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Résumé de l'article

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Liminal Spaces and Structural Limitations of First Nation Urban Reserves

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Abstract

Resolving urban land claims is an important facet of enacting sovereignty in cities and is occurring in the cities of settler states like Canada, Australia, and New Zealand. The creation of urban reserves is an important means by which First Nations in Canadian cities, especially on the Prairies, are settling outstanding land claims. Findings from interviews with key informants on the urban reserve creation process in Saskatchewan, Canada's two largest cities, shows urban reserves as liminal spaces in dynamic tension between self-determination, jurisdiction, economic development, and colonial processes of property stipulation, government relations, and approval. This policy area can be enhanced at each stage of the process and offers a pathway toward active treaty relationships in cities.

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Keywords

Indigenous, urban reserves, First Nations, Canada

Liminal Spaces and Structural Limitations of First Nation Urban Reserves

Indigenous Peoples in settler states like Canada, New Zealand, and Australia are enacting sovereignty and building up mechanisms of jurisdiction to create the conditions for a flourishing urban life in the cities of their Traditional Territories (Dorries, 2019). The resolution of urban land claims is a central feature of enacting sovereignty in cities, whether it is, for example, in the Redfern neighbourhood of Sydney, Australia; Ōrākei in Auckland, New Zealand; or Algonquin lands in Ottawa, Canada (Walker & Nejad, 2022). There are more than 50 First Nation urban reserves in the province of Saskatchewan, nearly half of all urban reserves in Canada. Urban reserves are non-contiguous land parcels of a larger principal reserve land base which may be nearby or hundreds of kilometres away. A First Nation band will acquire the land on a willing buyer-willing seller basis—a real estate transaction—and then apply to the federal government of Canada to acquire reserve status on the land (Walker & Nejad, 2022). Prior to approving the conversion to reserve status, the federal government will typically look for a municipal services agreement to be reached between the First Nation and municipality. The agreement will address the municipal services to be extended to the urban reserve and their cost structure, payment from the First Nation to the municipality in lieu of property taxes and school taxes, compatibility between land use on the reserve parcel and municipal planning and zoning bylaws, and a joint dispute resolution process (Walker & Belanger, 2013).

The development and expansion of new urban reserves has become an important locus of First Nations-state relations since 1982, when the Peter Ballantyne Cree Nation, with the approval of the federal government despite protests from the City of Prince Albert and Province of Saskatchewan, created the first new urban reserve. The parcel of land is the former site of the Prince Albert Indian Residential School, which was Crown property purchased by the band from the federal government. Since that time, due in part to the precedent established through the first negotiated municipal services agreement between the City of Saskatoon (Saskatchewan's largest city and the second largest in Treaty 6 territory) and the Muskeg Lake Cree Nation in 1988, urban reserves are becoming commonplace in Saskatchewan cities and in some other parts of Canada.

Urban reserves are geographical microcosms of broader, complex, Indigenous-state relations that can reveal much about the spatial dynamics of "contact zones" (Porter & Barry, 2015) through which Indigeneity encounters settler colonial power at urban and rural scales. Urban reserves symbolically and materially impact urban inhabitants in the daily pulse of civic life and might therefore be understood as spaces that are also transforming social-spatial relations in cities. They are being harnessed by First Nations to generate financial independence, to create economic opportunities for band members, to attain a larger (settler state legally recognized) land base, and to reclaim political agency over on-reserve decision making with band members living away from the principal reserve. Urban reserves also serve to build or strengthen relations with settler governments and communities. Yet, although urban reserves are unique spaces in their emergent forms and functions and their symbolic and material presence, they do not necessarily challenge or significantly transform the colonial-capitalist socio-spatial order of prairie

cities in relation to Indigenous territory (Barry, 2019; Tomiak, 2017). Urban reserves are, in many ways, products of historic assemblages of settler colonial power performed through bureaucratic territorial and legal jurisdiction emplacing Canada's 150-year nation-state project across Indigenous territory. They are woven into a frayed fabric of settler property threaded with legacies of colonial violence, dispossession, and Indigenous resistance.

First Nations reserves are complex geographical spaces that evade simple definitions or generalizability. Under the *Indian Act*, reserves are lands held in trust for "the use and benefit of the respective Bands for which they were set apart" by the Crown (*Indian Act* 18[1]), which means they cannot be bought or sold unless they are first lawfully surrendered to the Crown by a band council resolution. Due to their collective characteristics as lands held in trust, reserves harbour distinctive property rights that functionally differ from fee simple land ownership under the common law tradition. However, it has long been the federal government's position that the special land status of reserves and their distinctive forms of property be converted, either wholesale through modern treaty negotiations or piecemeal through contemporary legislative options and specific land claims settlements, to property forms and land uses consistent with the legal fixity and economic certainty that individual fee simple ownership enforces (Blomley, 2015; Manuel & Derrickson, 2017; Pasternak, 2015; Tomiak, 2017). Urban reserve creation takes place amid broader political and economic geographies that constrain their uses, binding First Nations' self-determination to corporate participation in the market economy through municipalized forms of self-government regulated by and answerable to Crown authority via state jurisdiction, with the seemingly contradictory but commonly held long-term goal among First Nations of transforming or transcending these systems. This article contours the nuanced liminality of First Nations urban reserves as delegated, delimited, expedient, hybrid, transitionary, *and* transformative spaces.

Results from interviews with key informants show First Nations' seemingly contradictory reasoning for using Canada's regulatory machinery and spatial ordering of jurisdiction and property as part of a long-term project to regain control over land and to diminish dependency on the state. Part of this reasoning stems from a belief that Canada and Saskatchewan will never willingly nor entirely relinquish state-determining authority over Indigenous lives and land, so First Nations must use available tools to enhance their capacities for self-determination from within systems dominated by state-regulated jurisdiction and circuits of capital. Interviews suggest a seldom-acknowledged temporal dimension of urban reserves as expedient but provisional pathways to access urban space and markets for longer-term strategies to expand First Nations' legally recognized land base, economic self-sufficiency, governing capacities, and sociocultural revitalization. We therefore position urban reserves as liminal spaces that embody tensions and contradictions between struggles of, and for, freedom from settler colonial power (Tully, 2000).

The conceptual intersections between sovereignty, self-determination, territory, treaty and land entitlement, jurisdiction, and urban reserves are examined in the next section, building to a point of

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departure for our research. Research methods are then discussed, and findings explore how the regulatory apparatus of reserve creation, treaty land entitlement, jurisdiction, territoriality, and meeting First Nations' community objectives all intersect to generate the liminal spaces of urban reserves. The article concludes with reflections on the implications of this work, including for policy and practice.

Conceptual Framework

Sovereignty and Self-determination

Settler colonialism represents Canada's and settler society's fundamental and ongoing thrust for territorial consolidation and the violent, persistent "structure of elimination" that is endured and resisted by Indigenous Peoples (Tuck & Yang, 2012; Wolfe, 2006). Settler colonialism is a specific form of imperialism that signifies the permanent occupation of land, and settler colonial geographies therefore refer to systems of spatial production and social organization that seek to supplant Indigenous sovereignty and self-determination. Both sovereignty and self-determination are loaded with different meanings of which there are no clear cut, universally accepted definitions. Indigenous sovereignty is typically framed in legal discourse as First Nations' constitutional and international rights to self-government (i.e., political authority to make laws over the use of a territory, including its citizens) and land title (i.e., ownership and tenure). However, Indigenous sovereignty, which is itself an insufficient concept to describe Indigenous Peoples' territorial imaginaries and socio-spatial relationality, is limited in its legal framings (Moreton-Robinson, 2015).

Self-determination refers to the embodiment of sovereignty in the actions of individuals and collectives. For Indigenous Peoples living in and under Canada, self-determination generally represents the pursuit of a good life through individual agency, self-actualization, and collective autonomy to exercise distinctive cultural values, knowledge, and identities. Indigenous knowledge and identity are passed down and inherited through generations of land-based ethics and laws preserving values of responsibility, reciprocity, and care (Alfred, 2009; Corntassel, 2008; Simpson, 2014; Tuck & Yang, 2012). Some authors suggest that Indigenous sovereignty and self-determination are incommensurable with Canada's colonial-capitalist political economy and its territorialization of land as property, regulated through hierarchical but often overlapping authorities of jurisdiction (Brown, 2014; Corntassel, 2008; Coulthard, 2008).

State Territoriality and the Misappropriation of Treaties

Predating Canadian confederation in 1867, Britain's *Royal Proclamation* of 1763 bestowed upon itself—under authority of the Crown—the sole legal right and obligation to negotiate treaties with Indigenous nations to purchase their land and to mitigate resistance (Borrows, 2002). To expand Canadian territory westward across the prairies following confederation, the Numbered Treaties (1-11) provided a conciliatory legal foundation through which European settlement was facilitated

(Henderson, 2008). First Nations uphold treaties as sacred and timeless covenants incorporating vastly different mutual rights and responsibilities than their written versions suggest:

> Elders and leaders in some circles speak of treaties in sacred terms. They are regarded as blessed by the Creator. They are seen as the product of and are viewed with profound reverence. Law is "spiritualized" in this account; it is more than the product of human action. This vision is particularly prominent in the prairies and among the numbered treaty nations. (Borrows, 2017, p. 22)

To First Nations, the Numbered Treaties embody a continuity of sovereign Indigenous nationhood, the existence and practice of which do not rely on Canadian constitutional recognition. Yet, to the settler state and society, Treaties have often been regarded as agreements of submission whose limited, written interpretations afford Indigenous people and nations minimal access to and authority over their territorial lands and resources. As an example, Canada's written version of Treaty 6 (Duhame, 1964) states that "all Indians . . . do hereby cede, release, surrender, and yield up to the government forever, all their rights, titles and privileges whatsoever to the lands included" (para. 8) and "also their rights, titles and privileges whatsoever to all other lands wherever situated in the Northwest Territories, or in any other Province or portion of Her Majesty's Dominions, situated and being within the Dominion of Canada" (para. 10).

Tully (2000) highlights the absurdity of the Canadian West's foundational myth that First Nations willingly and knowingly agreed to such oppressive terms:

> Incredibly, the officials asserted that scrawled Xs . . . on written documents constituted agreements to cede and extinguish forever whatever rights they might have to tracts of land larger than the European continent. The signatories were said to agree to this in exchange for tiny and crowded reserves (which were soon reduced further) and a few usufructuary rights that exist at the pleasure of the Crown. (p. 44)

First Nations' verbal agreements with Crown negotiators differed substantially from their documented versions, which renders state jurisdiction over "ceded" land contested by Indigenous nations (Johnson, 2007; Miller, 2009; Tully, 2000; Henderson, 2008).

Although Treaties provide a lawful foundation for Crown sovereignty to coexist with Indigenous sovereignty, Canada has historically relied on British common law and international (imperial) law to claim absolute authority within its territorial borders (Borrows, 2002). While the federal government claims absolute sovereignty and radical underlying title over all land within its claimed territory, the sovereign coexistence negotiated in Treaties has been further skewed against First Nations with the expansion of provincial powers, particularly since the 1930 *Natural Resources Transfer Agreement* (Borrows, 2017). Borrows (2017) explains that the decentralization of Crown authority from the federal government to the provinces has eroded First Nations' territorial sovereignty and self-determination.

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For example, Section 88 of the *Indian Act* "drastically constrains jurisdictional areas over which Indigenous Peoples should have had sovereign authority," which "makes First Nations largely subject to provincial legislation and regulates them without their consent" (Borrows, 2017, p. 25).

Settler Colonial Boundaries and the Authority of Jurisdiction

If sovereignty represents the authority to govern and establish laws within a territory, then jurisdiction embodies "the authority to have authority," or legitimate power to uphold the law (Pasternak, 2017). Canadian state sovereignty does not, on its own, account for Indigenous dispossession; rather, it is through everyday practices of jurisdiction on the ground—or the material, spatial, and social relations between laws—that Indigenous nations' sovereign territoriality and Indigenous Peoples' self-determination have been undermined (Dorsett & McVeigh, 2012; Pasternak, 2014). Pasternak (2017, p. 3) argues that "jurisdiction is not a technicality of sovereignty . . . It is the apparatus through which sovereignty is rendered meaningful, because it is through jurisdiction that settler sovereignty organizes and manages authority." Settler-state jurisdictions categorize laws and delegate authority for specific purposes such as to enact and manage policy, to tax people and property, to regulate commodity production and circuits of capital, to police communities, and to enforce property rights and regulations pertaining to ownership, control, use, or transfer. Ultimately, legal jurisdiction is used to standardize social, economic, political, and altogether *spatial* relations across Canada.

In most of Canada (excluding Quebec), property rights are secured by rule of the common law, enforced under the state's monopoly on legitimate violence, which serves to regulate "relations among people by distributing powers to control valued resources" (Singer, 2000, p. 3, as quoted in Blomley, 2003, p. 121). "Legitimate" jurisdictional authority systematically privileges Crown title and individual property rights over the territorial laws and relational responsibilities of Indigenous nations (Pasternak, 2017). Settler jurisdictions rely on what Blomley (2015) calls "legal bracketing" to emplace fixed boundaries around meanings and relations of property. In other words, legal bracketing facilitates certainty, and normalizes expectations of movement, interaction, and exchange "that secure social and political order conducive to state aims" (Schmidt, 2018, p. 13). Bracketing codifies spatial boundaries which, in the case of Indigenous jurisdiction, are conditionally "translated" into the state's legal language of property (Patton, 2000).

Land Claim Settlements and First Nation Urban Reserves

Though Canada has long exerted its coercive power over reserves and the lives of Indigenous people who reside therein, First Nations have also anchored their resistance to reserve lands as nominally "protected" vestiges of their Traditional Territories. Canada has neglected its treaty promises, and the Crown's shortfall and subsequent theft of reserve land has been consistently challenged by First Nations who began appealing to Ottawa for reparations in the first half of the 20th century (Hubbard & Poitras, 2014). Through legal land claims and modern additions to reserves, First Nations have endeavoured to expand not only their legally recognized land base, but also their agency over on-reserve governance. The

distinctiveness of First Nations' claims against the Canadian state and settler colonial power arises from two political logics: first, as restitution for the ongoing legacy of settler accumulation by Indigenous dispossession. Secondly, land claims affirm cultural values that govern relations with the land and with human- and non-humankind while rejecting the dispossession of land and territory. Both affirmation and resistance inform Indigenous Peoples' strategies for political organization that are, in fundamental ways, irreconcilable with state-determining sovereignty, premised on liberal ideology, that sustains a colonial-capitalist political economy (Pasternak, 2017).

Academic interpretations of new urban reserves are somewhat sparse, but their growing influence on Canada's urban landscape has recently drawn the attention of researchers from several disciplinary backgrounds (e.g., see Barron & Garcea, 1999; Barry, 2019; Belanger, 2018; Bezamat-Mantes, 2018; Flanagan et al., 2010; Loxley & Wien, 2003; Tomiak, 2017; Walker & Belanger, 2013). Barron and Garcea (1999) developed a broad and foundational analysis of "Urban Indian Reserves" and their effects on "Forging New Relationships in Saskatchewan." Their edited volume combines academic research with experiential perspectives of individuals who have been instrumental in the creation of their own communities' urban reserves in Saskatoon, Regina, Prince Albert, and Yorkton. The book is largely an appreciative examination of intergovernmental relationship-building and a descriptive outline of the history and legal-institutional architecture contouring urban reserve creation in Saskatchewan. Onward 20 years to Barry's (2019) work, and we find the aspirational attributes of relationship-building between municipalities and First Nations critically situated in the context of Indigenous authority and territoriality enveloping urban areas, beyond the scale of an urban reserve parcel of property. Aspiring uncritically toward harmonious neighbourly relationships between municipalities and First Nations risks reducing "the complexity of Indigenous authority to something that exists on the same level as and can be exercised through the delegated authority that exists for municipalities" (Barry, 2019, p. 12).

The economic development potential of urban reserves has also been emphasized in academic research highlighting benefits for band members such as increased wage-employment, job training, and entrepreneurial opportunities, as well as the revenue-generating capacity of urban land if it is acquired and "improved" via rational market strategies (Flanagan et al., 2010; Loxley & Wien, 2003). The scope of these studies is largely confined, therefore, to adapting the policy paradigm of urban reserve creation without necessarily acknowledging, let alone challenging, the Canadian state's colonial-capitalist entanglements and structural barriers to First Nations' sovereignty and self-determination.

Tomiak's (2017) work is vital to this conversation because it explicitly locates new urban reserves within an historically contested and unsettled context of settler colonialism, which has increasingly relied on neoliberal machinations of governance to secure circuits of capital under the state's regulatory authority (Pasternak & Dafnos, 2018). Tomiak (2017) urges us to consider:

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> [W]hat does it mean that cities in what is now Canada are Indigenous places and premised on the ongoing dispossession of Indigenous Peoples? How are the relationships that are governed in and through urban space decolonized and recolonized? What roles do new urban reserves play in subverting or reinforcing the colonial-capitalist socio-spatial order? (pg. 2)

The root of Tomiak's argument is that urban reserve creation "has not fundamentally disrupted state power and discourses that have constructed Indigeneity as incompatible with urbanism and modernity" (p. 3). In other words, urban reserves are contradictory spaces: they are products of land claim victories and First Nations' collective rejection of dispossession, but they are also spaces of limited, delegated jurisdiction covering a small portion of prairie cities; they are being developed by First Nations to generate economic self-sufficiency and self-determining autonomy, yet they are anchored to Canada's (neo)liberal ideals of property, production, and accumulation (Tomiak, 2017).

The process of urban reserve creation reflects what Porter and Barry (2015) describe as a "bounded recognition" of Indigenous self-determination, which shares similarities with Blomley's (2015) conception of "legal bracketing," both of which subject Indigenous Territory to spatial categories and regulations amenable to settler and state property. The complexity, contradictions, and reterritorialization of urban reserves might therefore be conceptualized as spaces of *liminality* (Howitt, 2001). Liminality represents the porous "edges" of geographical spaces wherein interaction, interrelations, and co-production, more so than separation, takes (and makes) place.

Methods

This intellectual journey began for the first two authors in 2016-2017 when the Federation of Sovereign Indigenous Nations (FSIN) hosted a three-part conference series in Saskatchewan's two largest cities, with some of the largest and most institutionally advanced urban Indigenous communities in Canada. The series was called "Prosperity through Partnerships," and consisted of three separate gatherings focused on relationship-building and education around Saskatchewan's Treaty Land Entitlement Framework Agreement; First Nations' land acquisitions; the federal government's Additions to Reserve policy; urban reserve creation; legislative, policy, and financial mechanisms for First Nations' economic development; and strategic land use planning in Saskatchewan and its municipalities. Attendees and presenters included First Nations Chiefs and council members, land managers, and treaty land entitlement trustees; mayors, city councillors, and planning staff from several urban and rural municipalities; staff and delegates from the Government of Canada and the Province of Saskatchewan; lawyers; educators; and private sector representatives principally from financial institutions. Two conferences were held in Saskatoon (Treaty 6 Territory), and one in Regina (Treaty 4 Territory).

The first two authors attended three conferences, and the first author volunteered to take notes about the content of discussions among attendees in as many sessions as possible to provide a summary report of observations to the FSIN organizing committee. The second author gave a presentation, with discussion, at the closing plenary session of the third conference. Participating in the conference series in these ways

was an important experience, and the rapport and relational accountability developed for the research process was formative (Wilson, 2008). The authors were able to build a greater depth of understanding in urban reserve creation procedure, followed up by policy research, and were able to deepen their conceptualization of Indigenous rights, territoriality, sovereignty, jurisdiction, and how prosperity and partnership was defined by different speakers.

One-on-one, semi-structured interviews were selected as a qualitative research method that would generate meaningful and rich dialogue, with a conversational approach assisted by prompts generated from discussion at the earlier conference series and by ideas from the conceptual framework that was emerging from the ongoing literature review and policy/document analysis. To generate knowledge with research participants, the interviews were conversational, reflexive, and meaningful for the key informants involved (Kovach, 2009). The conversational prompts included guiding questions about Treaty Rights and responsibilities, territorial nationhood and the significance of land, the meaning of prosperity and partnerships with settler governments, connections between urban and rural self-determination, and future-seeking priorities related to treaty land entitlement and urban reserves.

The interviews occurred with an array of First Nation individuals with diverse but direct experience with urban reserve creation and treaty land entitlement negotiations and management. This included four land managers of First Nations with urban reserves and land holdings, a former Chief who negotiated TLE, a senior staff member from the Office of the Treaty Commissioner, a senior research and policy analyst from the Federation of Sovereign Indigenous Nations, a treaty land entitlement trustee, and a senior staff member of the Saskatchewan First Nations Economic Development Network. Participants identified as members of Red Pheasant Cree Nation, Beardy's and Okemasis' Cree Nation, Yellow Quill First Nation, Zagime Anishinabek (Sakimay First Nations), Little Pine First Nation, Muskeg Lake Cree Nation, Muskoday First Nation, and One Arrow First Nation. All the participants were men.

Before each interview, the research questions and project goals were described, and the content of the participant consent form was outlined. Participants were offered confidentiality or to be identified by their organizational, professional, or band positions. All opted for the latter. It was explained that there are no foreseen risks to participation beyond those they may associate with speaking openly from their professional vantage points. Participants were asked how they would prefer to be identified following each conversation so they could make more informed decisions about their identification after the interview. Each interview transcript was sent to the participant to review our dialogue and their contributions prior to analysis. All participants were told that their participation was voluntary, that they could refuse to answer any question asked, and that they could withdraw from the interview at any time for any reason. Interviews were conducted in the year following the "Prosperity through Partnerships" conference series and most participants had either attended the series or were suggested by someone who had. They were digitally recorded with consent from participants, ranged from 40 minutes to almost two hours, and they were transcribed and coded using NVivo qualitative research software. The University of Saskatchewan's research ethics board approved the research project on ethical grounds.

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Data analysis grounded in the knowledge generated during semi-structured interviews occurred using three levels of coding and thematic organization (Robson, 2011, p. 149): (1) open coding (categories of information), (2) axial coding (organizing categories of information into related phenomena, causal conditions, strategies, context and conditions, and consequences), and (3) selective coding (conditional propositions about the data). Throughout this process, codes and themes were checked against one another, contradictions were identified for further investigation, transcripts were placed in conversation among different participants to identify common trends, and final themes were then interpreted in relation to the conceptual framework discussed earlier in the article.

Narrative excerpts are used in the findings section that follows to represent and contextualize the perspectives shared by participants. Source triangulation in the research and analysis, where multiple participants held converging perspectives, increased the credibility of the findings (Baxter & Eyles, 1997), though not at the expense of diverse individual voices, from which qualitative research draws a great deal of its strength. As the findings indicate below, it is this diversity that contours the tension in perspectives about the benefits and limitations of urban reserves. While the findings of this research are specific to geographic and jurisdictional contexts of Saskatchewan cities, and the treaty and Traditional Territories that overlap these jurisdictions, there is also a degree of transferability of the findings to other urban contexts in Canada and other countries where structural similarities empower and reproduce the settler colonial-capitalist production of space.

Findings

The Legislative, Policy, and Regulatory Apparatus of First Nation Additions to Reserves

All new or expanded First Nation reserves are created through the federal government's Additions to Reserves (ATR) policy, which was initially drafted in 1972 and has since been updated in 2001 and 2016. The ATR policy was initially implemented because the *Indian Act* did not possess any mechanism to expand the acreage of First Nations' reserve territories nor to create new reserves. Prior to 1951 there was no need for Canada to create a reserve expansion provision because First Nation bands were prohibited from raising the funds which would be needed to hire lawyers to pursue land claims in court. In 1973, the Supreme Court of Canada's Calder decision (*Calder et al. v. Attorney-General of British Columbia*) set a legal precedent for the existence of Aboriginal title within the common law. The case sent a clear judicial signal to the federal government that First Nations have a stronger basis for land claims over Traditional Territories than had previously been assumed, which triggered the unilateral creation of a federal policy for comprehensive land claims. Comprehensive land claims typically involve large swaths of territory and delegated self-government arrangements in regions without prior Treaties such as mainland British Columbia, northern Quebec, and the northern Territories. Specific claims were also launched after Calder, which are individual cases of First Nations' litigation against Canada that stem from land or fiduciary debts owed by the Crown due to its breach of treaties, its unlawful expropriation of a band's reserve land, and Indian Affairs' many cases of fraud and mismanagement of

band resources (Peters, 2007). The ATR policy is a direct result of specific claims and Canada's need for an internal mechanism to expand or create First Nations' reserves.

Specific claims are relevant to urban reserve creation, but our primary focus in this article is on a large-scale multi-nation settlement and regulatory structure called Saskatchewan's Treaty Land Entitlement Framework Agreement (TLEFA) within which most First Nations party to the agreement have purchased and transferred urban parcels to reserve status in that province. Saskatchewan's TLEFA is a negotiated agreement between the governments of Saskatchewan, Canada, and 25 First Nations, formalized in 1992, with an additional eight bands signing on later. The TLEFA resulted from First Nations' litigation against Canada, and reserve creation and expansion under this framework represents a legal obligation of the Crown. In what is now Saskatchewan, Treaties 4, 6, 8, and 10 guarantee each band one square mile of reserve land per family of five, or 128 acres per person, and Treaties 2 and 5 guarantee 32 acres per person (Martin-McGuire, 1999) to inhabit. As Martin-McGuire (1999) describes from a combination of written and oral accounts from the late 19th and early 20th centuries, many First Nations did not obtain their promised acreage due to the Crown's flawed enumeration methods.

In 1976, over a century after the first Numbered Treaties were signed, a treaty land entitlement "Saskatchewan Formula" was negotiated between the Federation of Saskatchewan Indian Nations (FSIN; now the Federation of Sovereign Indigenous Nations) and the governments of Saskatchewan and Canada. While Canada has a legal obligation to ensure that entitlement bands receive the acreage of land that was promised by way of treaty, the 1930 *Natural Resources Transfer Agreement* legally compels Saskatchewan to facilitate the transfer of unoccupied Crown lands under provincial jurisdiction to Canada for the purpose of transferring that land to reserve status (*Saskatchewan Natural Resources Transfer Agreement [Treaty Land Entitlement] Act*, 1993). This says nothing, however, of the contested nature of Indigenous claims to inherent and Treaty Rights and agreed upon responsibilities, including the use and occupation of Traditional Territories.

> Reserve land is what it is, but that perception, especially with the provincial Crown, is the Natural Resources Transfer Agreement, which is . . . 1930 legislation, transfers the administration and control of lands and resources to the provincial Crowns. At the time of treaty . . . especially if I speak with respect to the hunting, fishing, and trapping as an issue, the First Nations, the way they understood it, was those resources would remain the responsibility of First Nations to access, because a lot of their living was based on harvesting, and there is documented undertakings by the Treaty Commissioner who said that they will remain with you as part of treaty. (Senior research and policy analyst, Federation of Sovereign Indigenous Nations)

The Saskatchewan Formula would have transferred 946,532 acres of Crown land to 15 bands, but its implementation was inconsistent, and the location and quality of "available" unoccupied Crown land was insufficient for First Nations' needs and objectives (INAC, n.d.). Further litigation ensued until a

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Saskatchewan Office of the Treaty Commissioner was established in 1989 to facilitate renewed treaty land entitlement negotiations. A senior staff member of the Office described the creation of Saskatchewan's TLEFA:

> Bands from down south, from the Treaty 4 area . . . had come together to file a lawsuit against the federal government on this outstanding question. [It] really accelerated government to want to resolve the issue without going to court, and so out of that scenario . . . we had the federal government and the FSIN agreeing that a Treaty Commissioner might be the vehicle by which they could negotiate or stickhandle their way through the difficult areas that they were experiencing in setting up a process of resolving the outstanding land question . . . [I]nitially then, with the first Treaty Commissioner Cliff Wright, his job was strictly treaty land entitlement . . . so for about probably four years they did extensive research, and they trained the First Nations how to do their own research to establish what the numbers were exactly in terms of people who were not part of the enumeration when the first treaty payments were being made after the first survey of their land (Senior staff member, Office of the Treaty Commissioner)

The 1992 TLEFA addresses these longstanding land debts through an equity formula for First Nations to acquire their promised "shortfall acres" and additional "equity quantum" acres or monetary "equity payment" compensation to account for individual bands' population growth since their treaty signing. Once a First Nation's shortfall acres are determined based on membership numbers at the time of treaty, the equity formula does not simply transfer an amount of money or land equivalent to the band's growth in membership over time; rather, it multiplies the percentage of each band's shortfall by its current population numbers. For example:

> Band "A" had a reserve surveyed for it in 1890. The survey allotted 10,000 acres. However, the population of the Band at the time was 100, therefore the treaty land entitlement should have been 12,800 acres (100 people x 128 acres).
>
> The per capita reserve allotment was, therefore, only 100 acres (10,000 acres divided by 100 people) instead of the 128 acres per capita as required by the provisions of treaty ("Shortfall Acres"). The percentage of shortfall in relation to the total amount of land received by Band A would likewise be approximately 22%.
>
> The population in Band A on March 31, 1991 is 500. To calculate the treaty land entitlement due now, the following formula would apply: 500 people x 128 acres = 64,000 acres x 22% (percentage of shortfall expressed on either an individual or Band basis) 14,080 acres ("Equity Quantum").
>
> The quantum of entitlement would, therefore, be 14,080 acres in 1992. (Wright, 1990, as quoted in Innes, 2014, p. 174)

Under the TLEFA, First Nations would not simply obtain unoccupied Crown land as the "Saskatchewan Formula" proposed; they must purchase land on a willing buyer-willing seller basis with entitlement monies calculated through the equity formula. Entitlement monies consist of two pools of compensation: first, an equity payment, which is derived by multiplying each band's equity quantum acres by the 1989 average price of unimproved farmland in Saskatchewan ($262.19 per acre); and second, a minerals payment, which equals each band's shortfall acres by the 1989 average price of minerals in Saskatchewan ($45.00 per acre).

The enlargement of First Nations' reserve lands resulting from both specific claims and the TLEFA is carried out through the federal government's ATR policy, which addresses a wide range of jurisdictional and procedural items. The ATR policy dictates the steps that First Nations must follow to convert land to reserve status. Under the 2016 ATR policy, First Nations can apply to expand their reserve lands under three policy categories: 1) Legal Obligations and Agreements, which encompasses provincial treaty land entitlement frameworks like Saskatchewan's TLEFA, specific claims settlement agreements, and modern treaties (self-government and land exchange agreements); 2) Community Additions, which are typically contiguous or nearby extensions of principal reserves to accommodate contemporary social needs of on-reserve populations, such as expanded housing and recreational space, protection of culturally significant sites, and economic development for which a band must demonstrate justifiable reasons for reserve conversion over other forms of land tenure, such as fee simple ownership; and 3) Tribunal Decisions, which is a path taken by First Nations whose outstanding specific claims against the Crown's breach of treaty obligations, or its illegal dispossession of reserve land, has not resulted in a settlement agreement (INAC, 2016, Directive 9.0).

When a First Nation chooses to convert a land parcel to reserve under the ATR, they must develop and submit a "reserve creation proposal" to Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), which must be formally initiated through a band council resolution requiring a simple majority membership vote (INAC, 2016, Directive 14.0). Whereas the ATR was initially intended to convert only unoccupied Crown land to reserve, as of 2016 it may be employed to convert First Nations' fee simple property holdings as well. An ATR proposal must meet the minimum requirements of one of the three policy categories, and because privately owned land is now eligible for conversion, First Nations must demonstrate that they have consulted in good faith with provincial, territorial, and municipal governments whose jurisdictional authority over bylaws and taxation do not apply to reserve land, as well as any third parties that may hold legal interests in the property.

If a First Nation wants to convert an urban land holding to reserve, it is required under the TLEFA to negotiate municipal and police services agreements with the civic government to establish provisions for an array of municipal services. Since reserves are not taxable land under municipal and provincial jurisdictions, a municipal services agreement will also establish a grant in lieu of taxes that a First Nation pays the city and schoolboards for their loss of potential revenues if the parcel had remained in fee

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simple ownership. Grants in lieu are typically determined according to the market value and designated land use of the parcel, as well as the cost of municipal services procured.

Developments on urban reserves are subsequently expected to demonstrate compatibility with municipal bylaws, including zoning bylaws, and existing land use designations regulated by Saskatchewan's *Planning and Development Act*, 2007. Although urban reserves are a unique form of federally delegated Indigenous jurisdiction within cities, they tend to mesh seamlessly with surrounding properties and the overall spatial layout of neighbourhoods, which is in many ways predetermined by urban and regional planning departments at the behest of city councils. Urban reserves' spatial compatibility is due in large part to active communication between First Nations and municipal governments over potential parcel locations and land uses that would not only suit First Nations' development objectives but would also mitigate any potential disruptions to the city's property fabric, its ordering of land uses, services and commodity flows, and real estate exchange values.

Once a First Nation develops its proposal in full, CIRNAC's Regional Director General reviews the proposal and advises the Deputy Minister through a letter of support to grant an "approval in principle" for reserve conversion (INAC, 2016, Directive 15.6). Among the many considerations that the Regional Director General and Deputy Minister weigh prior to issuing a letter of support to the Minister, the wealth creation potential of the property for the First Nation and surrounding communities is paramount. Participants expressed discontent about the asymmetrical power that the federal government applies not only in evaluating and approving new reserve proposals and designations, but also in its interpretation of treaty.

> What I was hearing from . . . the head TLE [Treaty Land Entitlement] guy from Indian Affairs was … we're kind enough to give you this land . . . for you to make a living. We expect you to . . . do good with it economically . . . Out of our largesse, we're giving you this land and we have certain expectations. From my point of view, this is something we negotiated in the treaty. This is not something you're giving us. Our people asked at the treaty, how did you come to understand that you own all this land and you're going to give us some back? (Land Manager, Muskoday First Nation)

If the potential economic and social benefits of reserve designation are determined by the regional CIRNAC office to outweigh the costs of the land transaction according to its unilaterally determined standards, and if the First Nation's proposal has covered all mandatory steps according to the ATR policy, the reserve creation proposal is then submitted with a letter of support as an approval-in-principle to the Minister of CIRNAC, who considers reserve designation through submission to the Governor in (Privy) Council or designates the parcel themselves through a Ministerial Order.

While participants expressed discontent about the federal government's interpretation of Treaties, and the large expenditure of time involved in going through the ATR process, some participants also drew favourable attention to how the TLEFA and ATR policy are tools to expand First Nations' strategic land

holdings, reserve acreage, economic development potential, and to exercise greater autonomy over land use planning, taxation, and management of own-source revenue.

> … [L]and can be acquired and converted to reserve; not just based on the land settlement agreement, but for other purposes like economic development . . . or social purpose, like a cultural or heritage site, or just to provide living space for their members. If a First Nation has the means they could buy fee simple land and then have it go through the ATR. It kind of gives life to the original treaty where it was promised that [for] every family of five there would be one square mile provided. There was no expiry date on that provision, so as our populations grow it was imagined that our reserve land base would also grow. This new ATR policy is the mechanism that would provide that, which is the way I see it. (Senior research and policy analyst, Federation of Sovereign Indigenous Nations)

Strategic Land Selection for Economic, Sociocultural, and Political Transformation

First Nations operating through the Saskatchewan TLEFA and the federal ATR policy make strategic decisions about which land parcels to purchase, which to keep in fee simple ownership, and which to convert to reserve, how to develop or conserve them, and for what purposes. The economic development potential of land purchases and conversions under the ATR policy is a key consideration of the federal government and of First Nations aiming to expand their own-source revenues, which Tomiak (2017) attributes to the neoliberalization of settler colonialism. But for First Nations, unlike corporate shareholder enterprises or private land developers, creating wealth by investing in land and property is not an end in itself; it is a means to support other longer-term collective objectives that enhance the band's land base as well as band members' material quality of life. The importance of balancing economic, cultural, and social objectives in strategic land selection was emphasized by participants.

Since treaty land entitlement monetary transfers constitute a one-time negotiated settlement from Canada's legal perspective, the objective of generating financial returns on investments through strategic selections, improvements, and uses of land (urban parcels, in particular) has compelled First Nations to focus primarily on the relatively short-term economic development potential of the TLEFA to generate own-source revenue. However, as a band's financial capacity grows, its reserve land may eventually be restructured and repurposed in pursuit of other ambitions.

> That's the interesting thing about Treaty Land Entitlement: once land goes to reserve status, it is no longer real estate; it is Indian land, and it will be Indian land until the end of time . . . that reserve land is in perpetuity. So, when we get a piece of land, right now it's used for one thing, but over the years it may evolve and be used for something else, and it's just a matter of it growing. So, the long-term plan for our people is basically to get as much land in as many cities and as many areas as we can get . . . And it's interesting . . . people want to live on the land, that's one thing, (but) urban land is quite valuable and we see that as industrial and businesses or a combination of the two. (Chair of the Trust, Little Pine First Nation)

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The comparably high exchange values of urban property reflect dense and inflated real estate markets embedded with civic infrastructure, services, and numerous productive spatial linkages across urban regions providing First Nations with sustained access to large consumer markets. First Nations who are successfully operating in or near urban centres do so in ways that strategically integrate their business development endeavours into local and regional market economies.

> The urban settings . . . allow us to create maybe a more diversified business centre. So, in English River [First Nation] they rent office space, but they also have Tron Power, and Creative Fire, and the gas station and other things all within an urban setting, so they're creating that [business] hierarchy as well. They have the business that's maybe the least sophisticated, but necessary . . . it's a convenience for the community as far as a gas station, all the way to companies . . . like Tron or JNE [Welding], that [are] . . . competing and contributing to the mainstream economy and services. So that's a good thing; fully integrating our businesses into the local, regional, and provincial economies. (Senior staff member, Office of the Treaty Commissioner)

For First Nations in Saskatchewan, it is not simply access to urban markets that drives urban reserve creation. Band councils, Treaty Land Entitlement trustees, and land managers are responding to material conditions of imposed poverty on reserves, as well as multiple generations of urbanization among band members and fragmentation of kinship relations. Some therefore conceive of urban reserves as spaces that support urban Indigenous populations to reconnect with or enhance their senses of identity through spaces that are symbolically and "officially" Indigenous land. Participants suggested that First Nations are building capacity to support urban Indigenous residents to reconnect with kin and on-reserve communities.

> What bands are trying to do is figure out how . . . they engage these people who are living in the city. You don't have the capacity on the home reserve. They don't have the land base, nor do you have the infrastructure to house them, to bring them home. So how do you help these people to live where they're forced to live, right? (Land Manager, Zagime Anishinabek First Nations)

Put another way, band councils are responding to members' needs and demands for urban support by creating ways to bring the strength of the principal reserve community to them in the city, in part by using urban reserves.

> The urban centres issue is kind of a reflection of that fact that our [principal] reserve lands are kind of bursting at the seams for living space, and . . . I'd say a majority of each First Nation's population does live in the urban centres. There's a thought there to provide living space in the cities, but I think… if you look at these land selections here, these communities are looking at these properties for more of a commercial economic activity, and that would provide employment and revenue for their communities, for housing and other matters like that. So right now, the gravitation that is happening toward selecting land in urban centres is . . . to access the

> market, to have a foothold in . . . the economy of the country and the province (Senior research and policy analyst, Federation of Sovereign Indigenous Nations)

It is important to note that while residential development on an urban reserve could be consistent with the municipal zoning bylaw in cases where a First Nation may wish to address housing goals in the city, residential use of an urban reserve parcel has never been approved by the federal government.

First Nations are purchasing and developing urban land selections and participating in local and regional market economies to generate collective wealth that can be harnessed for community purposes; particularly social needs that are neither adequately met through *Indian Act* funding nor federal government administration.

> What do you do with the benefits of all that (economic) activity? It's really the social needs, housing needs, the health needs of our community . . . Even school . . . often what is provided by the federal government is insufficient to meet those needs, so First Nations need to go above and beyond . . . [P]articipating in the economy, when you say is meant for generating wealth, what you do with that wealth is not for . . . growing . . . personal wealth. It's trying to improve the social and economic wellbeing of the community. So, it kind of has a socialist bent to it I guess you'd say. (Senior staff member, Saskatchewan First Nations Economic Development Network)

> We're going to change our society. We're going to give . . . our people jobs . . . and when they have jobs for their lifetime and pay into a pension and can save money and have steady work, their families live better . . . and get better educated, the kids get better educated, and the grandchildren get better educated. So, it's a long-term vision to create inter-generational wealth. (Land Manager, Muskoday First Nation)

In addition to improving the material conditions of First Nation communities and band members' quality of life through mainstream economic participation and market integration, participants suggested that urban reserves also provide symbolic spaces of pride and familiarity for urban residents, contributing also to First Nations' and urban Indigenous communities' social relations in historically exclusionary and racist settler cities. Participants believe that urban reserves are spaces that can help to combat settler colonial mentalities by instigating new tone and tenor in relations with non-Indigenous society on multiple social, economic, and political fields.

> [P]eople in the city of Saskatoon . . . now see a picture where there are successful Indigenous businesses, and these businesses are functioning effectively inside the economy of the city. On our [urban] reserve we deal with real estate, and we have businesses that are not Indigenous renting from us and conducting business quite effectively from 35 acres of reserve land . . . and so that . . . message is getting out there, that . . . these businesses are successful. Some of the old, old stereotypes are just being put to rest. Yeah, Indians . . . can be successful businesspeople, and

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> there's a lot more professionals operating out there in the communities and all the different organizations that are Indigenous. (Senior staff member, Office of the Treaty Commissioner)

While this section has offered a perspective on urban land as economically valuable to First Nations who are strategically motivated by their members' socioeconomic needs and band councils' development objectives, many participants asserted that settler governments and institutions should recognize cities as places constructed upon their Traditional Territories. Attached to the continuity of Indigenous Territory are inherent and Treaty Rights, mutual responsibilities, and aspirations to rejuvenate territorial governance through place-specific applications of Indigenous jurisdiction. This foundational source of jurisdictional conflict between the settler state and Indigenous nations, between Indigenous self-determination and state-determining authority, continues to define Indigenous resistance to Canada's settler colonial project (Borrows, 2017; Maaka & Fleras, 2008).

Urban reserve creation under the Saskatchewan TLEFA is a process that promotes cooperative relations between First Nations and municipal governments through the negotiation of economic and jurisdictional compatibility in Saskatchewan cities. Notwithstanding this cooperation and negotiated compatibility, First Nations' willingness to accept or adopt certain accommodations should not be conflated with consent to settler-state authority nor colonial-capitalist socio-spatial organization; rather, "accommodations of various kinds have provided the basis for Aboriginal survival . . . The fundamental mistake non-Aboriginal society consistently makes is to mistake accommodation for assimilation" (Blagg, 2008, p. 56). Urban reserves are one pathway through which First Nations are expanding their spatial foundation upon which to support both urban and rural Indigenous communities by enhancing First Nations' urban presence, land base, and revenue. Urban reserves do not, however, embody the rights, responsibilities, and mutually respected sovereignties envisioned in the Numbered Treaties. The fundamental differences between the state-regulated, colonial-capitalist socio-spatial order and Indigenous territorial law, jurisdiction, and governance remain.

Treaty Territory, First Nation Jurisdiction, and the Liminality of Urban Reserves

Regulations established by the Saskatchewan TLEFA have enabled the relatively smooth integration of reserve territory into urban settings alongside municipal and provincial jurisdictions.

> The reality is, if we're talking about harmony . . . then you begin to compromise: where is the right place here for this jurisdiction to work with this jurisdiction? And that's the path we dealt with back when we were setting up our reserve on Packham Avenue, because . . . we could have tried to be totally autonomous from the City of Saskatoon. But . . . that's not very smart because you can't function effectively pretending that you're totally separate from your environment. The better way to approach this is to look at your piece of land and say: how can we become merged to a certain extent with our neighbouring communities so that the energy, the economic energy here, is moving in it back and forth safely, effectively, and making money, which is what it's intended to do . . . And so, our agreement . . . was [that] we'll apply your bylaws on our land . . .

> as long as they understand this is still [our nation's] territory and there are protocols of respect that need to be adhered to . . . to make it work . . . I think most of the First Nations, I sense that's the approach that they've taken. (Senior staff member, Office of the Treaty Commissioner)

This perspective also serves to illustrate the liminality of urban reserves within a larger context of settler property and local state jurisdiction in Saskatchewan cities. First Nations choose to adapt their distinctive spaces to mesh with urban settler geographies because they can be harnessed to foster good relations. At the same time, they are emergent spaces through which First Nations can embed distinctive forms of territoriality in prairie cities.

> More nations in Saskatchewan are having a presence within the cities of Saskatoon and Regina . . . [and] more nations are opening urban offices and providing programs and services to their membership which often include post-secondary education, life skills training, to employment opportunities when the nation partners up with local post secondary institutions and employers. (Land Manager, Yellow Quill First Nation)

Due in part to the mutual motivation of economic prosperity through partnerships, or the convergence of interests (Belanger & Walker, 2009) between First Nations and municipalities, the fundamental contradictions of state jurisdiction and Indigenous Territory have not yet been significantly tested in Saskatchewan cities. Despite their distinctive qualities as land parcels under First Nations' jurisdiction, the uses of urban reserves are currently limited due to expectations of compatibility with municipal zoning bylaws and land use designations, which continue to reproduce western forms of spatial organization structured around private, fee simple property. Urban reserve land uses are also constrained because bands are forced to purchase property through the open real estate market, and they must demonstrate their potential for wealth accumulation and peripheral (settler) community benefits prior to reserve designation (Tomiak, 2017). Because land is a highly valued commodity in cities, it is currently unfeasible for First Nations to develop urban reserves in ways that do not generate a significant financial return on investment.

The fundamental incommensurability of treaty interpretations between the Canadian state and First Nations is not reconciled through urban reserves (Tomiak, 2017); far from it. The TLEFA is but one response by federal and provincial governments to a specific legal obligation of the Crown, beset by the threat of litigation and extrajudicial resistance, to fulfill a basic treaty promise of reserve land acreage. However, treaty relationships also implicate property regimes, jurisdiction, resource "ownership," laws, and governance across Indigenous Territories, which includes land in both cities and rural areas. We conceptualize urban reserves as liminal spaces precisely because they are produced within a state and economic structure of accumulation that has dispossessed Indigenous Peoples of their land, jurisdiction, and sovereignty over the past century and a half, and yet they are used by First Nations as politically expedient investments that are seen to contribute in the longer-term to self-determination through increased economic and governing autonomy in relations with all levels of the Canadian government. Whereas municipalities tend to view urban reserves as beneficial to the economies of cities and the social

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development of Indigenous communities, the federal and provincial Crown regard urban reserves, the TLEFA, and the ATR policy as the legal fulfillment of treaty obligations. Most participants, in contrast to all three levels of the state, view these modern mechanisms as tools that can help First Nations generate social, financial, and political capital that will support their efforts to reclaim land, jurisdiction, and governing authority over a long time-horizon.

Urban reserves are unique spaces of overlapping municipal, provincial, and federally delegated Indigenous jurisdiction whose contradictions are mitigated, for now, by First Nations' willingness to cooperate with governance and regulatory frameworks asymmetrically structured under Crown sovereignty and state authority. The decisions that First Nations are making in this generation—many of which are focused on economic and material benefits, reserve land base expansion, and enhancement of political capacity within the current policy and legislative apparatus of the state—are believed to enable future generations to have more durability to improve their conditions and relations in and with Canada and settler society. In this way, contemporary decisions about strategic land acquisitions, designations, and development—including but not limited to the production of urban reserves—are perceived as transitionary choices that reflect current circumstances but also bolster First Nations' decision-making autonomy toward an uncertain future. The liminality of urban reserves—as hybrid and transitionary spaces in Saskatchewan cities that embody both contradictions and cooperation—is also reflected in their potential to influence political, economic, and social relations in specific urban contexts. Despite being created through a "bounded recognition" of Indigenous and Treaty Rights (Porter & Barry, 2015), urban reserves are also "porous edge zones" (Howitt, 2001) from which First Nations may further embed distinctive cultural values in cities by influencing social relations and the production of space.

Conclusion

The creation of urban reserves in Canadian cities is an important example of an approach to urban land claim settlements that are occurring in settler colonial states internationally. As Indigenous communities continue to urbanize and as Indigeneity and urbanity appear less contradictory to governments and publics than they did in the 20th century, this area of policy promises to grow in prominence. This article has shown, however, that Treaty Rights, self-determination, sovereignty, and jurisdiction are interpreted narrowly in the urban reserve creation process. On one hand, oversight by the federal government, from regional director to deputy minister to minister, applies a lens and logic to approval that is patronizing, or to be clearer, colonial. On the other hand, First Nations are using urban reserves for instrumental purposes, building resources for their communities and forging relationships in the urban economy with Indigenous and non-Indigenous Peoples. There is a degree of self-determination occurring, albeit strictly bracketed by the modernized tools of settler colonialism.

Harmonious relations between First Nations and urban municipalities through service agreements, land use coherence, and new governance relationships signal a view toward the practical benefits of working well together in close quarters, mutually reinforcing economic and community goals together. Yet, it still

appears that the sovereignty of First Nations in their Traditional Territory is diminished to a point where an administrative government (municipality) is seen as a peer, generously, or as a host, realistically, whose house-rules need to be followed while the First Nation is in the city. This, in contrast to what arguably should be occurring; namely, acknowledging in practice that the First Nation(s) is host to the urban municipality in Indigenous Traditional Territory—words spoken hundreds of times daily in meeting rooms throughout the city in land acknowledgements, and which hopefully will be practiced as fervently. Urban reserves are indeed liminal spaces: promising and frustrating, Indigenous and colonial.

The TLEFA and ATR policy enable a pacification of land claims through the commodification of First Nations reserves as they are absorbed into liberal property relations. Yet, this framework has also enabled First Nations to purchase and convert hundreds of land parcels to reserve status, an outcome described by several participants as a key component to their exercise of decision-making authority over land management and economic development toward longer-term objectives of expanding financial and political self-determination. Although "economic development" through the legal translation of reserves to marketable forms of Indigenous property appear to be contradictory, if not incompatible with the transformative objectives of Indigenous resurgence, interviews reveal that many tensions and strategic nuances exist in the realm of land procurement, new reserve creation, and wealth generation. As Belanger (2018, p. 407) reminds us, "from an Aboriginal perspective, fostering economic self-sufficiency is paramount to community wellbeing and is considered a means of stimulating and maintaining localized economic development thereby leading to economic and political independence."

Future work is needed that examines First Nations perspectives on urban reserves and other intersections of urban land with sovereignty, self-determination and resurgence, from the point of view of Indigenous women, two-spirit people, and youth, both on- and off-reserve. The interview participants in this study were all (Indigenous) men. There is a long history of *Indian Act* patriarchy that has empowered men with the "rights, privileges, and entitlements of status in band government and reserve life" (Barker, 2008, p. 259). Band management relating to land and property is a male-dominated area of practice, and future work will need to be deliberate in its methodological approach to bringing in other voices. This article has focused on (status) First Nation urban reserves, leaving for future research how sovereignty and self-determination with respect to urban land can be exercised by non-status First Nations and Métis peoples that do not have the method of urban reserve creation at their disposal.

Urban reserves help to recast cities as Indigenous places, but they also fold First Nations' jurisdiction into settler and state geographies of property. Cities continue to be (re)produced via deeply asymmetrical "frontier relations" favouring settler colonial geographies of property that inscribe many boundaries over Indigenous Territory, but First Nations are operating within this fabric, creating new "edge" spaces to enhance their urban influence and strengthen their decision-making autonomy and authority. First Nations' urban reserve creation is linked to political and economic strategies to co-construct a more equitable coexistence by practicing Indigeneity in all relations with settler society, but

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they also incorporate a temporal dimension of *transition* through which urban reserves contribute to the longer-term empowerment of First Nations' legally recognized jurisdiction across Saskatchewan. At every stage in the urban reserve creation process, and in similar urban land settlements in other settler states, policy professionals should look for enhancements. At each point in its transactional nature, ask how Traditional Territory and the treaty relationship are acknowledged, how resources are allocated to settlements in that context, how Indigenous sovereignty and jurisdiction are made operational in each step, and to what extent self-determination is being put into practice. It will involve every level of government giving up some of its control at each stage, but the evolution and enhancement of this work offers a pathway toward active treaty relationships that withstand interpretation by Indigenous nations and the settler state.

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