

January 16, 1991

A GENERAL PROTOCOL AGREEMENT ON
THE NEGOTIATION OF
TREATY LAND ENTITLEMENT SETTLEMENTS IN SASKATCHEWAN

This Protocol Agreement made this 16th day of JAN, 1991.

BETWEEN:

The Federation of Saskatchewan Indian Nations representing the First Nations Chiefs of Bands with Treaty Land Entitlements in Saskatchewan in Assembly, as represented by their Chief Negotiator, hereinafter referred to as

the "Federation"

-and-

The Government of Canada as represented by the Senior Negotiator duly appointed to negotiate a settlement of the outstanding Treaty Land Entitlements in Saskatchewan, hereinafter referred to as

"Canada"

- and -

The Government of Saskatchewan as represented by the Chief Negotiator duly appointed to negotiate a settlement of outstanding obligations of Saskatchewan related to the Treaty Land Entitlements in the Province of Saskatchewan, hereinafter referred to as

"Saskatchewan"

WHEREAS the Federation and Canada agree that the obligations of Canada under Treaties between Her Majesty the Queen and the Treaty Indians have not yet been fulfilled, and that these obligations should be settled at this time;

AND WHEREAS Canada and Saskatchewan agree that the obligations of Saskatchewan to Canada to set aside lands under paragraph 10 of the Natural Resources Transfer Agreement as confirmed by the Constitution Act, 1930, should be settled at this time;

AND WHEREAS the First Nations Chiefs of Bands with validated Treaty Land Entitlements, in Assembly, have authorized and directed the executive of the Federation of Saskatchewan Indian Nations to enter into this Agreement;

AND WHEREAS the Parties to this Agreement recognize that the resolution of the outstanding Treaty Land Entitlement debt is to be dealt with bilaterally between the First Nations Bands and Canada;

AND WHEREAS the Parties further recognize that the resolution of the obligations of Saskatchewan to Canada related to unfulfilled Treaty Land Entitlements is an issue which must be dealt with concurrently with the settlement of Canada's obligations to the Treaty Indians;

AND WHEREAS the Office of the Treaty Commissioner has made recommendations on how the outstanding Treaty Land Entitlement obligations may be resolved, which all Parties have agreed in principle to use as the basis for good faith negotiations;

THEREFORE THE PARTIES HERETO AGREE AS FOLLOWS:

1. The Federation and Canada will immediately commence negotiations dealing with the list of matters set out in Appendix "A", which forms a part of this Agreement.
2. Canada and Saskatchewan will immediately commence negotiations dealing with the list of matters set out in Appendix "B", which forms a part of this Agreement.
3. The Parties agree that they will make every reasonable effort to conclude the concurrent bilateral negotiations referred to in paragraphs 1 and 2 above, the results of which will be incorporated in a Framework Agreement on or before 31 March, 1991.
4. It is further understood that during the respective negotiations referred to in paragraphs 1 and 2 above, including any working group sessions, the Party to this Agreement who is not an active participant in such negotiations or working group sessions shall have official observer status, and, with the consent of the Negotiating Parties, may comment on issues or matters which are relevant to that observer's interests.
5. The Federation and Canada agree that immediately after the signing of the Framework Agreement referred to in paragraph 3 above, negotiations will commence with the First Nations Bands who have signed the Framework Agreement for the settlement of each Band's entitlement in accordance with the general principles set out in the Framework Agreement, and over the matters set out in Appendix "C", which forms a part of this Agreement.
6. Nothing in paragraph 5 above precludes First Nations Bands from initiating or continuing negotiations with respect to their Treaty Land Entitlements before the conclusion of the Framework Agreement.
7. The Parties agree that negotiations and working group sessions referred to in paragraphs 1 and 2 above shall be held in camera, and:

- a) Any Chief or his/her delegate may attend any negotiating session as a special observer after prior consultation with the Chief Negotiator for the Federation. Such Chief or delegate shall be entitled to comment on questions raised in the negotiations in all circumstances where the Chief Negotiator for the Federation would be entitled to speak or make comments.
 - b) During the course of the Framework Agreement negotiations, the Parties may invite, by mutual consent, interested third parties to participate as observers in those negotiations when their interests are being considered or discussed.
8. a) Should the Federation and Canada agree that there is a matter impeding settlement which arises between them in the negotiations referred to in paragraph 1 above then they may agree to refer the matter to the Treaty Commissioner or any person with special qualifications or knowledge for review on a confidential basis.
b) Canada and Saskatchewan agree that they may, by mutual consent, seek the assistance of any person with special qualifications or knowledge to assist them in the negotiations referred to in paragraph 2 by providing them with information, research assistance, advice or recommendations on a confidential basis.
9. The Parties agree that any communication with the media by the negotiating teams will be conducted only after consultation amongst the Chief Negotiators.
10. The Chairperson for each negotiation session shall ensure that a confidential written summary of that session is prepared. A draft of that summary shall be reviewed in a timely manner by the Chief Negotiators for that session. The final version of this summary will be prepared and approved for internal distribution at the direction of the three Chief Negotiators on a confidential basis.
11. The Framework Agreement negotiations with respect to the validated First Nations Bands with Treaty land entitlements shall be conducted without prejudice to any other First Nations Band which may have a valid land entitlement claim in Saskatchewan.
12. Nothing in Appendices A, B, or C, shall be interpreted as limiting the right of the Parties to this Agreement

to negotiate or discuss matters not referred to in those Appendices, nor shall Appendices A, B, or C be interpreted as requiring any matter to be included in the final agreements resulting from those negotiations.

13. A Party to this Agreement may designate an Acting Chief Negotiator to represent him or her in the absence of its Chief Negotiator, and such Acting Chief Negotiator may perform those functions delegated by the Chief Negotiator.
14. This Agreement may be amended in writing from time to time by the mutual consent of the three Parties.

IN WITNESS WHEREOF the Parties have hereunder set their hands on the date and year first above written:

Signed on behalf of The
Federation of Saskatchewan
Indian Nations

Clyde Barber

Signed on behalf of The
Government of Canada

W. A. Montgomery

Signed on behalf of the
Government of Saskatchewan

Frank B. ...

APPENDIX "A"
A DESCRIPTION OF THE MATTERS TO BE DEALT WITH
IN THE NEGOTIATIONS BETWEEN
THE FEDERATION AND CANADA

- I. Land
 - a) Reserve Status
 - b) Land Quantum in Principle
 - c) Mineral and Subsurface Rights
 - d) Water Rights
 - e) Forestry Rights
 - f) Other Resource Rights

- II. Compensation
 - a) Land Value in Principle
 - b) Resource Value
 - c) Honour Payment
 - d) Loss of Use of Land, Minerals and Other Resources
 - e) Value of Dollars

- III. Implementation
 - a) Third Party Interests
 - b) Timing of Payments
 - c) Interest on Payments
 - d) Land Selection and Acquisition Process
 - e) Valuation of Crown Lands, Resources and Improvements
 - f) Control and Use of Funds

- IV. Costs
 - a) Negotiation costs

- V. Other Issues
 - a) Process to handle Treaty Land Entitlements of other First Nations Bands in Saskatchewan
 - b) Form and Process of Band Releases
 - c) Process of negotiations between First/Nations Bands and Canada

APPENDIX "B"
A GENERAL DESCRIPTION OF THE MATTERS TO BE DEALT WITH
IN NEGOTIATIONS BETWEEN
SASKATCHEWAN AND CANADA

- I. Land
 - a) Minerals and Subsurface Rights
 - b) Water Rights
 - c) Forestry Rights
 - d) Other Resource Rights

- II. Compensation
 - a) Provincial Land and Resource Values

- III. Federal-Provincial Cost Share

- IV. Implementation
 - a) Third Party Interests
 - b) Land Selection and Acquisition Process
 - c) Valuation of Crown Lands, Resources and Improvements
 - d) Local Government Tax-Loss Compensation*
 - e) Roads and Road Allowances

- V. Other Issues
 - a) Paragraph 10 of the N.R.T.A. (Constitution Act, 1930)
 - b) Parallel Legislation

* Settlement of this issue will involve discussions with representatives of local governments.

APPENDIX "C"
A GENERAL DESCRIPTION OF THE MATTERS
TO BE DEALT WITH IN NEGOTIATIONS
BETWEEN
INDIVIDUAL FIRST NATION BANDS
AND CANADA

- I. Land
 - a) Specific Reserve Status
 - b) Specific Land Quantum
 - c) Water Rights
 - d) Specific Mineral and Subsurface Rights
 - e) Specific Forestry Rights
 - f) Other Resource Rights

- II. Compensation
 - a) Specific Compensation
 - b) Specific Land, Improvements, Subsurface, and other Resource Values

- III. Implementation
 - a) Specific Payment Timing
 - b) Specific Control and Use of Funds
 - c) Specific Third Party Interests
 - d) Roads and Road Allowances

- IV. Costs
 - a) Negotiation Costs
 - b) Band Planning Costs
 - c) Acquisition Costs