

Agreement Regarding Stage Three Procedures Treaty Negotiation Between the Yale First Nation, Canada and British Columbia

THE AGREEMENT dated September 26th, 1995, is entered into by the **YALE FIRST NATION, Canada, and British Columbia** (collectively the "Parties").

WHEREAS the Parties wish to enter into a stage 3 procedures Agreement to meet the British Columbia Treaty Commission's (BCTC) requirements as set out in the Readiness Checklist B.3(a);

THEREFORE, the Parties agree as follows:

1. TYPES OF MEETINGS

- a. **Tripartite Meetings.** The Parties will schedule formal tripartite meetings in advance ("Main Table").
The Parties will schedule Working Groups and other meetings as required.
- b. **Bilateral Meetings.** The Parties acknowledge that formal bilateral meetings will be required. The uninvolved party will be advised if the issues for discussion are significant.

2. FREQUENCY OF MEETINGS

- The Main Table will meet as per the pre-determined
- Working Groups and other meetings will occur as
- The Parties will develop the meeting schedule for 1996 by December 31st, 1995.

3. LOCATION OF MEETINGS (Main Table)

- Main Table meetings will be held at the Meeting Hall of the YALE FIRST NATION, Yale, British Columbia, unless otherwise agreed to by the Parties.

4. PHYSICAL REQUIREMENTS FOR MEETINGS (Main Table)

- The meeting facilities will meet the requirements of the Parties and include such things as caucus rooms for each party, telephones for each party, photocopier, fax and access to outlets for each party to use computers.

5. NOTICE OF MEETINGS

- **Main Table.** Unless otherwise agreed to by the Parties at the end of a meeting, the meetings shall be held in accordance with the pre-determined schedule.
- **Working Groups and other meetings** shall be determined at the end of each meeting.

6. AGENDA FOR MEETING

- **Main Table.** The Working Group, (a committee comprised of a representative from each party) will develop and circulate a main table agenda prior to the next meeting. For sessions open to the public, the agenda will be developed and publicized two weeks in advance of the meeting. The Parties will rotate the responsibility for the physical preparation, circulation and publication of the agenda.
- **Working Groups and other Meetings.** At the end of each meeting, the Parties will agree who will prepare and circulate the agenda in advance of the next meeting.

7. RECORD KEEPING-MAIN TABLE, WORKINGS GROUPS AND OTHER MEETINGS

a. Record of Decisions

- Any decision will be recorded on the draft document under discussion.
- The Parties will take their own notes.
- At the end of each meeting, the Parties will review any undertakings and, if appropriate, prepare a brief (one page) draft meeting summary to be reviewed and approved by the Parties.

b. Audio/Video Recordings

- The Parties agree that as a general guideline, no audio or video recording of any meetings will take place, but this is open for discussion and agreement by the Parties.

8. CHAIRING OF MEETINGS

- There will be no chair unless the Parties otherwise agree.

9. ATTENDANCE AT MEETINGS

- **Main Table.** Access by the public to the negotiating table will generally occur in those sessions involving a general exchange of information on issues, interests and policies or the discussion of topics of a procedural nature. This access could be achieved by opening the session to the public, or through representation by a Regional Advisory Committee (RAC) representative, or through local television or radio, or any combination of the above.

Sessions involving the exploration of specific interests, the development of options and the

negotiation of substantive issues will be attended by members of the negotiating teams.

- **Working Group.** Negotiating teams plus any additional support personnel with the agreement of other parties.

10. COMMUNICATIONS

a. Openness

- The Parties have agreed to a protocol regarding the openness of the **YALE FIRST NATION** treaty process. This protocol sets out guidelines for public access to information related to the negotiations.

b. Public Information

- The Parties have established a tripartite working group on public information which will, every four months, develop a draft information plan which will include the objectives and the public information activities for the next four months.

c. Information sharing among the parties in accordance with the BCTC readiness Criteria

- The Parties have agreed to information sharing principles, a copy of which is annexed hereto and marked Exhibit "A".

d. Reporting to the BCTC

- The Parties will report to the BCTC as required by the BCTC.

11. DISPUTE RESOLUTION

- Alternate Dispute Resolution mechanisms will be used, when agreed to by the Parties, to assist in the resolution of disputes among the Parties.

12. SUSPENSION OF NEGOTIATIONS

- If one of the parties deems that negotiations are to be suspended, notice-and the reason for the suspension-must be provided to the parties, and to the BCTC, in writing. The BCTC may then be asked to facilitate a resolution of the matter which lead to the suspension.

13. OTHER

- Urgent Issues.** The Parties will address urgent issues (that are not identified in the workplan) at the table. If it appears that the issue will detract from their main objectives, an ad hoc committee will be struck to deal with the issue and to report back to the Main Table with recommendations.
- Orientation of Negotiating Teams.** The Parties will have orientation sessions on their respective cultures and/or decision making processes and they will exchange information on these matters. The goal is to ensure that the interests of the parties are understood.
- Consultation Processes of the Parties.** The Parties will share information about the mechanisms

of their respective internal consultation processes and they will make allowances in any time frames to allow those consultations to occur.

THIS AGREEMENT is executed as of the date set out above.

YALE FIRST NATION

Per: _____
Chief Negotiator

Canada

Per: _____
Chief Negotiator

British Columbia

Per: _____
Chief Negotiator

EXHIBIT "A" TO THE AGREEMENT REGARDING STAGE THREE PROCEDURES TREATY NEGOTIATION BETWEEN THE YALE FIRST NATION, CANADA AND BRITISH COLUMBIA

Information Sharing Principles for the Yale First Nation Treaty Negotiations

In accordance with the British Columbia Treaty Commission readiness criterion B(3), the Yale First Nation, British Columbia and Canada agree to the following information sharing principles, which are designed to facilitate negotiations and build trust among the three Parties.

In order to implement the following principles, it is recognized that mechanisms for information sharing, including mechanisms for cost sharing, will be further developed by the Parties.

The Openness Protocol governs information sharing outside the Main Table.

The Parties agree that the following principles will govern information sharing during treaty negotiations. The Parties will:

1. create a common information base for use by all three Parties to the negotiations;
2. account for human and fiscal limitations, through the establishment of an efficient and cost effective approach, including methods to prioritise information needs;
3. agree on what information is necessary, and when and how to obtain that information when new information needs are identified;
4. establish clear criteria and procedures for access to information and to avoid use of formal access to information processes wherever possible; and
5. maintain reliable, accurate information, which includes sharing revisions of information already shared among the Parties.

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URL: <http://www.aaf.gov.bc.ca/aaf/nations/yale/stg3proc.htm>

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