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**To:** Muskowekwan First Nation  
**From:** Maurice Law  
**File:** Muskowekwan First Nation – Treaty 4 Agricultural Benefits Claim  
**Date:** November 21, 2019  
**Subject:** **Treaty 4 Agricultural Benefits Claim**

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## **BRIEFING NOTE**

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This briefing note provides a brief background and next steps in relation to the Muskowekwan First Nation (“MFN”) Treaty 4 Agricultural Benefits Claim.

### **THE TREATY 4 AGRICULTURAL BENEFITS CLAIM**

MFN retained Maurice Law to advance a Claim against Canada in relation to the Crown’s failure to provide the agricultural benefits owed to the First Nation under the terms of Treaty 4. Agricultural benefits for the purpose of the Claim include:

- articles such as tools, implements, seed and livestock to be supplied to each band for the encouragement or the practice of agriculture; and
- a \$750 annual payment for powder, shot, ball and twine distributed amongst the bands of Treaty 4.

Under Canada’s Specific Claims Policy, a First Nation must first submit a claim submission to the Specific Claims Branch, which sets out the historical and legal basis for the specific claim. Canada then takes up to six months to assess whether the claim submission meets a minimum technical standard. Once Canada confirms the minimum standard has been met, the claim is formally filed with the Minister of Crown-Indigenous Relations for assessment. Once a claim is filed with the Minister, Canada has a three-year window to assess the claim.

In this assessment process, Canada decides whether a claim discloses an “outstanding lawful obligation.” If Canada concludes that a claim *does* disclose an outstanding lawful obligation, it typically offers to enter into settlement negotiations. If Canada concludes that a claim *does not* disclose an outstanding lawful obligation, the claim becomes eligible for filing with the Specific Claims Tribunal, where the parties can obtain a binding decision from a judge.

Maurice Law, on behalf of MFN, retained an historian, Gretchen Albers, to provide an expert report confirming that MFN did not receive the full complement of agricultural benefits owed under Treaty 4.

Following the receipt of the expert report, expected by the end of January 2020, Maurice Law will draft and file a claim submission with the Specific Claims Branch, alleging the Crown breached its treaty, fiduciary, and honourable duties to MFN in failing to provide agricultural benefits owed under Treaty 4.

### **CONCLUDING REMARKS**

It is important to note that advancing or resolving this Claim does not, in any way, allow Canada to terminate or otherwise rescind the treaty rights of MFN members.

Further, the approach to compensation for Treaty 4 agricultural benefits claims is still subject to negotiation or final determination before the Specific Claims Tribunal.

We trust that the information above has been of assistance to you, and we will continue to provide regular updates on progress your Claim advances through the Specific Claims Process.

Sincerely,

**MAURICE LAW**