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| STEP | **PRIOR TO LAUNCHING NEGOTIATIONS** | **ESTABLISH NEGOTIATING INSTRUCTIONS/PARAMETERS** | **PRELIMINARY DISCUSSIONS WITH FOREIGN PARTICIPANT(S)** | **DRAFTING AND NEGOTIATION**  | **FINAL LEGAL REVIEW, TRANSLATION AND JURILINGUISTIC REVIEW** | **FORMATTING AND PRINTING** | **SIGNATURE** | **AFTER OFFICIAL SIGNATURE** |
| PROCEDURES | * Establish whether a legally binding instrument (treaty, agreement, etc.) or a non-legally binding instrument (MOU, arrangement, etc.) is required or preferable

\*The choice of a legally binding instrument would trigger the application of Canada’s treaty adoption process. This process does not apply to instruments containing only political and/or moral non-binding commitments. Please refer to JLI’s other documents on non-legally binding international instruments and to Annex C of the current [*Policy on Tabling of Treaties in Parliament*](https://www.treaty-accord.gc.ca/procedures.aspx?lang=eng). | * Determine the policy objectives, purpose and scope of the instrument
* Determine whether the purpose, scope and policy objectives fall within the purview of the lead Minister/Department
* Obtain necessary approvals prior to negotiations:

- if the subject-matter of the instrument falls within the mandate of a given Minister/Department, regular internal departmental approval processes are followed (e.g. memorandum to the minister to obtain approval to negotiate);- if the instrument is to be signed between the Government of Canada and another government (as opposed to signatures between departments or agencies), or if the subject-matter is politically or otherwise sensitive, a signals check with PCO is required prior to initiating negotiations | * Confirm common understanding of the non-legally binding nature of the instrument (i.e., it will not lead to binding obligations under international law)
* Confirm the other Participant(s)’ capacity to negotiate and any particular requirements they might have for non-legally binding instruments
* Advise foreign participant(s) of Canada’s requirement to conclude the instrument in both official languages and enquire as to whether the other Participant has official language requirements
* Confirm the entity entering into the instrument and determine whether it is equivalent to the Canadian entity
 | * If preparing the initial draft, refer to JLI’s documents entitled “Guide for the Drafting of a Non-Legally Binding Instrument” and “Non-Legally Binding Instruments Appropriate Terminology”

\*Note that there are special considerations relating to negotiations of non-legally binding instruments with the United States* Send draft of text to JLI when first developed or received from foreign participant, as well as when any major changes are made, for legal review of terminology, to ensure no binding language is used.
* Agree on who will provide translations of the concluded text in the languages of the instrument

\*Canada usually offers to provide the French translation* Discuss, and if possible confirm, a signature date.
* Confirm who will be signing the instrument and their level in the hierarchy

\*The practice is for signatories to be at the ADM level or above (but there are exceptions), and all signatories preferably need to be at equivalent levels | * Send text concluded between negotiators to JLI for a final legal review and negotiate any subsequent changes required with other Participant
* Once text is finalized or nearly finalized in one official language, send to Translation Bureau to obtain text in the other official language
* Review language quality of the translated text in the other official language, make any required changes, and send to JLI for jurilinguistic review to ensure legal concordance between French and English versions of the text
* After jurilinguistic review is completed, send the translated text to the other Participant for their review and concurrence
* If foreign language versions are provided by the other participant(s), send them to the Translation Bureau or a qualified translator for linguistic review

If Canada is to provide translations in foreign languages, send the concluded text in English or French to the Translation Bureau, and then on to the other Participant for review and concurrence. | * Confirm with the other Participant whether they or Canada will format, print and bind (JLI can share guidelines to help you complete this part).
* If Canada formats, prints and binds, confirm with the other Participant whether Canada will also prepare their versions of the text for signature – factor in that the format of the copies for the other Participant is different from the format for Canadian copies
* Determine where and how the formatted instruments will be delivered for signature – if sending by diplomatic bag or courier, factor in travel time
 | * Organize the signing ceremony (in person or virtually)
 | * Send the original or a copy of the signed instrument to JLI for record-keeping as soon as possible after signature
* Fill out Record of Signing and send to JLI along with the signed instrument
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| RESPONSIBLE DEPARTMENT | Subject-matter Lead | Subject-matter Lead | Subject-matter Lead | Subject-matter Lead | Subject-matter Lead andGlobal Affairs Canada (if not subject-matter lead) | Subject-matter Lead or Global Affairs Canada | Subject-matter Lead | Subject-matter Lead |
| TIME REQUIRED | Must be decided prior to entering into negotiations  | Must be decided prior to entering into negotiations | Must be discussed prior to entering into negotiations | Varies depending on the instrument  | Final legal review: 3 to 5 business days (but may vary depending on the size and complexity of the text)Translation (official languages): Factor in 1-2 weeks, depending on the length and complexity of the textTranslation/review (foreign languages): Translation into a foreign language or review of a foreign language version may take several weeks. It is therefore recommended to secure the services of a translator ahead of the conclusion of the negotiationsJurilinguistic review (English or French): 3 to 5 business days (but may vary depending on the size and complexity of the text) | Production takes on average 5-7 business days from the receipt of the final texts\*This step may require more time if there are multiple languages and different alphabets, if the text is lengthy or if there are special formatting requirements. | Must be determined by the Lead  | Within two weeks of signature (may take longer if the signature takes place outside of the NCR) |
| INTERACTION WITH JLI | Lead contacts JLI if needs support to determine what type of instrument would be best suited to its needs/objectives | JLI can support as needed | Lead notifies JLI of the beginning of preliminary discussions and launch of negotiation processLead consults JLI on shared understanding of legal nature of instrument  | JLI provides support on legal terminology issues. For other legal issues, the Lead liaises with other legal counsel, as requiredLead advises JLI as early as possible of planned or confirmed signature date | Lead provides JLI with the text concluded between negotiators and the other official language version, for both legal review and jurilinguistic review.  | Lead advises JLI as early as possible on whether Lead or other Participant will produce the text for signature, and JLI provides guidelines to Lead. | JLI can provide advice on the organization of in-person or virtual signing ceremonies | JLI keeps the original or copy of the signed instrument, in paper and electronically, in its records. JLI can provide copies of the instrument on request  |