

OWEKENO NATION TREATY PROCESS

OPENNESS PROTOCOL

1. Purpose

1.1 In order to have an open and effective treaty process, to provide accurate information to the public and to consult with third parties throughout the process, Canada, British Columbia and the Oweekeno Nation ("the Parties") agree to:

- i) Provide for public access to documents;
- ii) Consult with advisory committees established by each of the parties;
- iii) Provide information to the public; and,
- iv) Provide for access to Main Table meetings.

2. Access to Documents

2.1 The members of the negotiating teams for the Parties will be subject to all rules of confidentiality including the provisions of this Protocol and such rules as may be agreed to by the Parties from time to time.

2.2 The Parties agree that the following documents will be made available to the public in their final form:

- i) Main Table meeting agendas;
- ii) Records of Decisions and Commitments given by each Party at Main Table meetings;
- iii) Periodic reports reviewing the progress of negotiations prepared by the Parties;
- iv) Reports jointly prepared and filed with the British Columbia Treaty Commission;
- v) Statements defining interests tabled by a Party at a Main Table meeting;
- vi) Discussion papers tabled by a party as a main table meeting; and,

vii) Other documents agreed to by the Parties.

2.3 The Parties will also make available to the public documents which have been initialled by each of the Parties, including:

- i) The Framework Agreement;
- ii) Sub-Agreements;
- iii) The Agreement-in-Principle; and,
- iv) The Final Agreement.

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

- i) The Party producing the document has identified the documents as confidential;
- ii) The Party producing the document considers that disclosure would prejudice the negotiating position or strategy of the 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.

2.5 Nothing in clauses 2.2, 2.3, and 2.4 is intended to diminish the ability of the Parties to consult with their respective caucuses or advisory committees, with respect to documents the Parties have produced.

2.6 The release of document is acknowledged to be subject to the *Freedom of Information and Protection of Privacy Act* and the *Heritage Conservation Act* of the province of British Columbia and the *Access to Information and Privacy Act* of Canada. If a Chief Negotiator is aware of a written request for information relating to the Oweekeno Nation treaty negotiations, written notice of the request will be given to the other Parties.

2.7 At the close of all Main Table meetings, the Chief Negotiators will agree on the documents that have been tabled at that session which are public documents and the Records of Decisions and Commitments will contain a list of those public documents.

2.8 Inclusion of the words "In Confidence", "Confidential", or similar words in respect to a document will constitute advice to any Party receiving the document that it is to be kept confidential.

3. Consultation

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

3.2 The Parties agree that to assist the advisory committees in providing advice on the items under negotiation:

i) Subject to clause 2.3, the Parties will need to provide information to their advisory committees on matters being negotiated;

ii) The Parties may provide to their advisory committees documents available to the public under clauses 2.2, 2.3, and 2.4; and,

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

3.3 Prior to initialling, the Parties will also make available to their respective advisory committees documents which generally have been agreed to by the Parties including:

i) The Framework Agreement;

ii) Sub-Agreements;

iii) The Agreement-in-Principle; and,

iv) The Final Agreement.

3.4 Subject to this Protocol, the Parties will share information with each other and the public concerning their respective consultation processes and will arrange negotiation timetables that allow consultation to occur.

3.5 The Parties will undertake joint consultation whenever it is mutually beneficial.

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 representatives of the Parties ("the Working Group"). The Working Group will, every six months, develop a draft information plan which will include the objectives and the public information activities for the next six months. This plan is subject to approval by the Parties at a Main Table meeting.

4.2 The Parties agree that public information activities will be undertaken in Oweekeno Nation territory using several approaches, including:

- i) **Public Information Forums:** generally, they will involve the Chief Negotiators for the Parties or their designates. Other resource people may be invited. The events to be held may include events sponsored by parties other than the Parties to this Protocol;
- ii) **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;
- iii) **Radio, Television and Newspaper Interviews and Briefings:** these interviews and briefings will focus on the matters being negotiated and the progress of negotiations and will involve 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 may include groups such as the Chamber of Commerce, aboriginal organizations and groups, 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 the Oweekeno people and members of the public and to discuss issues under negotiation; and,
- 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.

5. Access by Observers to the Main Table

5.1 The Parties agree that the public may observe Main Table meetings devoted to a general exchange of information on issues, interests and policies or the discussion of matters of a procedural nature.

5.2 The Chief Negotiators will determine whether other Main Table meetings are to be open by considering whether attendance at the session by individuals other than the negotiating team members would:

- i) Increase the effectiveness of the session;
- ii) Interfere with the effectiveness of the process; or,
- iii) Reasonably be expected to prejudice the positions or strategies of the negotiating Parties.

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

6. Treaty Advisory Committee and Representative

6.1 The Parties acknowledge that British Columbia will include as a member of its negotiating team a representative of local government from the Central Coast Treaty Advisory Committee ("TAC"). British Columbia will require that the TAC Representative follow the instructions of the Chief Negotiator for British Columbia.

6.2 The Chief Negotiator for British Columbia will ensure that the TAC and its members will be subject to all rules of confidentiality as set out in this Protocol and the Rules of Information Sharing for the Treaty Advisory Committee Representative to the Oweekeno Treaty Negotiations ("the Rules").

6.3 The Chief Negotiator for British Columbia, subject to the Rules, may permit the TAC Representative to disclose to the TAC information, documents or portions of documents that have not been determined to be available for public distribution by the Chief Negotiators pursuant to section 2 only where:

- i) The Information, documents or portions of documents directly affect the local government represented by the TAC, taking into consideration the 1993 Memorandum of Understanding between British Columbia and the Union of B.C. Municipalities;
- ii) Each member of the TAC and the local government represented by the TAC agrees in advance that s/he will confine discussions of the information, documents or portions of documents to "in camera" sessions of his/her government and s/he will not otherwise disclose the same; and,
- iii) The views expressed by the Parties regarding the disclosure of the information, documents or portions of documents have been taken into account by the Chief Negotiator for British Columbia.

6.4 The Chief Negotiator for British Columbia and the TAC will establish terms of reference for the TAC consistent with this Protocol. Copies of the signed terms of reference, including the covering letter, will be provided to the other Parties.

7. Amendment

7.1 This Protocol may be amended at any time by agreement of the Chief Negotiators in writing.

THIS AGREEMENT, dated this 6th day of August, 1996 is

Signed on behalf of:

Oweekeno Nation, Chief Negotiators

British Columbia, Chief Negotiator

Canada, Chief Negotiator