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## BACKGROUND

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The decision follows the Tribunal's earlier finding that the Crown breached its lawful obligation to make yearly treaty payments, called "annuities", to starving members of the Beardy's and Okemasis Bands in the four years following the 1885 North-West Rebellion.

The Beardy's and Okemasis Bands, now known as the Beardy's & Okemasis First Nation, are among 13 Saskatchewan First Nations that were also branded as "disloyal" in 1885 for their alleged participation in the Rebellion. The Tribunal, however, found no evidence these so-called "rebel" bands joined the insurgence led by Métis leader Louis Riel. Canada withheld treaty annuities from 1885 to 1888 to every man, woman, and child from 13 First Nations that include: Beardy's & Okemasis, Chakastaypasin, Little Pine, Lucky Man, Mosquito/Grizzly Bear's Head/Lean Man, Muskeg Lake, One Arrow, Onion Lake, Poundmaker, Red Pheasant, Sweetgrass, Thunderchild, and Young Chipewayan.

Moreover, the Tribunal held that Sir John A. Macdonald's government seized on the chaotic events of the Rebellion to justify its Indian policy aimed at destroying the tribal system, restraining the mobility of band members by instituting a "pass system" on Indian reserves, and strengthening the "controlling hand of local officials" over Indian bands. In his reasons for decision, Justice Slade of the Specific Claims Tribunal held that the true motive of the government was to control and subjugate the Indians:

[252] Eleven Indians were convicted of capital offences and sentenced to death. Three sentences were commuted to life imprisonment. Eight were executed at a gallows built at Battleford for a public execution, although these had previously been banned. [Dr. Bill] Waiser reports that Indians in the area were required to attend. One week before the hangings Sir John A. Macdonald, Prime Minister, mused in a letter to the Indian Commissioner, "The executions...ought to convince the Red Man that the White Man governs."

Among a suite of sinister measures imposed in 1885, the government unilaterally withheld treaty annuities owing to every man, woman, and child of the "disloyal" Indian bands for crimes they didn't commit. Heavily reliant on annuity payments to purchase food and other necessities of life, this unlawful denial meant the difference between life and death for many, further dealing a catastrophic political and cultural blow to these bands. The Crown also confiscated guns, ammunition, horses, cattle, carts, wagons, harness, and Treaty medals from these First Nations while strictly enforcing a pass system, which restricted Indians from leaving their reserves without permission. In addition, the government did not allow the Beardy's and Okemasis First Nation people to have a Chief and Council until 1936.

The devastating effects of the Crown's flagrant abuse of power from 1885 to 1888 are felt in each of these First Nations communities to the present day.

### **The Federal Government's Commitment to Reconciliation**



December 27, 2016

The Tribunal's upcoming decision comes on the heels of a scathing Auditor General's Report released November 29, 2016, citing the Government of Canada's mismanagement in resolving its outstanding lawful obligations to First Nations in Canada through the specific claims process.

This failure has perpetuated the marginalization of First Nations in Canada by denying them access to justice, while the Crown has continued its attempts to evade responsibility for state-mandated injustices of the past.

The same day the Auditor General released his Fall 2016 Report, the Minister of Indigenous and Northern Affairs, Carolyn Bennett, confirmed in an official statement the Government's commitment to implementing the recommendations of the Report. Further, she committed her Government to:

... renewing the relationship with Indigenous peoples, based on the recognition of rights, respect, co-operation and partnership. Negotiated settlements are an invaluable tool in our work to right past wrongs. Canada and all Canadians benefit when we take concrete steps to advance reconciliation with First Nations.

Since submitting the original claim to the Government in 2001, the Beardy's & Okemasis First Nation has endured the systemic shortcomings of the specific claims process detailed in the Auditor General's Report. The procedural history of the claim is marred by delay tactics and repeated refusal to engage in productive efforts to arrive at an out-of-court resolution, ultimately forcing this claim into the Specific Claims Tribunal.

The Government's adversarial approach and general mishandling of this claim by engaging in a "war of attrition" is emblematic of a prevailing strategy that the Trudeau government has pledged to abandon. Furthermore, such legal strategies in the context of specific claims are repugnant to the Canadian taxpayer, who is left to pay the high costs of protracted litigation aimed at exhausting the resources of First Nations advancing legitimate claims.

Following the Tribunal's release of the compensation decision, Canada and the First Nation each reserve the right to apply for a judicial review to the Federal Court of Appeal within 30 days.

**For more information, the media may contact:**

**Ron S. Maurice**

Legal Counsel for Beardy's & Okemasis First Nation  
Maurice Law Barristers & Solicitors  
(403) 874-5459