small size. A valuable tract, however, of large poplar and birch, lies in the north-east corner. The country for about two miles in width on the western side is more open, being prairie with poplar bluffs; and prairie openings of considerable extent seem to penetrate the reserve for some miles from the west. There are numerous good sized lakes and sloughs. The soil is generally black loam with clay sub-soil, but a small portion at the north-west corner is of a more sandy nature.¹³

ESTABLISHING A TREATY LAND ENTITLEMENT CLAIM

The 19th and 20th century treaties negotiated with the Indians in northern Ontario, the Prairies, and northern British Columbia – the Numbered Treaties – all included a formula (either 32 acres per

¹² John C. Nelson, DLS, Annual Report, January 10, 1882, Canada, *Annual Report of the Department of Indian Affairs for the Year Ended December 31, 1881*, 133.

¹³ Order in Council PC 1151, May 17, 1889, p. 41.

person or 128 acres per person, depending on the treaty) for calculating the size of reserve lands.¹⁴ Unfortunately, neither the treaties nor the correspondence and reports associated with them explained when or how those population figures were to be obtained, leaving unanswered many important questions. Were the figures determined by the number of people in the band at the time of the treaty, or when the survey was done, or at some other time? Were the numbers to be determined from the treaty annuity paylists, by a separate census, or by a count of those present when the survey was done?

After the federal government announced in 1973 its intention to settle specific claims where Canada had not fulfilled its treaty obligations to set aside reserves, researchers needed policy guidelines to answer these questions. Initially, Canada only validated claims where a shortfall of land was established based on the Band's population according to the treaty annuity paylists at the date of first survey, with no consideration given to people who were absent or who joined the band after the survey. In 1983, the Office of Native Claims Branch of the Department of Indian Affairs distributed "Research Guidelines" for the validation of TLE claims which expanded the eligibility criteria to include people who joined the band after the date of the first survey:

The general principle which applies in all categories of land entitlement claims is that each Treaty Indian Band is entitled to a certain amount of land based on the number of members. Conversely, each treaty Indian is entitled to be included in an entitlement calculation as a member of an Indian Band.

The following criteria are intended as guidelines in the research and validation process for treaty land entitlement claims.¹⁵

Under the heading "Persons included for entitlement purposes," the guidelines included, with certain defined restrictions, those who appeared on the payroll for the year of survey, absentees, new

¹⁴ This section summarized from Donna Gordon, "Treaty Land Entitlement, A History," prepared for the Indian Claims Commission, Ottawa, December 1995, reprinted (1996) 5 ICCP, 339.

¹⁵ DIAND, Office of Native Claims, "Historical Research Guidelines for Treaty Land Entitlement Claims," May 1983, reprinted (1996) 5 ICCP 512.

adherents to treaty, transfers from landless bands, and non-treaty Indians who marry into a treaty band.¹⁶

In 1989, Canada and the Federation of Saskatchewan Indian Nations (FSIN) agreed to establish the Office of the Treaty Commissioner (OTC), which was charged with, among other things, developing proposals for the settlement of TLE claims in Saskatchewan that would satisfy both Canada and the First Nations. On September 22, 1992, after two years of cooperative research and negotiations, representatives of the federal and provincial governments and most of the First Nations in Saskatchewan with recognized TLE shortfalls, signed the Saskatchewan Treaty Land Entitlement Framework Agreement (Framework Agreement) defining the manner in which the parties agreed to fulfill outstanding TLE obligations to Entitlement Bands in Saskatchewan.

According to this negotiated agreement, the basis for determining the final settlement for each First Nation that signed the Framework Agreement was the “equity formula”: historical percentage shortfall × current population × acres per treaty (128 acres in Treaty 6) equals the quantum of land that could be purchased by a First Nation to settle a claim. The historical percentage shortfall was determined by comparing the amount of land that the First Nation actually received with the amount of land that it should have received, and in order to establish that acreage, it was necessary to define who could be counted with the First Nation for entitlement purposes. The procedures established by the OTC were based on the 1983 Office of Native Claims guidelines, with additional interpretations and definitions that were accepted by both Canada and the First Nations.

Twenty-six Saskatchewan First Nations had established a TLE shortfall and were parties to the Framework Agreement, but during the negotiations, there was a recognition that there were other Bands who could later prove to have valid TLE claims. As a result, Article 17 was included to insure that those Bands would be dealt with on the same basis as those covered by the Framework Agreement, if they chose to opt into that approach.

The issue of Article 17 and its relevance to both validation and negotiation of TLE claims in Saskatchewan was considered by the Indian Claims Commission in 1996 in its inquiries into the rejected TLE claims of both Kawacatoose and Kahkewistahaw First Nations. After reviewing

¹⁶ DIAND, Office of Native Claims, “Historical Research Guidelines for Treaty Land Entitlement Claims,” May 1983, reprinted (1996) 5 ICCP 512 at 515.

documentation and hearing from many of the people who participated in the negotiation of the Framework Agreement, the ICC concluded in the Kawacatoose Inquiry that Article 17 did not apply to the criteria to validate a claim, but was to apply to the settlement of claims after validation:

While the Commission has determined that the Framework Agreement does not give non-Entitlement Bands an independent basis for validation ...
... once substantiation of the claim on a non-Entitlement Band has occurred, as in the present case, section 17.03 applies, stipulating that Canada and Saskatchewan will support the extension of the principles of settlement contained in the Framework Agreement to that band.¹⁷

The ICC reiterated this position in its subsequent report on the TLE claim of the Kahkewistahaw First Nation:

Since the release of the Kawacatoose report, we remain unchanged in our view that section 17.03 is limited to circumstances in which a band's treaty land entitlement claim has *already* been accepted for negotiation in accordance with the terms of treaty. In other words, section 17.03 applies in the context of *settlement*. It does *not* afford a separate basis for *validation* apart from treaty. It represents an agreement among Canada, Saskatchewan, and the Entitlement Bands, that, once a non-Entitlement Band's claim has been accepted for negotiation independently of the Framework Agreement itself, then the settlement of that claim can be dealt with much more expeditiously by avoiding protracted bargaining on points that have already been negotiated.¹⁸

Article 17 is significant because after the Framework Agreement was signed, Canada changed its criteria on whom to include in calculating TLE at the validation stage. In 1993, it allowed only those who were members of the First Nation at date of first survey (including people who were absent at that date). In 1998, after the ICC recommendations in a number of TLE inquiries, Canada expanded the categories to also include additions to membership after the survey – new adherents to treaty, transferees from landless bands, and non-treaty people marrying into the Band. Even so,

¹⁷ Indian Claims Commission, *Kawacatoose First Nation: Treaty Land Entitlement Inquiry* (Ottawa, March 1996), reported (1996) 5 ICCP 73 at 229.

¹⁸ Indian Claims Commission, *Kahkewistahaw First Nation: Treaty Land Entitlement Inquiry* (Ottawa, November 1996), reported (1998) 6 ICCP 21 at 100. Emphasis in original.

some specific aspects of the OTC working assumptions allowed the inclusion of some people who would be excluded under Canada's guidelines and the application of the less inclusive criteria would mean that post-Framework TLE settlements would not receive levels of compensation equivalent to those First Nations who were parties to the Framework Agreement. This variance in eligibility made it difficult for Canada and Saskatchewan First Nations to reach final agreement on the total number of people to include in the treaty land entitlement formula, leaving the question to be worked out at each individual negotiation table.

PART III
NEGOTIATION AND MEDIATION OF THE CLAIM

Negotiations toward settlement of the George Gordon TLE claim began in July 2004. Parties to the negotiations included Canada, George Gordon First Nation, and the Province of Saskatchewan, which had a legal obligation under the 1930 *Natural Resources Transfer Agreement* to provide “unoccupied Crown lands” for creation of Indian reserves. At the request of all the parties, the ICC facilitated the discussions.

For the most part, facilitation focussed on matters relating to process. With the agreement of the negotiating parties, the Commission chaired the negotiation sessions, provided an accurate record of the discussions, followed up on undertakings, and consulted with the parties to establish mutually acceptable agendas, venues, and times for the meetings. The Commission was also available to mediate disputes when requested to do so by the parties, to assist them in arranging for further mediation, and to coordinate any research that might be undertaken by the parties to support negotiations.

Although the Commission is not at liberty, based on an agreement made with the negotiating parties and addressing in part the confidentiality of negotiations, to disclose the discussions during the negotiations, it can be stated that the First Nation and representatives of the Department of Indian Affairs and Northern Development and the Province of Saskatchewan worked to establish negotiating principles and a guiding protocol agreement, which helped them to arrive at mutually acceptable resolution of the George Gordon TLE claim.

Elements of the negotiation included agreement by the parties on the nature of the Commission’s role in the negotiations; the final population figures for determining shortfall acres for settlement purposes; the effect of Article 17 of the 1992 Saskatchewan Framework Agreement on the settlement criteria; the applicability of an honour payment to the George Gordon First Nation; use of entitlement moneys prior to the shortfall acre acquisition date; varying the payment schedule stipulated in the Framework Agreement; the impact of the bilateral (Canada and Saskatchewan) discussions relating to the cost-sharing provisions in the Framework Agreement; compensation for land and minerals as well as negotiations and ratification expenses; and, finally, settlement issues and agreements, communication, and ratification.

One issue – the application of the appropriate TLE guidelines before and after validation to the negotiation of TLE claims in Saskatchewan in light of Article 17 of the Framework Agreement and past practices followed by Canada in settling other claims – was also of concern to three other Saskatchewan First Nations who were proceeding to negotiations on treaty land entitlement claims. The four First Nations (Muskoday, Sturgeon Lake, George Gordon, and Pasqua) and Canada agreed that an appropriate and cost effective way to address this issue was to come together at a Common Table. The ICC was asked to facilitate the discussions. After an exchange of relevant documents and after meetings held in the fall of 2004, the parties were able to agree on eligibility criteria. Each First Nation subsequently proceeded with its individual negotiations.

Researchers for Canada and George Gordon First Nation exchanged information relating to the background of certain band members who had been added to the Band's annuity payroll after the date of first survey to reach agreement on those eligible to be counted toward treaty land entitlement. In November 2006, the three parties reached an agreement in principle. While the federal negotiator waited for a financial mandate from Treasury Board, the table proceeded to draft the settlement agreement and trust agreement. Canada made its formal offer to settle on June 14, 2007, the First Nation accepted the offer by Band Council Resolution dated June 18, 2007 and the settlement agreement was initialled on July 3, 2007. The negotiated settlement included cash compensation for land and minerals of approximately \$26.6 million plus negotiations and ratification costs, and authorization to purchase up to 115,712 acres to be added to the George Gordon reserve.

The settlement agreement was presented to the members of the George Gordon First Nation for ratification on September 26, 2007. An absolute majority of eligible voters in favour of the agreement was required, and the first vote failed to meet the requirement. The agreement was successfully ratified on the second vote on February 15, 2008.

PART IV
CONCLUSION

Credit for the successful negotiation and settlement of the George Gordon treaty land entitlement claim belongs to the parties. They were diligent and thorough as they worked toward agreement on the numerous issues before them. The Commission, in its role as a neutral third party, helped maintain the focus and momentum of the discussions, and with the ICC performing many of the necessary administrative tasks, the parties were able to concentrate their full attention on the substantive details of the negotiations and settlement.

The experience and expertise that the Commission has developed over the years was especially beneficial at the Common Table discussions involving three other First Nations with TLE claims and similar issues that had to be resolved before the claims could be considered. The early success at the Common Table in resolving these issues has led to the successful negotiation and resolution of three of the individual TLE claims, with a fourth First Nation heading toward ratification of its claim.

FOR THE INDIAN CLAIMS COMMISSION

A handwritten signature in black ink, appearing to read "Renée Dupuis". The signature is fluid and cursive, with the first name "Renée" and last name "Dupuis" clearly distinguishable.

Renée Dupuis, C.M., *Ad.E.*
Chief Commissioner

Dated this 23rd day of May, 2008.