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Protocol Regarding The Openness of the Wet'suwet'en Treaty Process

1. Purposes

1.1 This Protocol shall apply to the Treaty Process between the Wet'suwet'en and British Columbia and Canada (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:

1. Access to the documents;
2. Consultation with advisory committees established by each of the Parties;
3. Public information; and
4. Access to the 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:

1. Main Table Meeting Agendas;
2. Lists of Undertakings given by each Party at Main Table Meetings;
3. Periodic reports reviewing the progress of negotiations prepared by the Parties;
4. All reports filed with The British Columbia Treaty Commission;
5. Statements defining interests tabled by a Party at a Main Table Meeting; and
6. Discussion papers tabled by a Party at a Main Table Meeting.

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:

1. Framework Agreement
2. Sub-agreements
3. Agreement-in-Principle
4. Final Agreement

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

1. the Party producing the document has identified the document as confidential; or
2. the Party producing the document considers that disclosure would prejudice the position or strategy of that Party; or
3. a document is not at a stage in the drafting process where it accurately reflects the intention and interests of the Party or Parties.

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

2.5 Production of documents 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:

1. Each of the Parties will need to provide information to its advisory committees on the substance of issues being negotiated.
2. Each of the Parties may provide to its advisory committees documents available to the public under Clauses 2.1, 2.2 and 2.3; and
3. 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 four months, develop a draft implementation plan which will include the objectives and the public information activities for the next four months. This plan is subject to approval by a Main Table meeting.

4.2 The Parties agree that public information activities will be undertaken in communities within Wet'suwet'en territory using several approaches which could include:

1. 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.
2. Open workshops: these events will focus on key issues. They will involve the Parties and will be open to the public to provide an opportunity for discussion.
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.
4. Meetings with third parties and other community groups: these meetings will provide the Parties with an opportunity to provide information and to meet with members of the public and to discuss issues under negotiation.
5. 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.

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:

1. increase the effectiveness of the session, or
2. interfere with the effectiveness of the process, or
3. reasonably be expected to prejudice the positions or strategies of the negotiating Parties.

5.3 The access referred to in Clauses 5.1 and 5.2 is to be achieved by opening these sessions to the general public, or representation from advisory committees, or broadcast by local television or radio or any combination of the above, or including representation from the print media.

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 Clauses 5.1 and 5.2.

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

Signed on behalf of the Wet'suwet'en:
Herb George
Speaker

Signed on Behalf of Canada:
Tom Molloy
Chief Negotiator

Signed on Behalf of British Columbia:
Mark Stevenson
Chief Negotiator

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