

Protocol Between
the Government of Alberta and
the Blackfoot Confederacy for
Discussion on Matters of Mutual
Concern





Protocol Agreement Dated March 24, 2017 Between the
Blackfoot Confederacy, as represented by the Chiefs of the Blood Tribe/Kainai,
Piikani Nation and Siksika Nation, and Her Majesty the Queen in Right of Alberta, as
represented by the Minister of Indigenous Relations (collectively “the Parties”)
For Discussion on Matters of Mutual Concern

WHEREAS the Blackfoot Confederacy is comprised in Alberta of the Piikani Nation, Siksika Nation, and the Blood Tribe/Kainai, each of which are Indian Bands within the meaning of the *Indian Act* (Canada) (the “Blackfoot Confederacy”);

AND WHEREAS the Blackfoot Confederacy has indicated it currently has approximately 25,000 members from its First Nations;

AND WHEREAS the Parties, wish to establish a productive working relationship based on areas of mutual interest, collaboration, and cooperation;

AND WHEREAS the Government of Alberta respects the Aboriginal and Treaty rights of the First Nations comprising the Blackfoot Confederacy.

AND WHEREAS Section 35 of the *Constitution Act, 1982*, states that “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed” and that the “aboriginal peoples of Canada” include the Indian, Inuit and Metis peoples.

AND WHEREAS the Parties support the Principles set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), as well as the Calls to Action of the Truth and Reconciliation Commission (TRC), consistent with the Canadian Constitution and Alberta law.

AND WHEREAS the Parties wish to establish the means to convene to discuss and to resolve issues of common interest through this Protocol Agreement;

AND WHEREAS these discussions are intended to lead to actions to improve socio-economic outcomes for members of the First Nations of the Blackfoot Confederacy, now and in the future;

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. a) Initially, Tables and Sub-Tables will be established and will consist of, but not be limited to, Economic Development; Culture and Language; Social; Political and Legal; Environment and Lands; UNDRIP and TRC with the objective of determining joint courses of action leading to the resolution of new and outstanding issues.
- b) The Parties agree that these Tables will be guided by the principles set out in the UNDRIP and the Calls to Action of the TRC, consistent with the Canadian Constitution and with Alberta Law.
- c) The Parties agree to make their best efforts to achieve joint courses of action, and acknowledge that this will require them to contribute to an atmosphere of mutual recognition, respect and openness.
- d) Each Party takes responsibility for success in achieving a productive working relationship.



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- e) Each Party acknowledges that achieving success requires each of them to recognize and respect that the other Party may have positions with which it cannot agree, but nonetheless also recognizes and respects that the other Party considers its position to be valid. Where acceptance of the other Party’s positions is not possible, each Party recognizes and respects that success will require it to do as much as possible to find creative accommodation of the other Party’s position.
2. a) Each Table will be composed of the Chiefs of the First Nations of the Blackfoot Confederacy (collectively “the Chiefs”) and a Provincial Minister. Provincial Ministers may invite other Ministers, including Federal Ministers and the Chiefs may invite Elders and/or Traditional Knowledge holders to participate as required.
- b) Each Table will report annually respecting the implementation of work plans. The First Nation participants for each Table and Sub-table will report to the Chiefs, and the Provincial Minister for each Table or Sub-table will report to the Premier of the Government of Alberta.
- c) The Chiefs will meet with the Premier of the Government of Alberta once per year to address concerns of mutual interest.
- d) Each Table and Sub-table will be supported by senior officials appointed by the Chiefs and the Government of Alberta, who will establish working groups as required. The senior officials will work to achieve consensus. Each Party will ensure that its senior official representatives consist of officials who have the authority to make decisions and have prompt access to their own high-level decision-makers.
- e) Each Table and Sub-table will develop an annual work plan to guide its activities. Work plans will include the identification of resources to support the activities to be undertaken. The issues will be clearly defined in the work plan as well as the desired outcomes and timelines.
- f) Each Party may present documents which might assist the other Party to better understand its position and agrees to study such documents tabled by the other Party.
- g) For any meeting, each Party may propose for discussion any matters which it considers to be useful in reaching the objectives of this Protocol. When either Party requires a matter to be addressed, the matter will be included on the agenda of the next meeting. Each Party acknowledges it has the responsibility to suggest specific proposals for resolving issues, and neither Party will expect the other to be solely responsible for making such proposals.
- h) Both Parties intend to use the discussions taking place under this Protocol to resolve issues. The parties understand and agree that Protocol



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- discussions are not intended to include or resolve litigation, land claims, and Specific Claims related matters.
3.
 - a) Chairing of meetings will alternate between the Parties. At the agreement of both Parties, a neutral chair acceptable to both Parties may be invited to chair one or more meetings.
 - b) Each Party may maintain its own minutes of meetings. Neither Party will record meetings electronically. Where agreement has been reached, a written record of the decision will be made.
 - c) The parties agree that their meetings and discussions are without prejudice to any existing or future legal actions, and claims of any of the First Nations of the Blackfoot Confederacy, and without prejudice to any discussions, negotiations or fora between or among them. The Parties acknowledge that Alberta must comply with legislation relating to access to information and privacy.
 - d) The Parties intend to make their planned public communications with respect to Protocol meetings available to each other for comment prior to public release. Where possible, the Parties intend to cooperate, and issue joint communications. The Parties understand that this does not preclude either party from issuing communications as it sees fit.
 4.
 - a) The Parties acknowledge that the ability of the Blackfoot Confederacy to participate in discussions will depend upon the availability of the resources to do so and that success in reaching the objectives of this Protocol depend upon the Blackfoot Confederacy having access to resources. Both Parties agree to make best efforts to ensure that the Blackfoot Confederacy has resources for its participation.
 - b) Whenever useful, each Party agrees to create its own database of information and expertise, and make that information available to the other Party insofar as permitted by applicable information, and privacy law. The Parties will work together towards an information sharing agreement.
 5. This Protocol is intended to state general principles and to record the intentions of the Parties. It is not intended to create any legal rights or responsibilities, or legally binding obligations, such as contractual obligations, on the Parties.
 6. Nothing in this Protocol precludes the individual First Nations of the Blackfoot Confederacy from meeting with the Government of Alberta or its Ministers on any matter, or entering into specific agreements with them. This Protocol does not affect any agreements previously entered into by Alberta and First Nations.
 7. This Protocol may be dissolved at any time by agreement of the Parties. Where there is no agreement regarding the dissolution of this Protocol,



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either Party, upon provision of clear written notice to the other party, may cause the Protocol to be dissolved. Before dissolution however, the Parties will engage in one further meeting to be chaired by a mutually-acceptable facilitator/mediator with a view to achieving agreement which would result in the discussions being continued.

8. Nothing in this Protocol shall be interpreted so as to affect, add to or take away from any of the existing Aboriginal and Treaty rights of the First Nations of the Blackfoot Confederacy which are recognized and affirmed by Section 35 of the *Constitution Act, 1982*.
9. Once signed, Senior Officials from both parties will collaboratively develop a joint implementation plan to guide effective decision making.



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FOR THE GOVERNMENT OF ALBERTA

 Honourable Rachel Notley
 Premier of Alberta
 Original Signed

 Chief Roy Fox
 Blood Tribe
 Original Signed

 Honourable Richard Feehan
 Minister of Indigenous Relations
 Original Signed

 Chief Joe Weasel Child
 Siksika Nation
 Original Signed

 Chief Stan Grier
 Piikani Nation
 Original Signed