



BRITISH
COLUMBIA



Canada

**Northern Secwepemc te Qelmucw
Treaty Negotiations**

**AGREEMENT-IN-PRINCIPLE
RATIFICATION OF THE FINAL
AGREEMENT**

**Public Release Chapter
February 25, 2004**

This document is tabled for discussion purposes only. It is not necessarily representative of the position any Party may take in Final Agreement negotiations, it contains no admissions and is subject to change. It is without prejudice and will not be tendered or relied upon in any court proceedings.

RATIFICATION OF THE FINAL AGREEMENT

BACKGROUND

Canada, British Columbia and the Cariboo Tribal Council are engaged in treaty negotiations in the British Columbia Treaty Commission process. Our treaty negotiations include public consultation and internal review of documents jointly drafted by the three Parties.

This document is part of a group of chapters which will form the Agreement-in-Principle and will acquire greater context over time. It has not been finalized.

OBJECTIVE

The Parties are releasing this document for public information. It is without prejudice to any Party and is subject to change.

For further information on the negotiations, please contact any of the following people:

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Canada

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RATIFICATION OF THE FINAL AGREEMENT

GENERAL

1. The Final Agreement will be submitted to the Parties for ratification as set out in the Final Agreement after it has been initialed by Chief Negotiators for Canada, British Columbia and the Northern Secwepemc te Qelmucw.
2. The Final Agreement will be legally binding once ratified by all of the Parties in accordance with the Ratification Chapter of the Final Agreement, and unless so ratified has no force or effect.

RATIFICATION BY NORTHERN SECWPEMC TE QELMUCW COMMUNITIES

3. Ratification of the Final Agreement by each NStQ Community requires:
 - a. that its eligible voters have a reasonable opportunity to review the Final Agreement;
 - b. a vote, by way of a secret ballot;
 - c. that a clear majority of voters of that NStQ Community, at a level to be determined by NStQ prior to the ratification vote, vote in favour of the Final Agreement;
 - d. that if the NStQ Constitution is not already ratified, then ratification of it through the process set out in the Final Agreement; and
 - e. the Final Agreement be signed by the authorized representative(s) of Northern Secwepemc te Qelmucw.

The Ratification Committee

4. The Parties will establish a Ratification Committee to be responsible for the Northern Secwepemc te Qelmucw Communities ratification process, including conduct of the Ratification Vote as set out in section 6 .

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5. The Ratification Committee will be established by and governed by rules adopted by NStQ, and will include a representative from each NStQ Community, Canada and British Columbia.
6. Conduct of the Ratification Vote for each NStQ Community requires the following steps:
 - a. preparing and publishing a preliminary list of voters based on the information provided by the Enrolment Committee;
 - b. taking reasonable steps to provide the opportunity for NStQ to review the Final Agreement;
 - c. preparing and publishing an Official Voters List at least 14 days before the first day of general voting in the Ratification Vote by:
 - i) determining whether each individual whose name is provided to it by the Enrolment Committee is eligible to vote; and
 - ii) including on the Official Voters List the name of each individual whom the Ratification Committee determines to be eligible to vote under paragraph 7;
 - d. updating the Official Voters List by:
 - i) at any time before the end of general voting, adding to the Official Voters List the name of each individual whom the Ratification Committee determines to be eligible to vote under paragraph 7;
 - ii) adding to the Official Voters List the name of each individual who votes under paragraph 7 and whose vote counts under paragraph 3;
 - iii) removing from the Official Voters List the name of each individual who died on or before the last day of voting without having voted in the Ratification

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Vote; and

- iv) removing from the Official Voters List the name of each individual who did not vote in the Ratification Vote and who provides, within seven days of the last scheduled day of voting in the Ratification Vote, certification by a qualified medical practitioner that the individual was physically or mentally incapacitated to the point that they could not have voted on the dates set for general voting;
- e. approving the form and content of the ballot;
- f. authorizing and providing general direction to Voting Officers;
- g. conducting the Ratification Vote on a day or days determined by the Ratification Committee; and
- h. counting the Ratification Vote.

Eligible Voters

- 7. An eligible voter for ratification purposes will be a person who:
 - a. is enrolled under the Eligibility and Enrolment Chapter;
 - b. is not enrolled in any other land claims agreement; and
 - c. is the minimum age for an eligible voter on the day of voting as set out in the Final Agreement.
- 8. An individual who is eligible to vote under paragraph 7, but whose name is not included on the official voters list, may vote in the ratification vote if that individual:
 - a. provides the voting officer with a completed enrolment application form or evidence satisfactory to the voting officer that the individual has submitted an enrolment application form to the Enrolment Committee;
 - b. provides evidence satisfactory to the voting officer that the individual meets the requirement set out in

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paragraph 7.c; and

- c. declares in writing that they:
 - i) meet the eligibility criteria set out in paragraph X of the Eligibility and Enrolment Chapter, and
 - ii) are not enrolled in any other land claims agreement in Canada.

9. The ballot of an individual who votes under section 8 counts in determining the outcome of the ratification vote only if the Ratification Committee determines that the individual is enrolled by the Enrolment Committee and meets the criteria set out in subsection 7.b and 7.c.

RATIFICATION BY CANADA

10. Ratification of the Final Agreement by Canada requires:
- a. that the Final Agreement be signed by a Minister authorized by the federal Cabinet; and
 - b. the coming into force of federal legislation giving effect to the Final Agreement.

RATIFICATION BY BRITISH COLUMBIA

11. Ratification of the Final Agreement by British Columbia requires:
- a. that the Final Agreement be signed by a Minister authorized by the Lieutenant Governor in Council to do so; and
 - b. the coming into force of provincial legislation giving effect to the Final Agreement.

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COSTS

12. British Columbia and Canada will pay the reasonable and necessary costs of the Ratification Committee within the budget agreed upon by the Parties.

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