

# **Protocol Regarding the Openness of the Yale First Nation Treaty Process Between the Yale First Nation, Canada and British Columbia**

**THIS PROTOCOL dated September 26, 1995 is entered into by the Yale First Nation, Canada and British Columbia.**

## **1. PURPOSES**

1.1 This Protocol shall apply to the treaty process between the Yale First Nation, Canada and British Columbia (the Parties ) and is intended to allow public access throughout the treaty process while recognizing the need to conduct effective negotiations.

In acknowledging the need to have an open and effective treaty process, the desire to provide accurate information to the public and to consult with third parties throughout the process, the Parties agree to provide greater access through:

- (i) Public information;
- (ii) Consultation with advisory committees established by each of the Parties;
- (iii) Access to the documents; and,
- (iv) Access to Main Table Meetings; as specifically provided for in this Protocol.

## **2. PUBLIC INFORMATION**

2.1 The Parties agree that public information activities will be planned and implemented by a Public Information Working Group comprised of members of the Parties, including such other persons as the Parties may agree upon. The Working Group will develop a draft information plan and schedule which will include the objectives and the public information activities. This plan and schedule are subject to approval by a Main Table meeting.

2.2 The Parties agree public information will be undertaken in communities within and adjacent to the Yale First Nation territories using several approaches, which could include:

- (i) Public information forums: the events to be held may include events sponsored by parties other than the Parties to this Protocol. Generally, they will involve the Chief Negotiators for the Parties or their designates. Other resource people may be invited.
- (ii) Open workshops: these events will focus on key issues. They will involve the Parties and will be open to the public and provide an opportunity for discussion.

(iii) Radio, television and newspaper interviews and briefings: these interviews and briefings will focus on the substance and the progress of negotiations and will involve the Parties.

(iv) Meetings with Third Parties and other community groups: these meetings will involve the three Chief Negotiators for the Parties or their designates. They will include groups such as the Chamber of Commerce, municipal governments, unions, business and social interest groups and other similar organizations and agencies.

(v) Open Houses: these events will provide the Parties with an opportunity to provide information and to meet with members of the public and to discuss issues under negotiation.

(vi) Public information materials: these materials will be produced and distributed by the Parties.

2.3 Nothing in this section is intended to prevent the Parties from participating in bilateral or independent public information activities.

### **3. CONSULTATION**

3.1 Each Party retains the right to consult with its respective advisory committees.

3.2 The Parties agree that to assist the advisory committees in providing advice on the items under negotiation:

(i) Each of the Parties will need to provide information to its advisory committees on the substance of issues being negotiated.

(ii) Each of the Parties may provide to its advisory committees, documents available to the public under 4.1, 4.2, and 4.3.

(iii) Each of the Parties may provide periodic briefings to advisory committees established by the other Parties.

### **4. ACCESS TO DOCUMENTS**

4.1 The Parties agree that, at a minimum, the following documents will be made available to the public in their final form:

- (i) Main Table meeting agendas;
- (ii) Lists of Undertakings given by each Party at Main Table meetings;
- (iii) Periodic reports reviewing the progress of negotiations prepared by the Parties;
- (iv) All reports filed with the British Columbia Treaty Commission;
- (v) Statements defining interests tabled by a Party at a Main Table meeting; and
- (vi) Discussion papers tabled by a Party at a Main Table meeting.

4.2 The Parties will also make available to the public, prior to initialling, agreements which generally have been agreed to by the Parties, including:

- (i) Framework Agreement;
- (ii) Sub-agreements;
- (iii) Agreement-in-Principle;
- (iv) Final Agreement.

4.3 The Parties agree that documents not outlined in 4.1 and 4.2 will also be available to the public unless:

- (i) the Party producing the document has identified the document as confidential; or
- (ii) the Party producing the document considers that disclosure would prejudice the position or strategy of that Party; or
- (iii) a document is not at a stage in the drafting process where it accurately reflects the intention and interests of the Party or Parties.

4.4 Nothing in paragraphs 4.1, 4.2, and 4.3 is intended to diminish the ability of a Party to consult with its respective caucus or advisory committees, with respect to documents the Party has produced.

4.5 Production of documents to the public is governed by the provincial and federal access to information and privacy legislation.

## **5. ACCESS TO THE NEGOTIATION TABLE**

5.1 The Parties agree that public access to Main Table negotiations will generally occur in those sessions devoted to a general exchange of information on issues, interests and policies or the discussion of matters of a procedural nature.

5.2 The Parties will determine whether other sessions are to be open to the public by considering whether attendance at the session by individuals other than the negotiating team members would:

- (i) increase the effectiveness of the process,
- (ii) interfere with the effectiveness of the session or process; or
- (iii) reasonably be expected to prejudice the positions or strategies of the negotiating parties.

5.3 The access referred to above is to be achieved by opening these sessions to the general public, or to representation from advisory committees, or to broadcast by local television or radio or to representation from the print media, or any combination of the above.

5.4 The Chief Negotiators will agree, three weeks prior to a negotiating session, where possible, whether that session will be open, either in whole or in part, in accordance with paragraphs 5.1 and 5.2.

5.5 The Parties acknowledge that British Columbia will include as a member of the provincial negotiating team a representative of local government from the Treaty Advisory Committee (TAC). The TAC and its representative will be subject to rules of information sharing as agreed to by the Parties.

5.5.1 The Chief Negotiator for British Columbia will formalize terms of reference for the TAC, consistent with this Protocol, in a letter of agreement with the TAC, with copies to the other Parties.

5.5.2 The TAC Representative will follow the directions and instructions of the Chief Negotiator for British Columbia and comply with the provisions of this Protocol.

5.5.3 Except as permitted under paragraphs 5.5.4 and 5.5.5, the TAC and its members will not receive information or documents of the Parties.

5.5.4 The TAC and its members may receive all information or documents that have been determined to be public by the Chief Negotiators pursuant to sections 4 and 5.

5.5.5 The TAC and its members may receive information or documents that have not been determined to be public by the Chief Negotiators pursuant to sections 4 and 5 only where:

(i) the information or document directly affects the interests of the local governments represented by TAC,

(ii) the Chief Negotiator for British Columbia discloses the information or document, and

(iii) the members of TAC and the councils of the local governments represented on TAC have agreed in advance that they will not disclose the information or document to any other person and that discussions of the information or document will be in camera.

## **6.0 AMENDMENTS**

6.1 This Protocol can be amended by agreement in writing of the Chief Negotiators.

### **YALE FIRST NATION**

Per: \_\_\_\_\_  
Chief Robert Hope, Chief Negotiator

### **CANADA**

Per: \_\_\_\_\_  
Robin Dodson, Chief Negotiator

### **BRITISH COLUMBIA**

Per: \_\_\_\_\_  
Linda Jolson, Chief Negotiator