

# HAISLA NATION TREATY PROCESS

## OPENNESS PROTOCOL

### 1 Purposes

1.1 This Protocol shall apply to the Treaty Process between 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) Access to the documents;
- (II) Consultation with advisory committees established by each of the Parties;
- (III) Public information; and
- (IV) Access to Main Table Meetings;

as specifically provided for in this Protocol.

### 2 Access to Documents

2.1 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 Part 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 Main Table Meetings.

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

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

2.3 The Parties agree that documents not outlined in 2.1 or 2.2 will also be available to the public unless:

- (i) the Parties 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 who have drafted it.

2.4 Nothing in paragraphs 2.1, 2.2, and 2.3 is intended to diminish the ability of a Party to consult with its respective caucus or advisory committee, with respect to documents the Party has produced.

2.5 Documents may not be released by a Party to its Advisory Committee that summarize or critique documents of another Party that are not available to the public as set out in clause 2.3.

2.6 Provision of documents held by the Federal and Provincial Governments to the public is governed by the provincial Freedom of Information and Protection of Privacy Act, and the Federal Access to Information Act and Privacy Act.

### **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 committee on the substance of issues being negotiated.

(ii) Each of the Parties may provide to its advisory committees, documents available to the public under 2.1, 2.2, and 2.3.

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

## 4 Public Information

4.1 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, every six months, develop a draft implementation plan which will include the objectives and the public information activities for the next six months. This plan is subject to approval by a Main Table Meeting.

4.2 The Parties agree that public information events will be undertaken in communities within Haisla territory 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 all 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, aboriginal groups or organizations, municipal governments, unions, business 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.

4.3 Nothing in this section is intended to prevent the Parties from participating in bilateral or independent public information activities consistent with the restrictions on disclosure contained in paragraph 2.3.

## **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 session; or
- (ii) interfere with the effectiveness of the process; or
- (iii) reasonably be expected to prejudice the positions or strategies of the Parties.

5.3 The access referred to in clauses 5.1 and 5.2 is to be achieved by opening these sessions to any or all of the following:

- (i) the general public;
- (ii) representation from advisory committees;
- (iii) the media.

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

5.5 The Parties acknowledge that the British Columbia negotiating team includes a representative of local government from the Treaty Advisory Committee (TAC). The role of the TAC representative will be subject to the information sharing rules as agreed to by the Parties. All members of all negotiating teams, including the TAC representative, are subject to all rules agreed to by the Parties.

### **Initialed:**

Canada

British Columbia

Haisla Nation

