

Canada



**ESKETEMC**

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**AGREEMENT-IN-PRINCIPLE  
ESKETEMC IMPLEMENTATION  
CHAPTER**

**Public Release Chapter  
October 5, 2006**

*This public release document is tabled for discussion purposes only. It is not necessarily representative of the final position which may be taken in respect of a matter, and is subject to change. It is without prejudice to the position of the parties in any proceeding before any court or in any other forum and will not be construed as an admission of fact or liability and will not be tendered or relied upon in any such proceedings.*

## ESKETEMC IMPLEMENTATION CHAPTER

### BACKGROUND

Canada, British Columbia and the Esketemc are engaged in treaty negotiations in the British Columbia Treaty Commission process. Our treaty negotiations include public consultation and internal review of documents under negotiation by the three Parties.

This document is part of a group of chapters under negotiation for the purposes of an Agreement-in-Principle.

### OBJECTIVE

The Parties are releasing this document as a sample for public information. However, it is intended that the Chapters in any future Esketemc Agreement-in-Principle would be read and understood in the context of the Agreement-in-Principle as a whole.

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For further information on the negotiations, please contact any of the following people:

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## ESKETEMC IMPLEMENTATION CHAPTER

### GENERAL

1. The Parties will, prior to the initialling of the Final Agreement, conclude an implementation plan that will take effect on the Effective Date of the Final Agreement and have a term of 10 years.

### IMPLEMENTATION PLAN

2. The implementation plan will:
  - a. identify the obligations in the Final Agreement, the activities to be undertaken to fulfill these obligations, the responsible Party(s) and the timelines, including when the activities will be completed;
  - b. specify how the implementation plan may be amended;
  - c. specify how the implementation plan may be renewed or extended; and
  - d. address other matters agreed to by the Parties.
3. The implementation plan will not:
  - a. form part of the Final Agreement;
  - b. be a treaty or land claims agreement;
  - c. recognize or affirm aboriginal or treaty rights, within the meaning of sections 25 or 35 of the *Constitution Act, 1982*;
  - d. create legal obligations;
  - e. alter any rights or obligations set out in the Final Agreement;
  - f. preclude any Party from asserting that rights or obligations exist under the Final Agreement even though they are not referred to in the implementation plan; and
  - g. be used to interpret the Final Agreement.

## **IMPLEMENTATION WORKING GROUP**

4. The Parties agree to establish a tripartite implementation working group during Final Agreement negotiations which will:
  - a. be responsible for the development of an implementation plan prior to the initialling of the Final Agreement; and
  - b. be responsible for the development of a list of activities that the Parties must complete by the effective date of the Final Agreement.

## **IMPLEMENTATION COMMITTEE**

5. On the effective date of the Final Agreement, the Parties will establish a tripartite implementation committee. The implementation committee will have a term of 10 years which may be renewed or extended upon agreement by the Parties.
6. The Parties will each appoint one member as their representative to the implementation committee.
7. The implementation committee will:
  - a. establish its own procedures and operating guidelines;
  - b. develop a communications strategy in respect of the implementation and content of the Final Agreement;
  - c. act as a forum for the Parties to discuss the implementation of the Final Agreement;
  - d. provide for the preparation of annual reports on the implementation of the Final Agreement; and
  - e. prior to the expiry of the implementation plan, review it and advise the Parties on the further implementation of the Final Agreement and recommend whether the implementation plan may be renewed or extended.