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***A MEMORANDUM OF UNDERSTANDING***

***BETWEEN THE***

***MEADOW LAKE FIRST NATIONS GOVERNMENT  
MEADOW LAKE TRIBAL COUNCIL***

***AND THE***

***GOVERNMENT OF SASKATCHEWAN***

***RESPECTING THE INVOLVEMENT OF THE  
GOVERNMENT OF SASKATCHEWAN  
IN NEGOTIATIONS AS A PARTY TO THE  
MEADOW LAKE TRIBAL COUNCIL- CANADA  
SELF GOVERNMENT INITIATIVE***

**BETWEEN:** THE GOVERNMENT OF SASKATCHEWAN as represented by the Minister Indian and Metis Affairs - hereinafter referred to as "Saskatchewan".

**AND:** THE MEADOW LAKE FIRST NATIONS as represented by the Meadow Lake Tribal Council - hereinafter referred to as "MLTC".

**WHEREAS**

- A. The Meadow Lake First Nations take the position that historically they have possessed and continue to possess the inherent right to govern themselves;
- B. Saskatchewan recognises the inherent right of the Meadow Lake First Nations to govern themselves within the Constitution of Canada and has confirmed its willingness to negotiate the details of the modern day recognition of that right with the Meadow Lake First Nations;
- C. The Meadow Lake First Nations (MLFN) have a primary and special relationship with Canada and Canada's responsibilities toward the MLFN are reflected in Treaties 6, 8, and 10, section, 35 of the Constitution Act, 1982, as well as section 91(24) of the Constitution Act, 1867, under which Canada possesses the constitutional legislative authority respecting "Indians and lands reserved for Indians";
- D. Saskatchewan does not possess specific legislative authority with respect to First Nations people or lands reserved for First Nations people, but does possess the constitutional authority accorded to it under the Constitution Act, 1867, and related constitutional documents, to enact laws which apply generally in the Province of Saskatchewan;
- E. MLFN taking the position that the Constitution of Canada, their Treaties and their special fiduciary relationship with Canada all reflect and protect their inherent right to self government within Canada generally, have entered into discussions through MLTC with the Government of Canada for the full recognition of the Meadow Lake First Nation Governments;
- F. The agenda, process and related issues to govern and guide the MLTC-Canada negotiations are reflected in a Framework Agreement entered into by the Government of Canada and the Meadow Lake Tribal Council on April 3, 1991;
- G. Saskatchewan and MLTC have agreed that the most effective way of proceeding to achieve the elaboration of the Meadow Lake First Nations inherent right to self government is by integrating Saskatchewan into the discussions now underway between the Government of Canada and the Meadow Lake Tribal Council, accompanied by a bilateral negotiation process to the extent both parties deem it necessary and desirable; and
- H. The parties acknowledge that this agreement shall not prejudice or affect in any way the Treaty and Aboriginal rights of the Meadow Lake First Nations and their membership, nor

shall it affect or alter in any way the primary constitutional jurisdiction and related responsibilities and obligations of the Government of Canada under Treaties, 6, 8 and 10, as well as under section 91(24) of the Constitution Act, 1867, as further reflected in section 35 of the Constitution Act, 1982.

**NOW THEREFORE** the parties agree as follows:

**1.0 Purpose**

- 1.1 The parties agree that the primary purpose and scope of the negotiations are to facilitate the recognition and implementation of MLFN government over MLFN reserve lands and persons residing on such lands.
- 1.2 Negotiations will be focused on the draft Comprehensive Agreement in Principle currently under negotiation between MLTC and Canada, with a more specific focus on:
  - a) identification and discussion of issues of interest or concern to Saskatchewan; and
  - b) discussing ways of achieving Saskatchewan's involvement in any end agreement (whether Tripartite or Bilateral in nature), to address such issues.
- 1.3 Through such negotiations, the parties are committed to clarifying their future jurisdiction, roles and responsibilities and how such jurisdiction, roles and responsibilities shall interrelate with Canada.
- 1.4 The parties are also committed to work to achieve economy and efficiency in the exercise of their respective jurisdiction, roles and responsibilities.
- 1.5 The parties shall work to achieve this objective through discussions involving the Government of Canada and Saskatchewan and the MLTC. These discussions, and any resulting agreements and arrangements, may be of a tripartite or a bilateral nature as the parties in question deem appropriate.

**2.0 Representation of the Parties**

- 2.1 Each party shall designate a representative and officials to carry out the agreed upon negotiations.
- 2.2 The MLTC shall provide for the Minister, written confirmation of a representative and officials within fifteen days of the signing of this Agreement.

- 2.3 The Minister shall provide to MLTC written confirmation of the appointment of a Provincial representative and officials within fifteen days of the signing of this Agreement.
- 2.4 Each party retains the right to change its representative and/or officials. The other party shall be provided with notice in writing of any such changes, at least fifteen days prior to any such changes taking effect.

### **3.0 Process**

The parties agree that the Meadow Lake First Nations government process shall proceed as follows:

- 3.1 That there be negotiations, development, review and general concurrence of a draft Comprehensive Agreement in Principle.
- 3.2 That the proposed comprehensive Agreement in Principle, whether reflected in tripartite, or parallel bilateral agreements, would need to go through Canada, MLTC, and Saskatchewan ratification processes.
- 3.3 If required approvals are obtained through these ratification processes, a final Agreement(s) in Principle would be drafted for final signature by Canada, MLTC and Saskatchewan.

### **4.0 Without Prejudice**

- 4.1 It is specifically acknowledged that the involvement of the Province of Saskatchewan in any discussions pursuant to this Agreement shall be without prejudice to the Aboriginal and Treaty rights of the Meadow Lake First Nations and their membership and the special relationship between the federal government and Indian people and the special responsibilities that this involves.
- 4.2 It is specifically acknowledged that the involvement of the Province of Saskatchewan in any discussions pursuant to this Agreement shall be without prejudice to the federal government's primary responsibility and jurisdiction regarding First Nations peoples and shall not infer any such obligations, responsibility, and jurisdiction onto the Province of Saskatchewan.

**5.0 Review and Termination**

- 5.1 The parties agree to undertake a joint review and assessment of the progress achieved within the framework of this Memorandum of Understanding on or before March 31, 1997.
- 5.2 Either party may terminate or suspend this Agreement without cause by providing to the other party written notice of intention to terminate or suspend at least thirty days prior to the intended date of termination.
- 5.3 It is understood that Saskatchewan retains the right to withdraw from the negotiations provided for under this Agreement should there be any efforts to shift, erode or diminish Canada's primary responsibility and jurisdiction for First Nations peoples.

*ENTERED INTO BY THE PARTIES AT SASKATOON, THIS 30TH DAY OF OCTOBER, 1996.*

*Signed in duplicate for  
and on behalf of the  
Government of Saskatchewan  
as represented by the  
Minister of Indian and  
Metis Affairs*

*Signed in duplicate for  
and on behalf of the  
Meadow Lake First Nations  
by the duly authorized  
representatives of the  
Meadow Lake Tribal Council*

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*The Honourable Joanne Crofford  
Minister of Indian and Metis Affairs*

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*Chief Richard Gladue  
Chief of the Meadow Lake Tribal Council*

*Signed in the Presence of:*

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*Chief Roy Cheecham  
Chief of the Clearwater River First Nation*

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*Chief Bryan Crookedneck  
Chief of the Island Lake First Nation*

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*Chief Elmer, Campbell  
Chief of the Buffalo River First Nation*

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*Chief Wanda Cataract  
Chief of the Birch Narrows First Nation*

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*Chief Guy Lariviere*  
*Chief of the Canoe Lake First Nation*

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*Chief Ray Mitsuing*  
*Chief of the Makwa Sahgaiehcan First Nation*

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*Chief Archie Campbell*  
*Chief of the English River First Nation*

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*Chief Richard Fiddler*  
*Chief of the Waterhen Lake First Nation*

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*Chief Gerald Durocher*  
*Chief of the Flying Dust First Nation*