

**GOVERNMENT TO GOVERNMENT PROTOCOL  
BETWEEN ST'AT'IMC AND THE PROVINCE OF BRITISH COLUMBIA**

**COMMUNICATION PROTOCOL  
dated for reference: June 15, 2005**

**1.0 GENERAL:**

- 1.1 This Protocol implements section 3 of the Government to Government Protocol dated for reference June, 2004 (the "Government to Government Protocol") and:
- (a) sets out the manner in which the Protocol Table and the Working Groups will exchange information and communicate to support a better understanding and awareness of the subject matters considered in discussions or negotiations; and,
  - (b) to increase confidence in the process and promote support for the approval and implementation of the Protocol.
- 1.2 If either Party tables, at the Protocol Table or a Working Group, a document on a with prejudice basis, a copy of such document will also be provided to the Communications Representatives.
- 1.3 Each Party will designate one of its Protocol Table representatives as a Chairperson, who together will be responsible for the conduct and coordination of discussions or negotiations at the Protocol Table. When the Parties have agreed to use a facilitator, the facilitator will be charged with chairing the meeting.
- 1.4 Each Party will designate a Communication Representative who will be charged with the responsibility of assisting the Parties in their communications with each other during the implementation of the Government to Government Protocol, including the work of its Working Groups. The Parties from time to time will provide advance notice of any change to their respective Chairpersons or their Communication Representatives.
- 1.5 Unless otherwise agreed by the Parties prior to any Protocol Table or Working Group meeting, the meetings will not be open to observation by a third party, including members of the public. Observation of meetings by members of the St'at'imc communities or representatives of the Provincial Crown, not including Crown corporations will generally be acceptable.
- 1.6 In making the determination whether a meeting will be open to observation, or whether information should be released to the public, the Parties will consider whether observation could reasonably be expected to:
- (a) result in disclosure of information that was produced or provided in confidence;

- (b) prejudice positions, interests or negotiation strategies of any Party or the successful and timely conclusion of the current or future stages of discussions or negotiations of fair and lasting agreements;
- (c) encourage public support for, or enhance progress in, the discussions or negotiations; and
- (d) promote a comprehensive exploration of interests and issues.

## **2.0 FREEDOM OF INFORMATION AND PRIVACY**

- 2.1 For the purposes of provincial legislation respecting access to information and privacy, information that the St'át'imc provides to the Province in confidence is deemed to be information received or obtained in confidence from another government as part of on-going negotiations.
- 2.2 Inclusion of the words "In Confidence", "Confidential" or similar words on or in respect of information provided by a Party will constitute advice to any Party receiving the record that it is to be kept confidential.
- 2.3 If the St'át'imc requests disclosure of information from the Province, the request will be evaluated as a request by a government for disclosure of that information.
- 2.4 Under this Protocol, and the Government to Government Protocol, any and all information provided by or to the Province, is subject to the application of federal and provincial freedom of information and privacy laws. If a Party is aware of a written request for information relating to the discussions or negotiations, notice of the request will be given to the other Party as soon as practically possible.

## **3.0 Communication/Public Education/Media**

- 3.1 The Parties may jointly engage in educating the public, Crown Corporations, and other governments about the implementation of the Government to Government Protocol. Prior to independently engaging in any of these communications, each party will advise the other of its intentions.
- 3.2 The Parties agree that information sharing activities regarding the Protocol, the Protocol Table and the Working Groups will be undertaken within the St'át'imc communities and may include information forums, workshops, interviews and briefings, open houses and the production and distribution of materials.
- 3.3 A Party may engage in multilateral or independent public information initiatives during the process, provided no confidential information is provided to the public or the media.
- 3.4 The Parties may mutually decide to periodically develop an information plan, media release or other public communication release.

#### **4.0 INFORMATION SHARING**

- 4.1 When exchanging information as part of the Protocol Table or Working Groups under the Government to Government Protocol, the Parties will direct all written information through their Communications Representative.
- 4.2 Recognizing that sharing information is important to the conduct and progress of these discussions or negotiations, the Province will communicate with its provincial departments or ministries in an effort to encourage, promote and ensure the necessary information sharing with the St'át'imc on the substantive subject matters which the Parties intend to address in their discussions or negotiations. Information may be provided to the St'át'imc directly by the particular department or ministry or through their representatives at the Protocol Table and/or Working Groups.
- 4.3 The St'át'imc will also communicate with its member communities in an effort to encourage, promote and ensure the necessary information sharing with the Province on the substantive subject matters which the Parties intend to address in their discussions or negotiations.
- 4.4 When and if circumstances arise which require immediate clarification from the other Party regarding such things as rumors, media releases, public notices or other information, the Parties' Communication Representatives will take immediate steps to identify the information gap or miscommunication, and the steps which are necessary and will be taken to rectify the situation.
- 4.5 If either Party identifies information reasonably required from the other Party in order to assist the efficient workings of the Government to Government Protocol, and in particular the Protocol Table and Working Groups, then a request for such information will be made through the Communications Representatives. If the Party receiving the request cannot provide such information within 10 working days that Party will advise the other of the reasons, including providing a reasonable time estimate of when the information will be provided or why the request cannot be filled.

#### **APPROACH**

- 5.1 The Parties commit to the principles of respect, trust, openness and cooperation, and to use the following approach to discussions and negotiations on the Issues:
- (a) identify specific matters of immediate and interim concern to the Parties;
  - (b) identify and exchange the necessary and reasonably requested information in a timely manner so that each Party is fully informed and can express their interests and concerns;
  - (c) identify the Parties' respective asserted rights, interests and concerns regarding the Issues and seek to identify mutual objectives;
  - (d) engage in discussions or negotiations of resolutions, including creative/innovative approaches to resolving long-standing disputes, which could support mutually agreeable new arrangements between the Parties on the Issues;

- (e) identify and where appropriate include third parties, on mutually agreeable terms, who may be necessary in order for the Parties to successfully explore ways to address their respective concerns or conclude and/or implement any agreements;
- (f) seek to build consensus, respecting the interests of the Parties and the mutual objectives; and
- (g) conduct the discussions or negotiations in a manner which encourages full participation, including listening to speakers without interruption.

**WITH/WITHOUT PREJUDICE**

6.1 The Parties agree that:

- (a) it is the goal of the Parties that any consultation which occurs at either the Protocol Table or in Working Groups occurs pursuant to clearly defined processes mutually agreed upon by the Parties;
- (b) discussions and negotiations at the Protocol Table and in Working Groups will be carried out on a “without prejudice” basis, provided however in the absence of the clearly defined processes referred to in section 6.1(a), each Party may communicate on a with prejudice basis towards meeting lawful obligations including consultation and accommodation; and,
- (c) Protocol Table and Working Group participants will clarify in advance in writing when he/she is communicating “on the record” or on a “with prejudice” basis.

**7.0 AMENDMENTS**

This Protocol may be amended by agreement in writing of the Parties subject to that amendment being consistent with the Government to Government Protocol.

**8.0 EFFECTIVE DATE**

This Communications Protocol will be included as a Schedule to the Government to Government Protocol. The Parties agree that the provisions of this Communications Protocol will apply as of the date of signing.

**IN WITNESS WHEREOF** the St’at’imc and British Columbia have each signed this Communication Protocol as of the   15   day of June 2005.

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CHIEF GARRY JOHN, ST’AT’IMC CO-CHAIR OF THE PROTOCOL TABLE

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KEN GORSLINE, PROVINCIAL CO-CHAIR OF THE PROTOCOL TABLE

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MARK LOFTHOUSE, PROVINCIAL CO-CHAIR OF THE PROTOCOL TABLE

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