

OPENNESS PROTOCOL FOR THE TE'MEXW TREATY ASSOCIATION TREATY TABLE

1. PURPOSE

1.1 This Protocol shall apply to the Treaty Negotiations Process between the Te'mexw treaty Association, Canada and British Columbia (the "Parties") and is intended to provide public access throughout the treaty negotiations process subject to the need to conduct effective and efficient negotiations. The Parties agree to provide for such public access through:

1.1.1 Attendance at the Main Table Sessions;

1.1.2 Access to Documents;

1.1.3 Consultation: and

1.1.4 Public Information:

2. ATTENDANCE AT THE MAIN TABLE SESSIONS

2.1 Public access to treaty proceedings will generally occur in Main Table negotiations devoted to a general exchange of information or clarification of 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 increase 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 Parties: or

2.2.4 harm the conduct of negotiations.

2.3 The access referred to in subsections 2.2 and 2.2 of this Protocol will be agreed upon by the Parties and will be achieved by opening these meetings or sessions 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 and 2.3 of this Protocol, the Chief Negotiators will agree prior to a Main Table negotiation whether that session will be open, either in whole or in part. Where the Parties agree that a Main Table negotiation will be open, the Chief Negotiators will provide at least two weeks public notice.

2.5 The Chief Negotiators of the Parties will be responsible for the overall conduct of the negotiations, and members of the public in attendance at the Main Table sessions will participate as observers only.

2.6 The Chief Negotiators will, by agreement, be entitled to adjourn open Main Table sessions for safety and security reasons.

2.7 The Parties acknowledge that British Columbia will include as a member of its negotiating team a representative of local government from the Treaty Advisory Committee (TAC).

2.8 All members of the three negotiating teams will be subject to all rules of confidentiality for the full duration of negotiations.

2.9 The TAC and its members shall be subject to all the rules of confidentiality as set out in this Protocol. In addition, the TAC and its members shall only:

2.9.1 receive information which is not available for public distribution (see section 3.3) when this information directly affects local government interests: and

2.9.2 receive information which is not available for public distribution as described in subsection 2.9.1 if each member agrees on behalf of their local government that they:

2.9.2.1 Will confine discussions of this information to "in camera" sessions of their local government; and

2.9.2.2 Will not disclose this information to anyone else.

3. ACCESS TO DOCUMENTS

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

3.1.1 main table meeting agendas:

3.1.2 records of decisions and commitments given by each party at a Main Table meeting;

3.1.3 periodic report reviewing the process of negotiations prepared by the Parties;

3.1.4. statements defining interests tables by Party at a Main Table meeting;

3.1.5 discussion papers tables by a Party at a Main Table meeting;

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 The Framework Agreement;

3.2.2 Sub-agreements

3.2.3 the Agreement-In-Principle; and

3.2.4 the Final Agreement.

3.3 The Parties agree that other documents will be made available to the 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 positions 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 one or more Parties.

3.4 The release of records is acknowledged to be subject to the Freedom of Information and Protection of Privacy Act of the Province of British Columbia, and the Access to Information Act and Privacy Act of Canada, in accordance with their terms.

4. CONSULTATION

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

4.2 The parties will undertake joint consultation whenever it is mutually deemed advisable.

4.3 Nothing in paragraph 3.3 is intended to diminish the ability of the Parties to consult with their respective negotiating team members, caucus or 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 may 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.

5.2 Chief Negotiators of all three Parties, or their delegates, will actively seek invitations to make presentations or participate in discussion panels through the broadcasting and/or print media.

5.3 The parties agree that public information activities will be planned and organised by a Public Information Working Group comprised of representatives of the respective parties, including such other persons as the Parties may agree upon. The Working Group will develop an 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.

5.4 The Parties agree that public information activities will be undertaken in communities within the traditional territories of the Te'mexw Treaty First nations, using several approaches, which could include;

5.4.1 Public Information Forums- The events to be held may include events sponsored by the 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;

5.4.2 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;

5.4.3 Radio, Television and Newspaper Interviews and Briefings- these interviews and briefings will focus on the substance and the progress of and will involve the Parties.

5.4.4 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.

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

5.4.6 Dissemination of Public information materials- these materials will be produced and distributed by the parties by means which may include libraries, resource centres and electronic bulletin boards.

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

REVIEW OF THE OPENNESS PROTOCOL

6.1 This Protocol will be reviewed and may be amended by consensus of the Parties prior to the end of Framework Negotiations.

Agreed by each Party this 27 day of June, 1995

Te'mexw Treaty Association

Canada

British Columbia
