

BACKGROUNDER – KAHKEWISTAHAW FIRST NATION TAKES CONTROL AFTER A LONG HISTORY OF EXPLOITATION AND LOSS OF LAND

On October 27, 2011, members of the Kahkewistahaw First Nation ratified the Land Code and the *Framework Agreement on First Nation Land Management (Framework Agreement)* with an 87% approval rate.

After the signing of Treaty No.4 in 1874, an area of 46,816 acres of reserve land was surveyed in 1881. In 1907, the Government of Canada procured a surrender of 33,281 acres of prime agricultural land. In 1908 and 1910, the surrendered lands were sold at public auction to the non-Indian farmers who had long coveted them, a total of 28,356.4 acres. The few remaining unsold parcels, 4,924.6 acres, were later returned in 1963. It is unclear, although doubtful, whether the full amount of the proceeds from these sales was ever paid to the First Nation.

In 1989, Kahkewistahaw submitted a claim as a result of the 1907 surrender of land. The Indian Claims Commission approved the claim in 1997 and in 2002 the members of Kahkewistahaw voted to accept the compensation package.

In 2005, Kahkewistahaw expressed interest in re-assuming their inherent right to manage their lands and resources outside the *Indian Act* and without government interference. Kahkewistahaw signed an adhesion to the *Framework Agreement* in 2007.

Not all of Kahkewistahaw reserve lands will be come under the Land Code, initially governance of 3,979.28 acres will be transferred to the Land Code. As with many First Nations, boundary issues must be resolved before a land description can be concluded for the remainder of the reserve land along the Qu'Appelle River.

Governing reserve lands and resources under the *Framework Agreement* provides major benefits, advantages and opportunities such as community control over First Nation land management and development, creating a self-sustaining economy with diverse projects and businesses, a decision-making process that is more effective and efficient, job creation with increased economic development opportunities, the powers to develop and enforce land laws, transfer by Canada of previous land revenues to the First Nation, and recognition of the right to receive revenue from interests in reserve land. Most importantly, the *Framework Agreement* provides protection against arbitrary expropriation of reserve land and protection against loss of land through surrender for sale.

On October 19, 2011 at the Lands Advisory Board's Annual General Meeting Chief Robert Louie, Chair of the Lands Advisory Board and Chief Austin Bear, Chair of the First Nations Land Management Resource Center Inc. (Resource Centre) were pleased to welcome the Honourable John Duncan, Minister of Aboriginal Affairs and Northern Development for the formal signing of a Memorandum of Understanding (MOU) bringing into effect a new funding formula.

With the signing of the MOU, we are pleased that the *Framework Agreement* will be available to additional First Nations. The *Framework Agreement* has expanded in fifteen years from the original 14 First Nations signatories in 1996 to 58 First Nations signatories in 2011. 13 new First Nations are expected to sign the *Framework Agreement* in 2012.

Date: November 18, 2011