

Protocol Regarding the Openness of the Pavilion Indian Band

THIS PROTOCOL dated September 13, 1995 is entered into by the Pavilion Indian Band, Canada and British Columbia (the "Parties")

1.0 PURPOSES

1.1 This Protocol shall apply to the Treaty Process between the Parties and is intended to provide public access throughout all stages of this process while recognising the need to conduct effective negotiations. the parties agree to provide greater access through:

1.1.1 Access to the Main Table;

1.1.2 Access to documents;

1.1.3 Consultation; and

1.1.4 Public Information, as specifically provided for this Protocol.

2. ACCESS TO THE MAIN TABLE:

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

2.2 In deciding whether the public will have access to a negotiation session, the Chief Negotiators will consider whether attendance at the session by individuals other than the negotiating team members would:

2.2.1 Interfere with the effectiveness of the session;

2.2.2 Interfere with the effectiveness of the process;

2.2.3 Reasonably be expected to prejudice the positions or strategies of the negotiating parties; or

2.2.4 Harm the conduct of negotiations.

2.3 The access referred to in subsections 2.1 and 2.2 of this Protocol is to be achieved by opening these session to the general public, or representation from advisory committees, or broadcast by local television or radio, or representation from the print media, or any combination of the above.

2.4 Pursuant to subsections 2.1 and 2.2 of this Protocol, the Chief Negotiators will agree three weeks prior to a main table meeting whether that session will be open, either in a whole or in part and what manner of public notice will be provided.

2.5 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 representative will be chosen from a local government which may be affected by the Pavilion treaty negotiations. The Parties will agree on the rules of information sharing that will apply to the TAC.

3.0 ACCESS TO DOCUMENTS:

3.1 The Parties agree that a minimum the following documents will be made public in their final form on a timely basis:

3.1.1 Main table meeting agendas;

3.1.2 Approved records of decision from Main table meetings;

3.1.3 Periodic reports reviewing the process of negotiations prepared by the Parties;

3.1.4 Statements defining interests tabled by a party at a Main table meeting;

3.1.5 Discussion papers tabled by a Party at a Main Table meeting; and

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

3.2 The parties will also make available to the public documents which have been substantially agreed to by the Parties and prior to initialling, including;

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, including working or draft proposals, position papers and draft documents prior to agreement on their contents having been finalised by the Parties, will be made public unless:

3.3.1 The Party producing the document has identified the document as confidential;

3.3.2 The Party producing the document considers that disclosure would prejudice the position or strategy of that Party; or

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

3.4 Nothing in paragraphs 3.2 and 3.3 is intended to diminish the ability of a Party to consult with its respective caucus or advisory committee with respect to documents which the Party has produced.

3.5 Release of documents in 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.

4.0 CONSULTATION

4.1 The Parties will share information with each other and with the general public concerning their respective consultation process and will arrange negotiation timetables that allow consultation to occur.

4.2 The Parties will undertake joint consultation as agreed upon.

4.3 The Parties retain the right to consult with their respective advisory committees.

4.4 The Parties agree that, to assist the advisory committees in providing advice on the items under negotiation, each of the Parties:

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

4.4.2 Will provide to its advisory committee documents available to the public under subsections 3.1, 3.2 and 3.3 and

4.4.3 May provide periodic briefings to advisory committees established by other

Parties.

5.0 PUBLIC INFORMATION

5.1 The Chief Negotiators for the Parties will be responsible for ensuring that an effective and ongoing public information process is established respecting Pavilion Indian Band treaty negotiations.

5.2 The Parties agree to establish a Public Information Working Group comprised of representatives of the respective parties and any other persons the Parties may agree upon. The Public Information Working Group will develop an information -plan which will include objectives, activities, and a schedule. The plan is subject to approval by the Chief Negotiators.

5.3 The parties agree public information activities will be undertaken in communities in or near the traditional territory identified by the Pavilion Indian Band in its Statement of Intent:

5.3.1 Public Information Forums - The events to be held may include events sponsored by parties other than the Parties of this Protocol. Generally, they will involve the Chief Negotiators for the Parties or their designates. Other resource people may be invited;

5.3.2 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;

5.3.3 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;

5.3.4 Meetings with Third parties and other Community Groups - These meetings will involve the three Chief Negotiators for the Parties or their designates, They may include groups such as the Chamber of Commerce, municipal governments, unions, business groups and other similar organisations and agencies.

5.3.5 Open Houses - These events will provide the Parties with an opportunity to inform and to meet with the members of the public and to discuss issues under negotiation; and

5.3.6 Dissemination of Public Information Materials - These materials will be provided and distributed by the Parties by means which may include libraries,

resource centres and electronic bulletin boards.

5.4 At the end of each Main Table meeting, the Chief Negotiators will hold a media briefing, unless otherwise agreed.

5.5 Nothing in this section is intended to prevent the Parties from participating in bilateral or independent public information activities. Where such activities are planned in advance, the Parties involved will ensure that the Public Information Working Group is given advance notice.

6.0 AMENDMENT:

6.1 This Protocol may be amended by agreement of the Chief Negotiators.

Signed on behalf of the Pavilion Indian Band:

Fred Alec,
Chief Negotiator

Desmond Peters,
Chief Negotiator

Signed on behalf of Canada by

Robin Dodson,
Chief Negotiator

Signed on behalf British Columbia by:

Gordon Douglas,
Acting Chief Negotiator

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URL: <http://www.aaf.gov.bc.ca/aaf/nations/tskwayla/openness.htm>

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