



# TREATY 8 FIRST NATIONS OF ALBERTA BILATERAL PROCESS NEWSLETTER

Winter 2010

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### What does Inherent Mean?

#### Inherent

Permanently existing in something; inseparably attached or connected; naturally pertaining to; innate; inalienable; the inherent right of men to life, liberty, and protection; a natural right possessed by people which is not granted to those people by other people.

#### Inherent Right

The authority given to Aboriginal people by the Creator for self-determination, including the right to govern themselves.

## Constitution Development Workshop

Treaty 8 First Nations of Alberta held a Constitution Development Workshop on December 14-17, 2009.

Representation from each of the 23 First Nations in Alberta were invited to attend this workshop.

The Workshop was co-facilitated by the National Centre for First Nation Governance (NCFNG). NCFNG is an organization that specializes in First Nation Governance.

The objectives of the workshop were to:

- Gain a basic understanding of what a constitution is and why it is important



- Address the questions about constitutions that people have
- Get a sense of some of the chal-



*Elder/Councillor Mike Beaver,  
Bigstone Cree Nation*

lenges (and solutions) that the FN might have in developing a constitution

- Show participants examples of

how traditional values, principles, and forms are reflected in governance institutions today.

- Validate participants' experience and knowledge.
- Assure partici-

## First Nations Governance Sub-Table



The First Nations Governance Sub-Table (FNGST) was assembled in June of 2009. This table was constructed to assist Treaty 8 First Nations of Alberta in the development of Chapter 5: *Treaty 8 First Nation Governance* and Chapter 6: *Treaty 8 Governance Agreement* of the Agreement-in-Principle (AiP). The FNGST meets for two days each month. Chief Fred Daniels, Fort Smith, is the Chief of the Bilateral Process.

The newly formed FNGST had an intensive meeting in Vancouver in November of 2009. The goal of the meeting was to define and begin drafting Chapters 5 and 6 of the AiP. The Chiefs had a good discussion and began to really discuss the issues surrounding these two chapters.

The Bilateral Process team is ecstatic to be working with this sub-table.

## Constitution Development Workshop cont....

participants that they all can contribute to building a constitution because it is about them – no one else has the answers for them

- Provide participants with practical tools, resources, and examples.

Audrey Marshall, LLB is available to assist First Nations in developing their constitutions. If your Nation would like to receive assistance or have any questions about developing a constitution please contact Audrey Marshall.

For more information contact Audrey Marshall, Constitution Development Coordinator at 780.444.9366.

## Citizens Engagement-Western Cree Tribal Council

The Bilateral Process team had the opportunity to schedule a citizens engagement session with Western Cree Tribal Council on November 17, 2009. The attendance was very satisfying; we were blessed to have Elders attend as well as the youth to share their knowledge and feedback to the process.



*( Left to Right) Chief Rick Horseman, Councillor Allan Horseman, Councillor Brian Horseman, Councillor Eugene Horseman, Horse Lake First Nation*

***"I can't really make a comment because this is all new to me and I would to see more discussions on this. I think it is very interesting to learn and see what could come out of this".***

Throughout our citizens engagement with the leadership and with grassroots people, the common interest that we share is Treaty No. 8. In one of the FNGST meetings, this comment was shared “we need to educate ourselves on the history of the Treaty to understand what we need to accomplish for self-government”. With this comment from one of the Chiefs, we thought it would be beneficial to share the video called

“The Living Spirit of Treaty No. 8”. This video will assist in obtaining a common understanding of the Spirit and Intent of Treaty No. 8. We wanted the video to set the stage for the potential discussions that would arise on the topic of Treaty No. 8. It is with this beginning that creates the proper atmosphere for everyone involved.

The Bilateral Process is a new concept for some of our attendees and a familiar concept for others. Regardless, our goal is to engage the citizens of Treaty 8 (Alberta) and keep them updated and informed on the Bilateral Process.



### Citizens Engagement with Western Cree Tribal Council

## Treaty 8 Bilateral Process Summary Overview

### DECLARATION OF INTENT (DOI)

- **June 22, 1998:** DOI signed by Minister Jane Stewart and Treaty 8 Grand Chief Eddie Tallman

### FRAMEWORK AGREEMENTS

- **May 28, 2003:** Framework Agreement for the Negotiations of Self-Government signed by Canada and Treaty 8
- **May 28, 2003:** Treaty Discussion Framework Agreement: Signed by Treaty 8, however, Canada did not sign

### JOINT SENIOR OFFICIALS COMMITTEE (JSOC)

- **November 23, 2004:** sanctioning of 5 year Strategic Plan
- **March 30, 2007:** sanctioning of a Blue Print

### BAND COUNCIL RESOLUTIONS

- **October 1997:** Treaty 8 Alberta Chiefs pass resolution to initiate the Bilateral Process
- **January 2003:** 22 BCR's received from the Treaty 8 First Nations supporting the Bilateral Process.

### BILATERAL BOARD

- **1997-2006:** Three Chiefs appointed by the Executive Board
- **2006 – July 2009:** Treaty Based Bilateral Board (TBBB) consisting of Four Chiefs and six Tribal Council/Bigstone CEO's appointed by the Treaty 8 Executive Board
- **July 2009 – present:** Treaty 8 Executive Board appoints First Nations Governance Sub Table Chiefs to oversee and direct the Treaty 8 Bilateral Process

### AGREEMENT IN PRINCIPLE (AIP)

- Outlines 17 Chapters dealing with Powers of Government, Children's Agenda, Health, Education, Livelihood, Lands, Resources, taxation, financial arrangements and Implementation.
- Negotiations on the AIP with Canada continue and draft chapters 1-17 developed and subject to review by the Treaty 8 Chiefs.

*Alayna Many Guns and her Children at Treaty 8 First Nation of Alberta Children's Christmas Party 2009*



## Treaty 8 Bilateral Process Summary Overview cont...

- Attempts have been made to inform and obtain feedback from the Treaty 8 citizens and leadership on the draft AIP chapters, however, due to many factors i.e. frequent changes in Treaty 8/Canada leadership, staff and negotiators; lack of adequate funding for Citizens Engagement; the vast geographical area of Treaty 8 Alberta; redrafting of the AIP, etc., have all contributed to the lack of movement forward with the AIP.
- **December 8, 2008:** Chief Arthur Noskey met with Associate Deputy Minister, Michel Roy in Ottawa. The need to directly involve the leadership to determine Jurisdiction, Powers and Structures as outlined in Chapters 5 (First Nations Governance) and 6 (Treaty 8 Governance) of the AIP was discussed in great length.
- Agreed that a Governance Sub Table of Treaty 8 Chiefs would be established to deal specifically with Chapters 5 and 6.
- A proposal and the 2009-2010 Workplan and Budget developed and submitted to INAC with a primary focus on the establishment of a Chiefs Sub Table to determine the Powers, Structures and Jurisdiction - Chapters 5 and 6 of the AIP.

### FIRST NATIONS GOVERNANCE SUB TABLE (FNGST)

- **June 3 & 4, 2009:** Inaugural meeting of FNGST (Chiefs of 8 First Nations represented) discussed Terms of Reference and the overall Bilateral Process including First Nations and Treaty Governance Structures.
- FNGST continues to meet two days per month dealing with Powers, Structures and Jurisdiction of the First Nations and Treaty 8.
- **November 2009:** Proposal developed and submitted to INAC for the continuation of the Bilateral Process beyond March 31, 2010.
- **December 9, 2009:** Sub Table Chiefs meet with INAC Director General in Ottawa to promote the importance of the continuation of the Bilateral Process at Treaty 8 First Nations of Alberta.
- **February 25, 2010:** JSOC meeting scheduled to occur in Edmonton to discuss the future of the Bilateral Process.

### CITIZEN'S ENGAGEMENT

- **2004:** Women and Youth Council's (2 representatives per First Nation) established in order to have direct First Nations input on the Bilateral Process and its initiatives.
- **2004 - 2008:** The Bilateral Process Citizens Engagement staff visit the 23 First Nations and Tribal Councils primarily to provide information and obtain feedback on the Treaties, Self-government, Practical Measures; Constitution Development and Nation Building.
- **2008 - 2010:** Citizens Engagement unit focus on educating and receiving direction from the First Nations



## Treaty 8 Bilateral Process Summary Overview cont...

Chiefs and Councils at the Tribal Council level on the AIP and Constitution Development initiatives.

- Due to funding limitations the Youth and Women Advisory Council's not active since 2009.

### CONSTITUTION DEVELOPMENT

- **May 2008:** First Nations Constitution Development Workshop held in Edmonton.
- A Constitution Development "Tool Kit" to be utilized by the Treaty 8 First Nations as a resource in the development of their community constitutions developed.
- **September 2009:** FNGST approve the Constitution Development "Tool Kit" for distribution and use by the Treaty 8 First Nations
- **December 14-17, 2009:** First Nations Constitution Development Training Session held in Edmonton
- **August 24, 2009:** Sawridge First Nation ratifies its Community Constitution



which are in currently draft form to be approved by the Elders and the leadership in 2010.

- **September 2009:** Treaty Issues Working Group consisting of Directors of Bilateral, Education, Livelihood, Health, Children's Agenda, Treaty Relations Coordinator, Elder's Coordinator and a representative of INAC's Treaty Relations Department established.

### PRACTICAL MEASURES

- **2003: Education, Health, Children's Agenda and Livelihood** identified by the Chiefs as **Practical Measures** of the Bilateral Process. Practical Measures to be utilized as incremental and tangible building blocks to Self-Government at the First Nations level.
- **2008:** Practical Measures Sub Tables established to provide direction on Chapter Development of the AIP as it relates to their specific areas. Due to funding limitations initiative incomplete.
- Practical Measures involved in the First Nations engagement sessions.
- **2009 - 2010:** Directors of the Practical Measures involved in a Treaty Issues Working Group established under the Bilateral Process to scope out Treaty issues related to education, health, children's agenda and livelihood.

### TREATY RELATIONS

Treaty Research on Livelihood, Health and Education completed

- **2001:** Elder's Council (2 representatives per First Nation) established to provide guidance on the Treaties and the Bilateral Process.
- Elders provide guidance on the development of Guiding Principles on the Treaty Relationship

### HUMAN RESOURCES

#### *Senior Negotiators/Advisors*

**1997 - 2004:** Dr. Harold Cardinal

**2004 - 2005:** Chiefs Committee

**2005 - 2007:** Garth Corrigan

**2007 - Present:** Jerry Paulette

## Treaty 8 Bilateral Process Summary Overview cont....



### ***Citizens Engagement Coordinator***

***2004 - 2006:*** Marlene Poitras/Margaret Kappo

***2006 - Present:*** Paula Giroux

### ***Constitution Development Coordinator***

***2009 - Present:*** Audrey Marshall

### ***Treaty Relations Coordinator***

***2004 - 2006:*** Michael Stern

***2007 - 2009:*** Dustin Twin

***2009 - Present:*** Lawrence Courtoreille

### ***Legal Counsel***

Jim Duke, Miller Thomson LLP

### ***Advisors/Consultants***

***2003 - 2007:*** Garry Watours

***2003:*** Sheldon Cardinal

***2000 - 2001:*** Dustin Twin, Special Advisor

### ***Director, Bilateral Process***

***2003 - 2004:*** Gwen Muskwa - Interim Manager

***2004 - 2006:*** Marlene Poitras

***Sept. 2006 - Dec. 2006:*** Paula Giroux - A/Director

***2006 - 2008:*** George D. Calliou

***2008 - Present:*** Marlene Poitras

### ***Agreement-in-Principle Coordinator***

***2004 - Present:*** Gwen Muskwa

### ***Elders Coordinator***

***2000 - 2006:*** Mike Beaver

***2006 - Present:*** Dustin Twin

### ***Administrative Support***

***2005 - 2007:*** Marianne Gladeau

***2008 - Present:*** Sharlene Alook

### ***Communications Coordinator/Technician***

***2004 - 2006 :*** Tanya Kappo

***2005 - 2006 :*** Jeunesse Taylor

***2006 - 2007:*** Frances Gladue Jr./Sheldon Hughes

***2009 - Present :*** Michelle A. Voyageur

### ***Researcher/Policy Analyst***

***1997 - 2003:*** Jaret Cardinal

***2003 - 2006:*** Glenda Shaw



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Women Rep Nora Gray-Testawich  
& Youth Rep Rachel Testawich,  
Duncan's First Nation, 2009



# Contact Us

## Bilateral Process Team

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## Treaty No. 8 Rights

**“As long as the sun shines, the grass grows and the rivers flow...”**

1. Schools/Education
2. Doctors
3. Hospitals/Medicine
4. Hunting, Fishing, Trapping and Gathering Rights Retained
5. Indians Retain Minerals
6. Sub-Surface Rights Retained
7. Land Acquired by Queen was Only 6” Surface Rights
8. Exempt from Taxation
9. Land Purchased from Farming did not Include Forests
10. Rations Provided
11. Policing
12. Legal Representation
13. Exempt from War Participation
14. No Indian Shall Hang by Rope
15. Right to Barter
16. Canvas for Tents
17. Bullets were Supplied
18. Cattle/Horse Provided
19. Farm and Haying Equipment
20. Gardening Tools/Seed
21. In case of hunger, all gates shall be opened

**As remembered and understood by the Elders**