

Canada



ESKETEMC



AGREEMENT-IN-PRINCIPLE RATIFICATION CHAPTER

**Public Release Chapter
March 31, 2010**

This public release document is for consultation 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.

RATIFICATION 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.

This document is not necessarily representative of the final position which may be taken in respect of a matter, and is subject to change. This document 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 as evidence in any such proceeding.

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

British Columbia Bill Armstrong Manager, Information and Consultation Phone: 250-387-5060 Fax: 250-387-0887 Email: Bill.N.Armstrong@gov.bc.ca	Canada Diane Gielis Communications and Consultation Advisor PH: 604-666-5232 FAX: 604-775-7149 Email: diane.gielis@inac.gc.ca	Esketemc Freda Johnson Land Settlement Administrator Phone: 250-440-5631 Fax: 250-440-5712 E-mail: lsadministrator@esketemc.ca
--	---	---

"This public release document is for consultation 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."

RATIFICATION CHAPTER

GENERAL

1. The Final Agreement will be legally binding once ratified by all of the Parties in accordance with the Ratification Chapter of the Final Agreement.
2. After the Final Agreement has been initialed by the Chief Negotiators for Esketemc, Canada and British Columbia, it will be submitted to the Parties for ratification.

RATIFICATION COMMITTEE

3. The Parties will establish a Ratification Committee with representation of each of the Parties, to be responsible for the Esketemc ratification process, including preparing a list of the eligible voters, as set out in the Final Agreement.
4. The Final Agreement will provide that conduct of the Ratification Vote by the Ratification Committee will require the following steps:
 - a) establishing and publishing its procedures;
 - b) setting its time limits;
 - c) taking reasonable steps to provide an opportunity for Eligible Voters to review the Final Agreement;
 - d) preparing and publishing an official voters list based upon the Enrolment Register provided by the Enrolment Committee under paragraph 16 l) of the Eligibility and Enrolment Chapter at least 30 days before the first day of general voting by:
 - i) determining whether or not each individual whose name is provided to it by the Enrolment Committee is eligible to vote, in accordance with paragraph 5; and
 - ii) including on that list the name of each individual whom the Ratification Committee determines to be eligible to vote in accordance with paragraph 7;
 - e) updating the official voters list by:

"This public release document is for consultation 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."

- i) adding to the official voters list, at any time before the end of general voting, the name of each individual provided by the Enrolment Committee whom the Ratification Committee determines to be eligible to vote in accordance with paragraph 5.b);
- ii) adding to the official voters list the name of each individual who votes in accordance with paragraph 6 and whose vote counts in accordance with paragraph 7;
- iii) removing from the official voters list the name of each individual who died on or before the last day of voting without having voted;
- iv) removing from the official voters list the name of each individual who did not vote and who provides, within seven days of the last scheduled day of voting, certification by a qualified medical practitioner that the individual was physically or mentally incapacitated to the point that they could not have voted on the dates set for voting;
- v) removing from the official voters list the name of each individual who has applied, or on whose behalf application has been made, by the close of polls on the last day of voting, to have his or her name removed from the Enrolment Register by the Enrolment Committee provided the individual has not already voted;
- f) approving the form and content of the ballot;
- g) ensuring that the date or dates of the vote and location of the polling stations be made publicly available;
- h) authorizing and providing general direction to Voting Officers;
- i) conducting the vote on a day or days determined by the Ratification Committee;
- j) counting the vote;
- k) reporting the final results to the Parties; and
- l) publishing the results of the ratification vote.

"This public release document is for consultation 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."

5. The Final Agreement will provide that an eligible voter will be an individual who:
 - a) is included on the Enrolment Register; and
 - b) will be at least the age of eighteen on the last scheduled day of the Ratification Vote.
6. The Final Agreement will provide that an individual whose name is not included on the official voters list may vote if that individual:
 - a) provides the Voting Officer with a completed enrolment application form or evidence satisfactory to the Voting Officer that the individual has submitted an enrolment application form to the Enrolment Committee; and
 - b) provides evidence satisfactory to the Voting Officer that the individual is at least the age of eighteen on the last scheduled day of the Ratification Vote.
7. The Final Agreement will provide that the vote of an individual under paragraph 6 will count in determining the outcome of the Ratification Vote only if the Enrolment Committee notifies the Ratification Committee that the individual meets the eligibility criteria.

RATIFICATION BY ESKETEMC

8. Ratification of the Final Agreement by Esketemc will require:
 - a) that eligible voters have a reasonable opportunity to review the Final Agreement as set out in 4.c);
 - b) a vote, by way of a secret ballot;
 - c) that at least fifty percent plus one of eligible voters vote in favour of the Final Agreement;
 - d) ratification of the Esketemc Constitution as set out in paragraph 9; and
 - e) the Final Agreement be signed by the authorized representative of Esketemc.

"This public release document is for consultation 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."

RATIFICATION OF THE ESKETEMC CONSTITUTION

9. The Final Agreement will provide for a process for ratification of the Esketemc Constitution by the Esketemc.
10. Once approved, the Esketemc Constitution will come into force on the Effective Date.

RATIFICATION BY CANADA

11. Ratification of the Final Agreement by Canada will require:
 - a) that the Final Agreement be signed by a Minister authorized by the federal Cabinet to do so; and
 - b) the coming into force of federal settlement legislation.

RATIFICATION BY BRITISH COLUMBIA

12. Ratification of the Final Agreement by British Columbia will require:
 - a) that the Final Agreement be signed by a Minister authorized by the provincial Cabinet to do so; and
 - b) the coming into force of provincial settlement legislation giving effect to the Final Agreement.

FUNDING

13. The Final Agreement will provide that Canada and British Columbia will provide an amount of funding agreed upon by the Parties for the Ratification Committee to carry out the duties and responsibilities set out in this Chapter.