

DECLARATION OF INTENT

BY

TREATY 8 FIRST NATIONS OF ALBERTA  
As represented by the Grand Chief

AND

HER MAJESTY THE QUEEN IN RIGHT OF CANADA  
as represented by the Minister of  
Indian Affairs and Northern Development

WHEREAS *Canada's Constitution Act, 1982* recognizes and affirms the existing Aboriginal and Treaty rights of the Aboriginal Peoples of Canada, and

WHEREAS the Government of Canada recognizes the inherent right of self-government as an existing Aboriginal right under section 35 of the *Constitution Act, 1982*, and

WHEREAS the Government of Canada recognizes the inherent right of self-government may be given effect through a variety of mechanisms including treaty, legislation, contracts and non-binding memoranda of understanding, and

WHEREAS the Treaty 8 First Nations of Alberta and the Government of Canada wish to focus on the implementation of the inherent right of self-government through a treaty process, and

WHEREAS the Treaty 8 First Nations of Alberta and the Government of Canada wish to establish a process to discuss their respective understandings of the Treaty relationship, Treaty rights and Treaty implementation, and

WHEREAS the Government of Canada and the Treaty 8 First Nations of Alberta wish to work in partnership to renew the relationship that was originally recognized and affirmed by the signing of Treaty No. 8 in 1899, which was ratified by Order in Council by the Government of Canada, and

WHEREAS the Treaty 8 First Nations of Alberta view the bilateral process as a method to implement the true spirit and intent of Treaty No. 8 as understood and told by First Nations Elders, thereby strengthening the traditional governance of Treaty 8 First Nations, and

WHEREAS the Treaty 8 First Nations in Alberta wish to develop a new fiscal relationship with the Government of Canada and wish to receive a fair share of the resource revenues derived by the Crown from their traditional territories, and

WHEREAS the Treaty 8 First Nations of Alberta wish to establish governance institutions, processes and capacities to develop healthy, vibrant communities, viable economies and a strong and healthy people, through the implementation of the spirit and intent of Treaty No. 8, and

WHEREAS the Treaty 8 First Nations of Alberta and the Government of Canada recognize that discussions under this process may affect provinces or territories and where required and agreed to by the Parties the appropriate province or territory may be invited to participate;

A. THE PARTIES THEREFORE UNDERTAKE THE FOLLOWING:

- I. To establish a formal bilateral process between the Treaty 8 First Nations of Alberta and Canada which aims to:
  - a) lead to a joint understanding of the spirit and intent of Treaty No. 8 and the Treaty relationship recognizing that the Parties may have divergent views;
  - b) find and explore and where agreed, implement ways and means through which the Parties can resolve outstanding issues related to Treaty 8, including but not limited to issues related to the spirit and intent of the Treaty relationship, the respect of Treaty rights and the collective or individual nature of Treaty rights;
  - c) implement an inherent right of self-government consistent with the spirit and intent of the Treaty relationship through a treaty process by negotiating agreements including, but not limited to, such matters as fiscal relations, jurisdictions, powers and authorities exercisable by Treaty 8 First Nations over Treaty 8 reserve lands and Treaty 8 First Nations' traditional territories, intergovernmental relations, and the creation and resourcing of institutions related to the governance and other requirements of Treaty 8 First Nations of Alberta.
  
- II. The Parties undertake to formalize arrangements in the following manner:
  - a) to initiate the process for creating the Treaty 8 Bilateral Process by having this Declaration of Intent executed by the Treaty 8 First Nations of Alberta as represented by the Grand Chief and the Crown as represented by the Minister of Indian Affairs and Northern Development, and
  - b) within a reasonable period of time, following the formal signing and execution of the Declaration of Intent, to develop mechanisms and principles to guide the negotiating processes which shall be informed by the principles of treaty interpretation as elaborated in the jurisprudence from time to time, as well as to develop the budgetary requirements, schedules and work plans that will be encompassed in a preliminary agreement, and
  - c) upon completion and approval of the Preliminary Agreement, the Parties undertake to negotiate and to seek the required approvals to conclude a comprehensive Framework Agreement to commence negotiations under the Bilateral Process, and

- d) the Parties, on a best efforts basis, undertake to conclude by June 21, 1999 - the centenary of Treaty No. 8, as a first step, an initial "Agreement in Principle" on a subject to be identified by the Parties.

III As an integral part of the Bilateral Process, the Parties undertake to seek the Indian understanding of Treaty No. 8 as reflected in the oral traditions of Treaty 8 First Nations by ensuring the participation of First Nation Elders and First Nation spiritual leaders in the processes created for the Treaty 8 Bilateral Process.

IV Other Participation:

- a) The Parties may by mutual agreement afford the opportunity to Treaty 8 First Nations located outside Alberta to opt in and become active participants within the Treaty 8 Bilateral Process provided that a similar process is not available to those First Nations in their home province or territory.
- b) The Parties agree that when provincial or territorial jurisdiction may be affected through the Bilateral Process, the Parties will discuss the appropriate means of seeking their participation.
- c) The Parties acknowledge that as a practical matter the consent of the appropriate province or territory will be required for certain items.

V Non-Derogation:

- a) The Bilateral Process shall not be construed so as to abrogate or derogate in any way from the rights of the Crown, nor from any Aboriginal, Treaty, or other rights and freedoms that pertain to the Treaty 8 First Nations of Alberta or from any fiduciary relationship between the Crown and the Treaty 8 First Nations except as may result from any agreement arising from this process.
- b) The Bilateral Process shall be without prejudice to individual Treaty 8 initiatives or existing programs and services flowing to Treaty 8 First Nations and/or Tribal or Regional Councils except as may result from any agreement arising from this process.

## B. THE PROVISIONS OF THE BILATERAL PROCESS:

- I The Parties will establish a joint working committee to draft and consult on a preliminary agreement as referenced in Clause A, II, (b) and also to identify and consult on the principles and elements of a comprehensive framework agreement as referenced in Clause A, II, (c).

- II Prior to the completion of the Preliminary Agreement, the Parties will identify the senior representatives who will be responsible for the negotiation of the comprehensive Framework Agreement.
- III The Minister of Indian Affairs and Northern Development will co-ordinate involvement of other federal Ministers as required.
- IV The Minister of Indian Affairs and Northern Development and the Grand Chief of Treaty 8 First Nations of Alberta will constitute a joint committee to oversee and direct the processes arising from the Bilateral Process.

C. RESOURCING THE BILATERAL PROCESS:

Upon the signing of this Declaration of Intent, the Parties agree that Canada will provide adequate levels of funding resources to Treaty 8 First Nations of Alberta for each of the agreed upon stages of the process. The funding levels will be mutually agreed upon between the Parties and will be related to agreed upon products, outputs and time frames and the costs associated with the overall coordinating infrastructure.

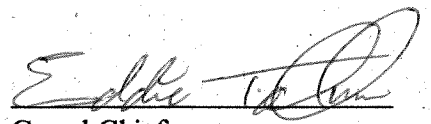
D. TIME FRAMES:


The signing of this Declaration of Intent shall signify the Parties readiness to commence the bilateral process. The initial phase of the process will be the preliminary agreement that shall be agreed to by the Parties within a reasonable period of the time. At the conclusion of this initial phase, the Parties shall seek the required approvals for further stages of the formal bilateral process, provision for which will be identified in a comprehensive framework agreement.


E. OTHER:


This Declaration of Intent is not a treaty and does not create any legal obligations.

SIGNED THIS 22<sup>nd</sup> DAY OF June 1998.

  
Grand Chief  
Treaty 8 First Nations of Alberta

  
Minister  
Indian Affairs and Northern Development

  
Witness

  
Witness