



MLFN Framework Agreement Respecting  
Lands, Resources & Economic Development

Presented to

**Chief and Council**

**Meadow Lake First Nations**

# Without Prejudice

- ✪ Rolling Draft #7 of the MLFN Framework Agreement Respecting Lands, Resources & Economic Development is undergoing review within the internal processes of each of the Parties and **does not represent formal or final positions.**

# Purpose of Presentation

- ✦ To provide a brief overview of the MLFN Framework Agreement Respecting Lands, Resources & Economic Development (Framework Agreement).
- ✦ To identify & discuss key issues.
- ✦ To review next steps.

# Background

- ✦ From the outset of negotiations, MLFNs have emphasized the historic, continuing & future importance of their Traditional Territories (TT)
- ✦ In the Comprehensive Agreement-in-Principle (CAIP), the Parties committed to negotiate a Framing Agreement on Traditional Territories. Once approved by the Parties, substantive negotiations will proceed to address the interests of the Parties with respect to the area in the Province of Saskatchewan that the MLFNs regard as its TT (56.02(1)(a))
- ✦ The Chiefs made it clear that there would be no Governance Agreement (GA) without a TT Framework Agreement

# Name Change

- ✦ The *Framing Agreement on Traditional Territories* was re-named *MLFN Framework Agreement on Lands, Resources & Economic Development* (Framework Agreement)



# Purpose of the Framework Agreement

✦ The Framework Agreement outlines matters to be negotiated, including: (2.1(1))

1. Agenda – What?
2. Process - How?
3. Time Frame – When?



# Relationship to Treaty & Aboriginal Rights

- ✦ Framework Agreement or negotiated agreement will not affect Treaty or Aboriginal Rights (2.2)
- ✦ Framework Agreement or negotiated agreement does not limit any Party from taking legal action respecting any Treaty or Aboriginal Rights of an MLFN (2.2(4))
- ✦ If a Party begins legal action with respect to Treaty & Aboriginal Rights & the subject matter does not relate directly to what is being negotiated under the Framework Agreement, the Parties will continue these negotiations (7.1(3))

# Duty to Consult

- ✦ Negotiations under this Framework Agreement do not include the duty to consult (s.35 of the *Constitution Act, 1982*) (2.3(1))
- ✦ Framework Agreement does not limit the Parties from addressing the duty to consult in another forum (2.3(2))



# Structure of Negotiated Agreement

- ✦ Issues that are common to all MLFNs will be addressed in a single negotiated agreement (2.4(1))
- ✦ Issues that are specific to an MLFN may be addressed in MLFN-specific arrangements (2.4(2))



# Traditional Territories & Geographic Area

## Traditional Territories:

- Land each MLFN regards as the area it has traditionally used & occupied or uses for traditional purposes (1.1)
- MLFN TT may extend beyond the boundaries of Sask

## Geographic Area:

- Area in Sask agreed to by the Parties as the Geographic Area (1.1)

# Mapping MLFN Traditional Territories

- ✦ Each MLFN will identify what it regards as its TT (3.1(a))
- ✦ Each MLFN will produce their TT map & an aggregate map of all 8 MLFN TT (3.1(b))
- ✦ Copies of all the maps will be provided to Canada & Sask for review & to prepare for the negotiations (3.1(c)(d))



# Negotiating the Geographic Area

- ✦ Parties will begin negotiations to determine the Geographic Area (3.1(e)) & conclude no later than 6 months after signing the Framework Agreement (3.3(a))
- ✦ Parties will produce a map of the Geographic Area (3.1(f))

# What will be negotiated?

- ✦ Access to & use of Land (4.1(1)(a));
- ✦ Participation in the socio-economic benefits (4.1(1)(a));
- ✦ Management & decision-making respecting Land & creation of joint processes & structures including: (4.1(1)(b))
  - Water, excluding subsurface water bodies;
  - Wildlife, fish & fisheries;
  - Forests;
  - Environmental protection & assessment;
  - Parklands;

# What will be negotiated?

- Protection & use of historic & sacred sites;
  - Access to Land for traditional medicine;
  - Land use planning; and
  - Fire & natural disaster management
- 
- ✦ Economic development initiatives respecting Land & Minerals (i.e. commercial & business ventures, business investment & employment) (4.1(1)(c));
  - ✦ Sharing of information on Land & Mineral resources (4.1(1)(d));

# What will be negotiated?

- ✦ Training & employment programs (4.1(1)(e));
- ✦ Identification of business & investment opportunities (4.1(1)(f));
- ✦ Capacity building to participate in the economic benefits from development of Land & Minerals (4.1(1)(g));
- ✦ Dispute resolution (4.1(1)(h));
- ✦ Approval of negotiated agreement (4.1(1)(i)); and
- ✦ Implementation of the negotiated agreement (4.1(1)(j))

# Exclusion List

✦ The negotiations will not include:

- Method of allocating Minerals, including terms of dispositions (4.2(2)(a))
- Resource revenue sharing (i.e. royalties) (4.2(2)(c))



# Interest Holders

- ☛ Legal interests will be protected in accordance with the terms of each interest (5.1)
- ☛ Interest holders will be identified & consulted respecting the negotiations of the negotiated agreement (5.2)

# Major Developments

- ✦ Major Development means any development, project, undertaking or work: (6.1)
  - Commercial or industrial (i.e. power generation, water diversion), and
  - Involves capital expenditures of at least \$25M (2006 figures)
- ✦ Canada or Sask will make best efforts to provide information to, notify, consult with & involve MLFN(s) regarding any Major Development on Land within the Geographic Area (6.2(1))

# Major Developments

- ☀ Parties will make best efforts to facilitate the participation of MLFNs in the socio-economic benefits of a Major Development ((6.2(2))
- ☀ Canada will consult with MLFN(s) regarding any land intended to be set apart as a national park in accordance with the *Canada National Parks Act* (6.3)

# Timeframes

- ✦ Once the Geographic Area is approved by the Parties, they will use best efforts to complete the negotiated agreement within 2 years (7.3)
- ✦ At any time after 2 years has expired, any Party may terminate the negotiations with 1 year's written notice (7.7(1))

# Funding

- ✦ Canada & Sask will provide funding to the MLFNs to participate in the negotiations & approval process of the negotiated agreement (7.5)

# Dispute Resolution

- ✦ Each Party will make best efforts to avoid or minimize disputes during the negotiations (7.6(1))
- ✦ A qualified third party may be invited to assist the Parties in addressing dispute(s) (7.6(3))



# Approval of Framework Agreement

- ✦ Fall 2006, Canada will be seeking Cabinet mandate to proceed with the Framework Agreement prior to the MLFNs ratification process



# Outstanding Issues

The following 3 issues still need to be negotiated by the Parties:

1. Management & conservation of Minerals (4.2(2)(b));
2. Total value of all funding that may be provided by Canada to the MLFNs (8.1); and
3. Approval of the Framework Agreement by Saskatchewan (10.3)





# Next Steps

## 1. September 2006:

Complete negotiations on Framework Agreement

## 2. Fall 2006:

Canada to seek Cabinet mandate to approve & sign the Framework Agreement

## 3. March 2007:

Complete MLFN TT maps