



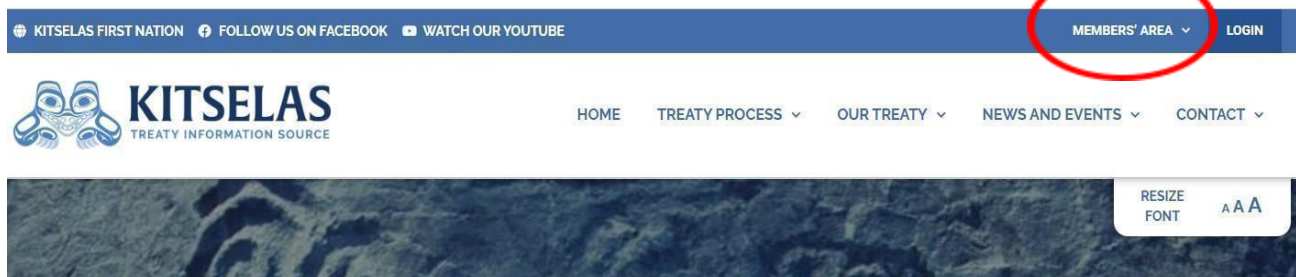
Thank you to Kitselas Members who joined us for our latest and 22nd local Treaty Information Session community meeting at the Best Western Terrace Inn and via Zoom on April 26, 2023. Everyone is welcome at Treaty Information Sessions.

Below are the Q&As and comments from the meeting.

The next Treaty Information Session is on Wednesday, May 31, 2023, with dinner at 6 p.m. and the meeting at 6:30 p.m at the Kitselas Community Hall. The Treaty Topic is Education.

The meeting recording and informational booklet from the April 26 meeting are available in the Members' Area of the www.kitselastreaty.ca website.

Please register to access this area:



***Comment** – I would like to see federal Fisheries come again, and make a community presentation on new fishing rules, regulations, and laws to help community understand what is permitted now.*

A – We have noted this and will forward your request to Kitselas Lands and Resources.

Q – Are we able to increase the number to catch of salmon to for each household? The average household is 150 to 300 per season. If we are able to increase the other numbers, for example 10 per household.

Q – (Patti) For dispute resolution, as an example, if Canada didn't full fill a Treaty

obligation: We tried talking, and it didn't work. We go through all the stages of litigation and you lose. Do you pay all the lawyers, and Canada, and the costs of all of our costs during litigation?

A – No. We would not be responsible for their costs. But we don't go to court. We use the dispute resolution process, which doesn't involve courts. We **are** responsible for an equal share of any shared costs—such as paying for a mediator. And yes, we are responsible for 100 per cent of our own costs. We pay for our lawyers, advisors, and staff costs, but not Canada's or BC's lawyers. This only applies for Treaty disputes. We can go to court about other issues, for example, a failure to consult us about a specific project.

***Comment** – Before the pandemic Nisga'a, Gitanyow, and Gitksan went to court. And Gitksan had to pay for all of the legal fees on all sides as part of a settlement. This is why I ask. Thank you.*

Q – (Roxanne) I really appreciate the community Treaty Information Sessions that have been happening over the last few years. I really wanted these meetings, so the Kitselas People could make an informed decision. Thank you.

I found the Constitution Workshop really helpful and informative. And to hear Mel speak about the connections between Treaty and the Constitution—it was very helpful thank you.

My question has to do with the *Indian Act*. Mel mentioned the settlement (money) plans and in our case a community centre at Gitaus. Is there a figure for this? There hasn't been a lot of information about how this project will be paid for, as it is underway. This question, I guess is for Chief and Council and Treaty. Because there isn't a business plan in place now. There is now doubt about the benefits, but information about the costs not easy. How will community centre be paid for? How will Kitselas be informed about how this project will be paid for?

A – We have pencilled in some numbers. We expect an offer of somewhere near \$19 million for projects, as part of the overall settlement funds. But, let me repeat, these numbers are pencilled in, and not final. We encourage everyone to come to the meeting in June because we will be talking about the land/cash offer, and initial plans to allocate money between certain projects.

We penciled in \$1 million for the Elders (Elders center), \$1 million for youth (baseball park in Gitaus), support for new community centre, \$4 mill towards new admin / legislature building, \$4 million for a fish stewardship fund to protect fish habitat and other fish' We have been offered a further \$8 million for a fish fund to buy licences, gear, etc. These are part of our current thinking.

Overall, the final settlement should be somewhere near \$100 million dollars. Most of this will be put into trust funds and Kitselas will get interest payments every year, maybe \$5 million or \$6 million each year.

Part of this interest will cover the programs that community wants and needs that Indigenous and Northern Affairs Canada either doesn't cover or underfunds. For example, Ulysses told me today that we get no money for snow removal, but community members want snow removed from the street. So this is a small cost that is an example. I'm sorry it is not a detailed answer right now but in June, we will be able to speak to the cash offer from the government.

Back to your question, we hope you understand that Treaty cannot speak to how the community hall will be paid for. Treaty could help, but only if you (the community) choose to vote yes, and noting Treaty is at least three years away. With all due respect, this is a Treaty Information meeting, so I won't be asking Chief and Council to speak to this issue tonight. You are invited to attend the next Chief and Council meeting on May 9 and ask your question there.

Comment – I wanted to ask more information about this, because there hasn't been much information flowing. Thank you for your answer.

Q – (Lloyd) Thank you for the presentation and it's good to see everyone out this evening at the meeting. At the beginning you were talking that this is a second draft of the Constitution. What I think, for myself, is having the continued discussions going forward, in light of the Constitution and Treaty votes. As we have heard and witnessed, there has been a lot of presentations about the Treaty, and Constitution meetings in the past. But I think what I would like to see in the future, is more of a connection between the Constitution and the Governance piece regarding the implementation of the Treaty so that I, as a community member, can see how this works, and how Chief and Council would protect our interests, as well as there.

And with Dispute Resolution, as a Kitselas Member, how can I bring my dispute to the government for resolution? How can we, as Kitselas Members, know that we can bring out concerns about an action that infringes on our rights when the government does something? Would Dispute Resolution help us (community members), so that we are not watching what the government is doing without recourse? We, as Kitselas Members, we need to know what the recourse is. We need to have the understanding and awareness for ourselves.

A – Thank you. We will get to this part in the upcoming Constitution workshops. Under the Constitution, we will create an Administrative Tribunal, which will be like a court for Members' complaints. As an example, let's pretend that your garbage is not picked up. And so, you could take it to the Tribunal. And the judge would hear your complaint, and Administration could offer their side of the story (pretend you have a big dog running loose and it bit the garbage collector). Then, the Tribunal would rule and it would be like a Court decision that must be followed. And if the government doesn't follow it, the Tribunal will fine them, and you will have your garbage picked up. It will have teeth.

Second, the Constitution will create a People's Assembly, so that you will be empowered to have your concerns heard and addressed. This will be in addition to what exists now, speaking with the Chief Administrative Officer or Chief and Council, about your concerns.

Right now, if you think someone is committing fraud (say stealing money from Kitselas), the RCMP would not investigate. If you complained to Indigenous and Northern Affairs Canada under the *Indian Act*, they just send a note to Chief and Council. Good luck finding someone to deal with the problem.

That will change in Treaty. The RCMP will start enforcing all laws on Kitselas Lands, including new Kitselas Laws we will pass as part of implementing Treaty. This is now in the draft Treaty. We are putting teeth into enforcement of laws in our Treaty.

These are three things I can point to that will have teeth to address your concerns.

Q – (Roxanne) Thanks for holding this meeting, it's important that these sessions are being held. Did you say the Constitution is 200 pages long?

A – No, the Constitution is 13 pages long, but the Treaty is currently about 230 pages long. And with the appendixes will be longer, maybe 300 additional pages.

Comment – When do we get to see the Appendixes and see the Treaty?

A – You will absolutely see everything. We are just getting started on updating the appendixes from the AIP version. The appendixes had a lot of gaps back in 2013 that we are filling in now. This work is in progress. I was at a meeting two weeks ago to work on the appendixes. You will have these documents well before the vote, but they are not ready yet.

Q – For the (ratification) vote, is it 50% +1 for the Constitution vote and the same for the Treaty?

A – Yes, there are two votes. And we will begin working to enrol people probably starting this fall, including information sessions and meetings like tonight's.

For approval of the people who enrol and are 18 on the day of the vote, then 50% of those who enrol must vote. If voter turnout was less than 50%, we would just have to do another vote (it wouldn't be yes or no, it just wouldn't count). Then of the people who vote, 50% plus one, must vote yes for the Constitution or Treaty to pass.

Q – So because the Constitution vote is first, if it doesn't pass, does this nullify the Treaty vote?

A – With the Constitution vote, we could adjust the Constitution and vote again I think. But not with the Treaty, "no" means no Treaty, we do not get to go back and renegotiate.

The Constitution is a high-level, set of principles. It is hard to see what most people would object to regarding the types of issues that a Constitution states: fairness, equity, accountability, etc. I don't know of any of the concerns with the Constitution. They may exist but honestly, I have not heard them so far.

On the other hand, we have heard people identify their concerns about Treaty, which we have tried to incorporate into the Treaty. We would love to hear from people who are opposed, of course, now. Because once we get to the 'handshake', negotiations are done. We can state that we have been able to change Treaty to reflect some concerns that we have heard.

Q – With a handshake agreement you say negotiations are done. You say the treaty can be changed every 10 years?

A – Yes, Periodic Renewal. We covered this in March 2023.

Q – New opportunities for Reconciliation have come up. How would it appear for Kitselas if they did a reconciliation agreement vs. Treaty?

A – Treaty for Kitselas, represents money, land, law-making powers and self-governance. Treaty is the full package: 30 chapters of different rights and powers. A Reconciliation Agreement would focus on one aspect (somewhat similar to one chapter, such as fish). And Kitselas might get some money as a resources for fish, but nothing else. So, a Reconciliation Agreement is a slice, but Treaty is the whole package.

If we were starting from square one, with all the new options now available (we discussed these options fully in January 2023), we might consider a different approach. However, we are so close to being done, and so why not go for the gold standard and get out from under the *Indian Act*? Treaty is a great deal, and thanks to advancements in government policy and law, Kitselas will get way more than the Nisga'a got. But the options didn't exist 20 or 10 years ago. We've gone down this road and our thinking is that we should follow it to the end, now that the end is in sight.

Q – You mentioned earlier about the Constitution, about the Hereditary Chiefs no longer have over lawmaking. Could you clarify that?

A – I understand, from Mel and others, that Hereditary Chiefs were born into the role, and trained from childhood. We won't be returning to that form of governance under Treaty. Kitselas will remain an elected democracy.

People have asked me what role the Elders will play. If you are 60 or 65, you will elect an Elders representative to the Legislature. You will vote for Chief and Council too, but have an additional vote for your Elder rep. This will ensure that the legislature hears the concerns of our Elders.

There may 2 or 3 people who say they want to serve as the Elder rep. Kitselas Citizens who are 60 or 65 will vote for their Elder rep. The culture concerns, the traditional names, and language will continue and are all guaranteed by Treaty. We can pass all our laws in English and Sm'algyax, too. We have to pass them in English, but we could pass them in Sm'algyax. We have the ability to do anything with our culture. It cannot be removed and cannot be changed. I was talking about the government earlier. Sorry if I introduced any confusion.