

Protocol Regarding the Openness of the Sliammon Indian Band Treaty Process

1. Purposes

1.1

This Protocol shall apply to the Treaty Process between the Sliammon Indian Band 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:

- i. Access to documents;
- ii. Consultations with advisory committees established by each of the Parties;
- iii. Public information;
- iv. and Access to Main Table meetings

as specifically provided for in this Protocol.

2. Access to Documents

2.1

The Parties agree that, at a minimum, upon approval by the three Chief Negotiators, the following documents will be available to the public:

- i. Main Table Meeting Agendas
- ii. Public Records of Decisions once approved
- iii. Periodic reports reviewing the progress of negotiations prepared jointly, or by each party
- iv. All reports filed with the British Columbia Treaty Commission
- v. Statements defining interests tabled by a Party at a Main Table Meeting and
- vi. Discussion papers tabled by a Party at a Main Table Meeting.

2.2

The parties agree that prior to initialling a document and where the three Chief Negotiators have reached general agreement the following documents will be available to the public:

- i. Framework Agreement;
- ii. Chapters of Agreement-in-Principle;
- iii. Agreement-in-Principle; and
- iv. Final Agreement.

2.3

Upon agreement by the three Chief Negotiators, documents not included in sections 2.1 and 2.2 will be available to the public.

2.4

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

2.5

This Openness Protocol is subject to the application of access to information and privacy legislation of British Columbia, 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:

- i. Each of the Parties may provide to its advisory committees information on the substance of issues being negotiated;
- ii. Each of the Parties may provide to its advisory committees, documents available to the public under 2.1, 2.2 and 2.3;
- iii. Each of the Parties may provide to its advisory committees documents referred to in 2.4; and

- iv. Each of the Parties may provide periodic briefings to advisory committees established by the other Parties.

3.3

Nothing in this section is intended to hinder the ability of the parties to consult with their respective advisory committees.

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 information 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 the Sliammon Indian Band traditional territory using several approaches, which could include:

- i. **Public Information Forums:** the events to be held may include events sponsored by parties other than the Parties to the Protocol. Generally, they will involve the Chief Negotiators for the Parties or their designates. Other resource people may be invited.
- 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 substance 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 will include groups such as the Chamber of Commerce, 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 members of the public and to discuss issues under negotiation.
- 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 to the Negotiation Table

5.1

The Parties agree that Main Table negotiation sessions will generally be open to observation by the public.

5.2

The Parties agree that from time to time it may be necessary to close Main Table negotiating sessions in whole, or in part, to observation by the public.

5.3

The three Chief Negotiators will decide three weeks prior to a Main Table negotiation session, when possible, if that session is to be closed in whole, or in part, to observation by the public.

5.4

In making the decision to close a Main Table negotiation session to observation by the public the three Chief Negotiators will consider:

- a. the nature of the substantive issues being discussed; and
- b. whether attendance at the session by individuals other than the negotiating team members would:
 - i. increase the effectiveness of the session, or
 - ii. interfere with the effectiveness of the process, or reasonably be expected to prejudice the positions or strategies of the negotiating parties.

5.5

The access to Main Table negotiation sessions referred to in sub-sections 5.1, 5.2, and 5.3 will be achieved by opening these sessions to the general public, representation from advisory committees, representation from the print media, broadcast by local television or radio, or any combination of the above.

5.6

The Parties agree that British Columbia will include as a member of the provincial negotiation team a representative of local government from the Treaty Advisory Committee (TAC).

5.7

All members of the three negotiating teams, including the TAC representative, will be subject to all rules

of conduct and confidentiality agreed to by the Parties.

5.8

The Parties agree to the Rules of Conduct and Confidentiality attached as Appendix 1 to this Protocol.

5.9

The Provincial Chief Negotiator will complete Terms of Reference for the Treaty Advisory Committee, consistent with this Protocol, and will provide copies to the Sliammon Indian Band, and to Canada.

initialled on Behalf of the Sliammon Indian Band:

Roy Francis
Negotiator

Initialled on Behalf of Canada:

Ross McKinnon
Senior Negotiator

Initialled on Behalf of British Columbia:

Carol McNichol
Negotiator

"APPENDIX 1"

RULES OF CONDUCT AND CONFIDENTIALITY

The Province of British Columbia and the Union of British Columbia Municipalities (UBCM) Memorandum of Understanding (MOU) regarding treaty negotiations was signed on March 22, 1993.

The Province of British Columbia and the Union of British Columbia Municipalities (UBCM) Protocol, September 19, 1994, Part 4(d)(section 4) states that the Treaty Advisory Committee (TAC) Representative and the TAC will be subject to, any and all rules of confidentiality that may be agreed to by Canada, the Province and the First Nations (in this case the Sliammon Indian Band).

For the purposes of the Sliammon Indian Band Treaty Negotiations, Canada, British Columbia and the Sliammon Indian Band (the "Parties") agree on the following rules of conduct and confidentiality for the

TAC and the TAC representative.

1.

There will be one TAC Representative to the Sliammon Indian Band Treaty Negotiations ("TAC Rep").

2.

The TAC Rep may attend main table meetings, at the discretion of the TAC once the Main Table has been declared "Ready" to commence negotiations, by the British Columbia Treaty Commission.

3.

The TAC Rep may attend working group or other meetings as directed by the Chief Negotiator for British Columbia.

4.

The TAC Rep will relay to the TAC as soon as possible all information and documents determined by the Parties to be public in accordance with the Protocol Regarding the Openness of the Sliammon Indian Band Treaty Process.

5.

The TAC Rep will refrain from sharing information or distributing documents which have not been determined to be public in accordance with the Protocol Regarding the Openness of the Sliammon Indian Band Treaty Process unless:

- a. the information or document may affect local government interests; and
- b. the Chief Negotiator for British Columbia instructs the TAC Rep to share the information; and
- c. the information will only be provided to the TAC if the members of TAC, including the TAC Rep, agree on behalf of their Local Governments that they will confine discussion of this information to "In Camera" sessions of their Local Governments and not disclose this information to the public.

6.

In determining whether or not to instruct the TAC Rep to share information as described above the Chief Negotiator for British Columbia will

- a. take into consideration any views expressed by the other Parties as the Main Table; and
- b. take into consideration section (b) of the Memorandum of Understanding between the Province of British Columbia and the UBCM.

7.

The Parties may alter these rules and adopt new Rules of Conduct and Confidentiality at any time by agreement of the Main Table.