

AGREEMENT

among

IN-SHUCK-CH COUNCIL

and

THE QUEEN IN RIGHT OF BRITISH COLUMBIA

and

THE QUEEN IN RIGHT OF CANADA

agreed to in Pemberton, British Columbia, Canada,

this 24th day of September, 2002.

IN-SHUCK-CH COUNCIL TREATY

STAGE 3 PROCESS AGREEMENT

PURPOSE OF STAGE 3

The In-SHUCK-ch Council, Canada, and British Columbia have agreed to the following shared objectives for the Framework Agreement (Stage 3) of the Treaty Negotiation process:

1. Agreement on principles and procedures to guide the negotiations of the Agreement in Principle (AIP).
2. Agreement on topics to be negotiated in the AIP stage.
3. Identification of the Parties' interests and concerns with respect to each of the negotiation topics, sufficient to obtain an AIP mandate.
4. Agreement on a public information program for AIP stage.
5. Agreement on a joint workplan for completing AIP stage.
6. Agreement on a target date for completing AIP stage.

Specific agreements follow which deal with

- I. Information Sharing Principles
- II. Openness Agreement
- III. Procedures Agreement

I. INFORMATION SHARING PRINCIPLES

Information sharing will facilitate negotiations and build trust between the three Parties to the negotiations.

The In-SHUCK-ch Council, British Columbia and Canada agree to the following information sharing principles:

1. To create a common information base for use by all three Parties to the negotiations.
2. To account for human and fiscal limitations, through the establishment of an efficient and cost effective approach, including methods to prioritize information needs.
3. To agree on what information is necessary, and when and how to obtain that information when new information needs are identified.
4. To establish clear criteria and procedures for access to information.
5. To maintain reliable, accurate information, which includes sharing revisions of information already shared between the Parties.

In order to implement these principles, it is recognized that the mechanisms on information sharing, including those dealing with cost sharing, will be developed.

The Openness Agreement will govern information sharing outside the Main Table.

II. OPENNESS AGREEMENT

1. PURPOSE

This Agreement shall apply to the Treaty Process between the In-SHUCK-ch Council, Canada and British Columbia (the "Parties") and is intended to allow public access throughout the Treaty Process while recognizing the need to conduct effective negotiations.

2. ACCESS TO DOCUMENTS

- (A) The Parties agree that at a minimum, the following documents will be made available to the public in their final form:
- (i) Main Table Meeting Agendas;
 - (ii) Periodic reports reviewing the progress of negotiations jointly prepared by the Parties;
 - (iii) All reports filed with the British Columbia Treaty Commission (BCTC);
 - (iv) Statements defining interests tabled by a Party at a Main Table Meeting;
 - (v) Summary of Decisions arising from 2 (A) (i).
- (B) The Parties will also make available to the public, draft agreements which generally have been agreed to by the Chief Negotiators (although not necessarily in their final form) and prior to initialing, including:
- (i) Framework Agreement;
 - (ii) Chapters of the AIP;
 - (iii) Agreement-in-Principle;
 - (iv) Final Agreement; and
 - (v) Other Agreements.
- (C) The Parties agree that documents not outlined in 2(A) and 2(B) will also be available to the public unless:

- (i) The Party producing the document has identified the document as confidential; or
 - (ii) The Party producing the document considers that disclosure would prejudice the position or strategy of that 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.
- (D) Nothing in paragraphs 2 (A), 2 (B), and 2 (C) is intended to diminish the ability of a Party to meet its consultation obligations with respect to documents the Party has produced.
- (E) Production of documents to the public is governed by the provincial Freedom of Information and Protection of Privacy Act, and the federal Access to Information Act and Privacy Act.

3. CONSULTATION

- (A) Each Party retains the right to consult using its respective advisory process.
- (B) To facilitate the advisory process, the Parties will:
- (i) Provide information on the substance of issues being negotiated.
 - (ii) Provide documents available to the public under 2 (A), 2 (B), and 2 (C) and may
 - (iii) brief the groups involved in the other Parties' advisory process, upon invitation by a Party.

4. PUBLIC INFORMATION

- (A) The Parties agree that it is important to carry out Tripartite Public Information in aboriginal and non-aboriginal communities in or near In-SHUCK-ch Council traditional territories. Approaches could include:
- (i) **Public Information Forums:** the events to be held may include events sponsored by 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.

- (ii) **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.
 - (iii) **Radio, Television and Newspapers 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 municipal governments, unions, business groups, social agencies, community 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. These materials could be produced or accepted by the three Parties.
- (B) Nothing in this section is intended to prevent the Parties from participating in bilateral or independent public information activities.
- (C) A Public Information Committee established by the Main Table will develop draft information plans as required. These plans are subject to approval by the Chief Negotiators.

5. ACCESS TO THE NEGOTIATION TABLE

- (A) The Parties agree that public access to negotiations will generally occur in those sessions devoted to a general exchange of information on issues, interests, and policies, or the discussion of matters of a procedural nature.
- (B) The Parties will determine whether other sessions are to be open to the public by considering whether attendance at the session by the public would:
- (i) interfere with the effectiveness of the session; or
 - (ii) interfere with the effectiveness of the process; or
 - (iii) reasonably be expected to prejudice the positions or strategies of the negotiating Parties.

- (C) Participation in negotiation sessions will be restricted to members of the negotiating teams. All others attending will be observers unless otherwise agreed by the Chief Negotiators.

The Chair is responsible for ensuring that observers are not disruptive to the negotiations and may decide to continue a meeting "in camera" if a productive negotiating environment cannot be maintained.

- (D) The access referred to in clauses 5 (A), 5 (B), and 5 (C) is to be achieved by opening these sessions to the general public, broadcasting on local television or radio, or general coverage by the media, or any combination of the above.
- (E) The Chief Negotiators will agree whether that session will be open or closed, either in whole or in part, in accordance with clauses 5 (A), 5 (B), and 5 (C). This agreement will be reached at least three weeks prior to negotiation meetings whenever possible.
- (F) The Parties acknowledge that British Columbia will include as a member of its negotiating team a representative of local government which may be affected by the In-SHUCK-ch Council treaty negotiations, from its Treaty Advisory Committee (TAC).

III PROCEDURES AGREEMENT

1. TYPES OF MEETINGS

(A) Tripartite Meetings:

- (i) The Chief Negotiators or designates will schedule formal tripartite meetings in advance.
- (ii) The Chief Negotiators will establish working groups and their terms of reference as required. Working groups will provide such things as recommendations and options on specific issues.
- (iii) The Working Groups will schedule their meetings within the terms of reference supplied by the Chief Negotiators.

(B) Bilateral Meetings:

- (i) The Parties acknowledge that formal bilateral meetings may be required to deal with matters between two of the Parties. The uninvolved Party will be advised of the issues for discussion and, if they request, will be provided with a summary.

2. FREQUENCY OF MEETINGS

- (A) **The Main Table** will meet a minimum of two (2) times per year as determined by the Chief Negotiators.
- (B) **Working Groups** will occur as required and as agreed upon. These meetings could occur by telephone conference calls.

3. LOCATION OF MEETINGS

- (A) **Main Table meetings** will be held in In-SHUCK-ch territory unless otherwise agreed to by the Chief Negotiators.

4. AGENDA AND CHAIRING FOR MAIN TABLE MEETINGS

(A) Agenda:

- (i) The Working Group will develop and circulate a draft main table agenda prior to the next meeting.

- (ii) Documents for discussion at the Main Table will be circulated to the chair and other Parties at least five working days prior to the meeting unless otherwise agreed to by the Chief Negotiators.
- (iii) For sessions open to the public, the agenda will be made available in advance of the meeting.

(B) **Chairing:**

- (i) Chairing of Main Table meetings will be rotated among the three Parties or as otherwise agreed by the Chief Negotiators.

5. **RECORD KEEPING**

- (A) **Written Records:** The negotiating teams will keep their own individual notes.
- (B) **Audio or Video Recordings:** There will be no recording or video taping of proceedings unless agreed to by the Chief Negotiators. Any recordings or video taping of sessions will be for historical or educational purposes only and have no status as admissions or as records of agreement.
- (C) **Records of Decision:** At the close of each Main Table meeting, the Chief Negotiators will agree upon a written record of decisions and commitments, including the date, time and location of the next Main Table meeting and any other information that may be deemed relevant. The release of the records of decision is guided by the Openness Protocol.

6. **ATTENDANCE AT MEETINGS**

- (A) Access by the public to negotiation sessions is guided by the Openness Protocol.

7. **COMMUNICATIONS**

- (A) **Openness:** The Parties have reached agreement regarding the openness of the In-SHUCK-ch Council treaty process. This agreement sets out guidelines for public access to information related to the negotiations.

- (B) **Joint Press Briefing:** It is the Parties intention to keep the public informed about the progress of negotiations through regular joint press briefings.
- (C) **Reporting to BCTC:** The Parties will report to the BCTC as required by the BCTC.

8. DISPUTE RESOLUTION

- (A) The Parties will endeavour to resolve disputes in a non-confrontational manner through utilizing alternative dispute resolution mechanisms. The Parties may ask the BCTC to assist in the resolution of disputes or utilize other dispute resolution techniques as may be appropriate.

9. CONSULTATION PROCESSES OF THE PARTIES

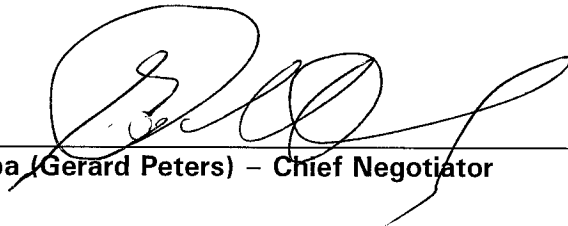
- (A) The Parties will share information about their respective consultation processes. They will allow adequate time for these consultations to occur.

10. CONTACT PEOPLE

All notices pursuant to this Agreement shall be sent to each of the Parties at the following addresses:

For In-SHUCK-ch Council:	In-SHUCK-ch Council Box 373 Mount Currie, B.C. V0N 2K0 Attention: Eppa (Gerard Peters)
For British Columbia:	Treaty Negotiations Office 2 nd Floor, 908 Pandora Ave. Victoria, B.C. V8V 1X4 Attention: Carole Carver, Ngtr.
For Canada:	Indian & Northern Affairs Canada Federal Treaty Negotiation Office 600 – 1138 Melville Street Vancouver, B.C. V6E 4S3 Attention: Sr. Ngtr., South Region

**SIGNED ON BEHALF OF THE
IN-SHUCK-CH COUNCIL:**



Eppa (Gerard Peters) – Chief Negotiator

Sept. 24, 2002
Date

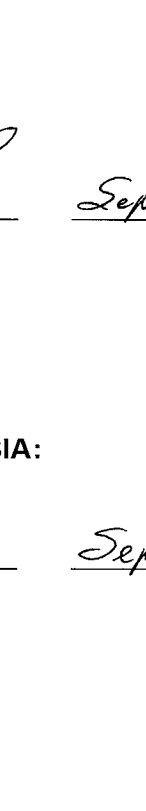
**SIGNED ON BEHALF OF HER MAJESTY
THE QUEEN IN RIGHT OF BRITISH COLUMBIA:**



Carole Carver – Negotiator

Sept. 24, 2002
Date

**SIGNED ON BEHALF OF HER MAJESTY
THE QUEEN IN RIGHT OF CANADA:**



Robin Dodson – Chief Negotiator

Sept. 24, 2002
Date