

CARRIER SEKANI TRIBAL COUNCIL, CANADA, BRITISH COLUMBIA

PROTOCOL REGARDING THE OPENNESS OF THE CARRIER SEKANI TRIBAL COUNCIL TREATY PROCESS

THIS PROTOCOL REGARDING THE OPENNESS OF THE CARRIER SEKANI TRIBAL COUNCIL TREATY PROCESS is entered into by the Carrier Sekani Tribal Council, Canada and British Columbia (the "Parties") this 26th day of September, 1995.

WHEREAS the Parties recognize the need to inform and consult with the public, including third parties, in order to facilitate negotiation, ratification and implementation of a lasting and beneficial treaty agreement;

AND WHEREAS this Openness Protocol shall apply to the Parties and is intended to provide public access throughout all stages of the treaty negotiation process;

AND WHEREAS the Parties recognize the need to balance an open negotiating process which enjoys public confidence with the need for a practical and effective negotiating environment;

THEREFORE THE PARTIES AGREE AS FOLLOWS:

1.0 ACCESS

1.1 The Parties agree that public access to the Carrier Sekani Tribal Council treaty process will be provided through:

1.1.1 Attendance at Main Table sessions,

1.1.2 Access to documents,

1.1.3 Consultation, and

1.1.4 Public information

as specifically provided for in this Protocol.

2.0 ATTENDANCE AT MAIN TABLE SESSIONS

2.1 Subject to clauses 2.2 and 2.3, all Main Table sessions dealing with general exchange

of information, clarification of positions on issues, interests and policies, or discussion of matters of a procedural nature will generally be open to any member of the public to the extent that adequate seating space is available.

2.2 In setting the agenda for each Main Table session, the Chief Negotiators shall determine whether the session, or portions thereof, will be open to attendance by members of the public.

2.3 In determining whether or not a Main Table session will be open to members of the public, the Chief Negotiators shall assess whether attendance by individuals other than members of the negotiating and support teams would reasonably be expected to:

2.3.1 increase the effectiveness of the session;

2.3.2 interfere with the effectiveness of the process;

2.3.3 prejudice positions or negotiation strategies of the Parties; or

2.3.4 harm the general conduct of the negotiations.

2.4 It is understood that there are three (3) Parties to this negotiation, namely the Carrier Sekani Tribal Council, Canada and British Columbia. The Parties acknowledge that British Columbia will include as a member of its negotiating team a representative of local government appointed by the Treaty Advisory Committee (TAC).

2.5 The TAC and its members shall be subject to all rules of information sharing as set out in this Protocol. In addition, the TAC shall only:

2.5.1 Receive information, in accordance with subsection 3.3 of this Protocol, which is available only to the Parties and which directly affects local governments' interests; and

2.5.2 Receive information not available for public distribution as described in subsection 2.5.1 if each member agrees on behalf of themselves and their local government that they:

(i) Will confine discussion of this information to "in camera" sessions of their local government; and

(ii) Will not disclose this information to anyone else.

2.6 The provincial Chief Negotiator will establish terms of reference with the TAC, consistent with this Protocol, in a letter of agreement to the TAC, with copies to the other Parties.

2.7 Whenever practical, notices of Main Table sessions will be issued to the local media at least two calendar weeks prior to a Main Table session, or if not practical, as soon as possible prior to such session.

2.8 Members of the public in attendance at Main Table sessions will be present as observers only.

2.9 The Chief Negotiators may adjourn or close Main Table sessions for any reason.

2.10 Any Party may caucus in private at any time.

2.11 Media coverage of Main Table sessions which are open to the public will be permitted.

2.12 The Parties may report to the local media following each Main Table session. Such reports may include the date, time and location of the next Main Table session and any other information deemed relevant by the Parties.

2.13 Audio recording, videotaping and photographing of open Main Table sessions will be allowed upon the joint approval of the Parties. Any recording, videotaping and photographing of Main Table sessions will:

2.13.1 be for historical or informational purposes only;

2.13.2 will have no status as admissions or records of agreement; and

2.13.3 will not affect the without prejudice nature of the negotiations.

3.0 ACCESS TO DOCUMENTS

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

3.1.1 Main Table session agendas;

3.1.2 Records of decisions and commitments given at a Main Table session;

3.1.3 Periodic reports prepared by the Parties regarding the progress of negotiations;

3.1.4 Statements defining interests tabled by a Party at a Main Table session;

3.1.5 All joint reports tabled with the British Columbia Treaty Commission.

3.2 The Parties agree that the following documents will be made available to the public after substantial agreement has been reached, but prior to initialling:

3.2.1 A Framework Agreement;

3.2.2 Sub-Agreements;

3.2.3 An Agreement-in-Principle; and

3.2.4 A Final Agreement.

3.3 The Parties agree that other documents will be made public unless:

3.3.1 the Party or Parties producing the document have identified the document as confidential;

3.3.2 A Party considers that disclosure would prejudice the positions or negotiation strategies of that Party; or

3.3.3 The document is at a stage in the drafting process where it does not accurately reflect the intentions or interests of the Party or Parties.

3.4 Release of documents to the public is governed by the Freedom of Information and Protection of Privacy Act (British Columbia), the Access to Information Act (Canada) and the Privacy Act (Canada).

4.0 CONSULTATION

4.1 The Parties retain the right to consult with their respective advisory bodies.

4.2 The Parties will share information with each other and with the public concerning their respective treaty consultation processes, and will endeavour to establish negotiation timetables which facilitate such consultations.

4.3 The Parties may undertake joint or tripartite treaty consultations.

4.4 The Parties agree that, to assist the advisory bodies in providing advice on the subjects of negotiations, each of the Parties:

4.4.1 Will need to provide information to its advisory bodies on the substance of the issues being negotiated; and

4.4.2 May provide to its advisory bodies documents in accordance with section 3 of this Agreement.

4.5 The Parties will ensure that they inform those participating in any treaty consultation process that information provided to them is intended to be used for the treaty consultation process only.

5.0 PUBLIC INFORMATION

5.1 Public information activities shall be conducted in accordance with this Protocol. The Parties will develop a set of Public Information Principles and Operating Guidelines prior to the conclusion of Framework negotiations.

6.0 REVIEW OF THE OPENNESS PROTOCOL

6.1 This Openness Protocol will be reviewed prior to the conclusion of Framework negotiations and may be amended at that time by consensus of the Parties.

THIS OPENNESS PROTOCOL is agreed to at Prince George in the Province of British Columbia by:

for the Carrier Sekani Tribal Council
for Canada
for the Province of British Columbia