

Document 3: Protocol Agreement between Canada, Saskatchewan and FSIN

PROTOCOL AGREEMENT TO ESTABLISH A COMMON TABLE BETWEEN:

HER MAJESTY IN THE RIGHT OF CANADA
*as represented by the
Minister of Indian Affairs and Northern Development
(hereinafter "Canada")*

AND

HER MAJESTY IN THE RIGHT OF SASKATCHEWAN
*as represented by the
Minister of Indian and Metis Affairs
(hereinafter "Saskatchewan")*

AND

THE FEDERATION OF SASKATCHEWAN INDIAN NATIONS
*as represented by the
Chief of the Federation
(hereinafter the "FSIN")*

THE PARTIES AGREE AS FOLLOWS:

1.0 Principles

- 1.1 A Common Table will be established to discuss issues of mutual concern and facilitate common understandings related to jurisdiction and related fiscal matters.
- 1.2 The Constitution of Canada recognizes and affirms the existing Aboriginal and Treaty rights of the Indian peoples of Canada. Canada and Saskatchewan recognize the inherent right of self-government as an existing Aboriginal right under section 35 of the *Constitution Act*, 1982.

- 1.3 Canada has a special relationship with Indians evidenced by the Constitution of Canada and Treaties. Canada recognizes as well that the inherent right may find expression in Treaties and in the context of the federal Crown's relationship with Treaty First Nations.

2.0 Purpose

2.1 The Common Table will

- i. identify and facilitate effective processes for negotiating and implementing self-government among Canada, First Nations and Saskatchewan;
- ii. discuss the interrelationships between jurisdiction and fiscal arrangements as they relate to the development of First Nations self-government;
- iii. establish other priorities for discussion;
- iv. discuss treaty issues when they affect all three parties; and
- v. review progress of the various processes.

3.0 Mandate

- 3.1 Processes established under the Protocol will be guided by the mandates and authorities that the parties have in place from time to time.

4.0 Management

- 4.1 The Common Table consists of the Federal Minister responsible for Indian Affairs and Northern Development, the Saskatchewan Minister responsible for Indian and Metis Affairs, and the Chief of the Federation of Saskatchewan Indian Nations.
- 4.2 The Common Table can designate officials to assist with the set up, administration, and preparation of workplans and other details for implementing this protocol.
- 4.3 Where matters are raised which fall within the responsibility of other Ministers or Vice-Chiefs, those Ministers or Vice-Chiefs, or their designates, will be invited to participate in the Common Table.

- 4.4 With the consent of the Parties, the Treaty Commissioner may be asked to facilitate the work of the Common Table.
- 4.5 Each Party will bear its own costs for participating in the Common Table.
- 4.6 The Common Table will meet annually or more frequently as may be agreed upon by the Parties. Designated officials will meet as instructed.

5.0 Other Items

- 5.1 This Protocol is not a treaty and does not create any legal obligations.
- 5.2 Nothing in this Protocol would compel a tribal council to use the services of the Common Table to complete negotiations already underway on self-government.
- 5.3 This Protocol shall continue in force for five years, and can be amended or extended by consent of the Parties.

Signed this thirty-first day of October, 1996

at Saskatoon in the Province of Saskatchewan.