

# Appendix "B"

## Openness Protocol for Agreement in Principle Negotiations among Sechelt, Canada and British Columbia

### 1. PURPOSE

1.1 The purpose of this Protocol is to guide the Parties on the openness of the treaty process during Agreement-in-Principle negotiations.

### 2. PRINCIPLES

2.1 Openness of the treaty negotiation process will lead toward a better public understanding and awareness of the interests considered by Sechelt, Canada and British Columbia in the negotiation of a treaty.

2.2 Openness will provide opportunities for local communities and the general public to be informed as the negotiation of the treaty proceeds.

2.3 Openness is intended to increase public confidence in the process and facilitate support for the approval and implementation of agreements.

### 3. LOCAL CONSULTATION

3.1 The Sunshine Coast Local Advisory Committee (LAC) has been established to provide advice to Canada and British Columbia throughout the treaty negotiation process on treaty negotiation issues and options related to third party interests within or adjacent to the Sechelt traditional territory.

3.2 Canada and British Columbia will, on a timely basis, provide the LAC with detailed information and briefings on matters related to the negotiations, including how their advice was taken into account.

### 4. PUBLIC INFORMATION

4.1 Representatives of the Parties will hold regular tripartite public information meetings in the various local communities in or adjacent to the Sechelt traditional territory to update the public and respond to questions. Notices of these meetings will be issued at least two weeks prior to the meeting to local electronic and print media.

4.2 The Parties will establish a public information working group composed of members of the three negotiating teams to plan, and to the extent possible, implement public information activities, which may include information sessions, workshops, media interviews and briefings, meetings with third parties and community groups, open houses, distribution of printed materials, and any other initiatives considered appropriate by the Parties.

4.3 The Parties may establish a resource centre at a convenient public location with the Sechelt traditional territory where the public would be able to view, study and make copies of public documents.

4.4 Electronic media will be provided the opportunity to broadcast all open main table negotiation sessions.

4.5 After each main table negotiation session, the Chief Negotiators will hold a media briefing and release a written record of decisions and commitments and an attendance list.

## **5. ACCESS TO DOCUMENTS**

5.1 In this section, documents mean any document that is exchanged by a Party with one or both of the other Parties as part of the negotiation process. Documents include correspondence, discussion papers, reports, maps and records of decisions and commitments.

5.2 The Chief Negotiator for a Party exchanging a document will decide whether the document is to be made public or is to be held confidential. If the Chief Negotiator decides the document is to be held confidential, the Chief Negotiator will consider whether a time limit can be set on holding the document confidential.

5.3 Where two or more of the Parties jointly produce a document, the decision to make the document public will be made by consensus among the Chief Negotiators of the Parties producing the document. If these Chief Negotiators decide the document is to be held confidential, they will consider whether a time limit can be set on holding the document confidential. The document will not be made public if consensus is not reached.

5.4 In deciding whether a document should be made public, a Chief Negotiator will consider whether:

5.4.1 - making the document public would disclose information which was provided in confidence to any one of the Parties;

5.4.2 - making the document public would reasonably be expected to prejudice the positions or negotiating strategies of any of the Parties; and

5.4.3 - the stage of development of a document does not accurately reflect the intention and interests of the Party producing the document.

5.5 The Parties will mark a document as confidential, or otherwise express in writing, their intention not to release the document to the public.

5.6 The initialled Agreement-in Principle will be made available to treaty advisory committees and the general public.

## **6. OBSERVERS AT NEGOTIATION SESSIONS**

6.1 While the Parties agree that treaty negotiation sessions should be as open as possible, they also recognize that negotiation sessions, at times, may need to be closed to observers.

6.2 The Chief Negotiators will agree, at least two weeks prior to each negotiation session where possible, as to whether it will be open or closed, in whole or in part, to observers. Where there is no agreement among the Chief Negotiators, then next negotiation session will be deferred and the Chief Negotiators will seek the advice and assistance of the British Columbia Treaty Commission to reach agreement.

6.3 In deciding whether a negotiation session will be closed or open to observers, the Chief Negotiators will consider whether the presence of observers would inhibit the full and frank exploration of interests and issues of a sensitive nature or result in the disclosure of information which could reasonably be expected to be harmful to the conduct of the negotiations.

6.4 As seating may be limited in some locations for open negotiation sessions, observer seating will be available as follows:

6.4.1 - 6 seats by invitation of Sechelt;

6.4.2 - 6 seats by invitation of Canada and British Columbia collectively;  
and

6.4.3 - the balance of seating open to the public.

6.5 The Chief Negotiators may provide observers with opportunities to make comments, and to ask questions of representatives of the Parties.

6.6 During open negotiation sessions, the Chief Negotiator of the Party hosting that session will be responsible for ensuring there is an environment that is conducive to effective negotiations.

## **7. TAC REPRESENTATION**

7.1 The Parties agree that British Columbia will include as a member of the provincial negotiating team a representative of local government from the Sunshine Coast Treaty Advisory Committee (TAC). The TAC representative will, at all times, be subject to any and all rules of confidentiality that may be agreed to by Canada, British Columbia and Sechelt for the full duration of the negotiations, and that have been agreed to in the March 22, 1993 Memorandum of Understanding and the September 19, 1994 Protocol between the Province of British Columbia and the Union of British Columbia Municipalities.

## **8. INFORMATION AND PRIVACY**

8.1 This Protocol is subject to the application of federal and provincial access to information and privacy legislation. If a Chief Negotiator for Canada or British Columbia is aware of a written request for information relating to the negotiations submitted to their respective government, notice of the request will be given to the other Parties.