

BC Treaty Commission
FIRST NATIONS SAMPLE WORK PLAN
STAGE 2 – PREPARATION FOR NEGOTIATIONS

SUMMARY

During Preparation for Negotiations (Stage 2) of the modern treaty negotiations process, the following tasks will be undertaken and completed, before proceeding to Framework Agreement Negotiations (Stage 3). In this stage several steps are outlined that require exchanging information with BC, Canada and the BC Treaty Commission. Below the tasks are broken into sections to outline work in Stage 2 and concludes with a schedule of items to be shared with the BC Treaty Commission.

GETTING STARTED

1. First Nation makes a formal commitment, in writing, to negotiate a treaty and sends it to Canada and British Columbia
 - First Nations to send a copy of the formal written commitment by the First Nation to the Commission
2. First Nation to receive formal commitments, in writing, from the governments of Canada and British Columbia
 - First Nation to send a copy of the formal commitment from Canada and British Columbia to the Commission

MANDATE PROCESS DEVELOPMENT

1. First Nation to develop and adopt a process that:
 - Confirms a general mandate to negotiate a treaty
 - Details and effective method to revise this mandate during Stage 3, Stage 4 and Stage 5
2. Provide the Commission with a written description of the mandate development and revision process
3. Confirm with the Commission, in writing, that a general mandate has been received and the mandate revision process has been adopted

TREATY RATIFICATION PROCESSES DEVELOPMENT

1. Develop and adopt a treaty ratification process to approve:
 - a. Framework Agreement
 - b. Agreement in Principle
 - c. Treaty
2. Provide the Commission with a writing description of the treaty ratification process
 - Should include any difference in approval methods for each stage of the agreement if applicable
3. Confirm to the Commission in writing that the treaty ratification process has been adopted

SUBSTANTIVE AND PROCEDURAL ISSUES LISTS

1. Develop a preliminary list of substantive and procedural issues that have been identified at Stage 2, and are desired to be negotiated
 - Detailed research on these issues to be undertaken in Stage 3
2. Provide the Commission with a written copy of the substantive and procedural issues list
3. Obtain Sufficient human and other resources required to complete the tasks in Stage 2 and to be prepared to enter into the tasks of Stage 3
4. Agree with Canada and British Columbia on the method to share information (e.g. resource information databases, mapping capabilities etc.) during Stage 3
5. Provide the Commission with a written description of how information is to be shared between the parties

OVERLAPPING / SHARED TERRITORIES WITH NEIGHBORING FIRST NATIONS

1. Address overlapping / shared territories with neighboring First Nations by:
 - a. Identifying and notifying neighboring First Nations affected by the overlaps
 - b. Identifying a process to resolve these overlapping/shared territory issues
 - c. Establish a method for the Commission to monitor overlapping/shared territory discussion with First Nations neighbours
2. Provide the Commission with copies of:
 - a. Letters notifying neighbouring First Nations of any overlapping/shared territories
 - b. A copy of the preliminary map showing overlapping/shared territories
 - c. A written description of the method for the Commission to monitor overlapping/shared territory discussions

PROCEEDING WITH BRITISH COLUMBIA AND CANADA

1. Agree with Canada and British Columbia on:
 - a. Frequency of meetings
 - b. Meeting locations
 - c. Estimated time to complete Stage 3 Framework Agreement Negotiations
2. Confirm, in writing, to the Commission that these procedural matters have been agreed upon by all parties
3. Appoint a chief negotiator and a contact person for negotiations
4. Notify the Commission in writing, of the appointments of a chief negotiator and contact person
5. Develop and submit to the Commission a detailed First Nations Work Plan and budget for research and negotiations required for Stage 3 Framework Agreement Negotiations.

SCHEDULE OF ITEMS TO BE SENT TO THE COMMISSION

ITEM	DEVELOPED BY
GETTING STARTED	
Formal commitment, in writing, to negotiate a treaty to BC and Canada	First Nation
Formal commitments, in writing, to negotiate a treaty from Canada and British Columbia	Canada and British Columbia
MANDATE PROCESS DEVELOPMENT	
Written description of the mandate development and revision process for Stage 3, Stage 4 and Stage 5	First Nation
Written confirmation that a general mandate has been received and mandate revision process has been adopted	First Nation
TREATY RATIFICATION PROCESS DEVELOPMENT	
Written description of the treaty ratification process, including any difference in approval methods for each stage of the agreement if applicable	First Nation
Written confirmation that the treaty ratification process has been adopted	First Nation
SUBSTANTIVE AND PROCEDURAL ISSUES LISTS	
Written copy of the substantive and procedural issues list for negotiations during Stage 3	First Nation
Written Description of how information is to be shared between the parties	Parties
OVERLAPPING / SHARED TERRITORIES WITH NEIGHBOURING FIRST NATIONS	
Letters notifying neighbouring First Nations of any overlapping/shared territories	First Nation
A copy of the preliminary map showing overlapping/shared territories	First Nation
A written description of the method for the Commission to monitor overlapping/shared territory discussions	First Nation
PROCEEDING WITH BRITISH COLUMBIA AND CANADA	
Written confirmation of agreement by the parties on the frequency of meetings, meeting locations, and estimated time to complete Sage 3 Framework Agreement negotiations	Parties
Written notification of a chief negotiator and contact person	First Nation
A detailed First Nations Work Plan and budget for research and negotiations required for Stage 3 Framework Agreement Negotiations.	First Nation