



June 21, 1999

Mr. Harold Cardinal
Treaty 8 Negotiator

Mr. Tim Christian
Federal Negotiator

Dear Mr. Cardinal and Mr. Christian:

This is in response to your joint letter of recommendation dated May 12, 1999 concerning how Canada and Treaty 8 (Alberta) might now proceed with the Process set out in the *Declaration of Intent* (DOI) entered into by the Government of Canada and the Treaty 8 First Nations of Alberta dated June 22, 1998. This letter constitutes our instructions to negotiators with respect to their recommendations and with respect to the completion of a Preliminary Framework Agreement (PFA).

We appreciate that you were not able to complete an Agreement in Principle on a mutually identified subject matter for June 21, 1999. Nonetheless, we wish to confirm herewith our continued commitment to make progress on the items set out in the DOI. Specifically we instruct you to complete by December 1999, a Preliminary Framework Agreement (PFA) for approval by principals, setting out mechanisms and principles to guide discussions and negotiations.

You are further instructed to commence work on an Agreement in Principle (AIP) on the subject matters set out in section 1A(c) of the *Declaration of Intent*.

The Treaty 8 First Nations of Alberta and the Government of Canada recognize that discussions of some of the jurisdictions, powers and authorities referenced in the DOI involve areas of jurisdiction and authority of direct interest to the Province of Alberta. We therefore agree that the participation of the Province of Alberta will be necessary in any discussions or negotiations which touch upon the jurisdictions, powers and authorities of the Province. Negotiators are instructed to seek the participation of the Province in this process and, in particular, to secure their participation in the circumstances described above.

.../2

Canada

You may, where necessary and upon mutual agreement, as stated in the DOI, invite other government jurisdictions to participate in the Treaty 8 Bilateral Process.

The effective exercise of jurisdiction may require the First Nations of Treaty 8 (Alberta) to establish new governing structures for purposes of the aggregation of jurisdictions and to perform collective functions on behalf of participating First Nations. In this regard, the Treaty 8 First Nations of Alberta and Canada recognize the need for community consultations on the Treaty 8 governing structures that will be required for the effective exercise of jurisdiction. Such consultations and discussions should occur early in the process before substantive jurisdictional negotiations.

As envisaged in the DOI, negotiators are also instructed to discuss, in parallel with their work on jurisdictional matters, capacity building and the creation and resourcing of efficient, effective and affordable institutions related to governance. These discussions should include the study of the feasibility of a capacity building institution related to Treaty 8 First Nations.

To ensure that you are able to continue your work, officials of DIAND and Treaty 8 (Alberta) will meet and determine the level and source of fiscal resources available for the Treaty 8 Bilateral Process.

Negotiators are mandated to develop a plan for public education which will form part of the PFA and AIP. You may wish to consider the following:

- a) gathering and sharing materials, including agreements and working papers, related to other self-government and Treaty processes pertaining to First Nations governance and prepare where appropriate, summaries of these to enhance the understanding of these other processes and to provide a base for bilateral discussions;
- b) convening a series of workshops to explore and better understand the progress made and problems encountered in other self-government and Treaty implementation processes; and,
- c) in order that individuals, groups or organizations having an interest in the outcome of these discussions may be knowledgeable and well informed of the general status, aims, objectives and progress of the discussions, the Negotiators may:

- (i) attend meetings with such individuals organizations or groups as they may agree will assist in the process of consensus building and, without restricting the generality of the foregoing, hold at least two public information sessions per year in the Treaty 8 territory;
- (ii) carry out such additional information and education sessions as they see fit, including initiatives to obtain a broad range of input; and,
- (iii) issue joint statements to the media on the progress of discussions.

Negotiators shall ensure that the PFA sets out specific steps to be undertaken to ensure the involvement of First Nation Elders and First Nation Spiritual Leaders.

We are hopeful that these instructions will enable you to make immediate progress and we look forward to receiving an early report on the joint activities.

Grand Chief 
Treaty 8 First Nations of Alberta


Minister
Indian Affairs and Northern Development