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**To:** Muskowekwan First Nation  
**From:** Maurice Law  
**File:** Muskowekwan First Nation – Treaty 4 Agricultural Benefits Claim  
**Date:** June 18, 2021  
**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 “Claim”).

Under the terms of Treaty 4, the Crown promised to provide MFN with agricultural benefits, including equipment, tools, livestock, seed, and other agricultural assistance. The purpose and intent of this treaty promise was to facilitate the Band’s transition to an agricultural economy.

The Claim alleges that the Crown failed to fulfil its promise to provide agricultural benefits and instruction to MFN and seeks compensation for this breach of Treaty 4. While the core of the Claim is focused on the implements and assistance that were not provided, these failures are situated in the wider context of the Crown’s racist and devastating “Indian agricultural policies,” and our legal position is that compensation owing must account for the wider context of the breach.

MFN submitted the Claim to the Specific Claims Branch on March 29, 2021, where it is undergoing a six-month early review to ensure it meets minimum technical standards. Following this early review, the Claim will be officially filed with the Minister of Crown-Indigenous Relations on or before September 29, 2021.

Under Canada’s Specific Claims Policy, Canada will have three years from the date the Claim is filed with the Minister, likely by fall 2024, to complete a full review of the Claim and indicate to MFN whether the Claim will be accepted for negotiation.

If the Claim is accepted, MFN can enter into settlement negotiations with Canada in relation to compensation owed for the breaches set out in the Claim. If the Claim is rejected, or if Canada takes longer than three years to assess the Claim and issue a formal response to MFN, the Claim becomes eligible for filing with the Specific Claims Tribunal where the parties can obtain a binding decision from a judge.

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 or its members.

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

To date, the only similar cows and ploughs claims that have ever been resolved are in Treaty 8. There has never been a similar claim resolved under any of the other numbered treaties, including Treaty 4. That said, we are focusing our efforts on creating efficiencies in the negotiation and litigation process to expedite their collective resolution.

We trust that the information above has been of assistance to you, and we will continue to provide regular updates as your Claim advances.

Sincerely,

**MAURICE LAW**

Per:  \_\_\_\_\_  
**Amy Barrington**