# Questions & Answers – October 25 Treaty Information Session

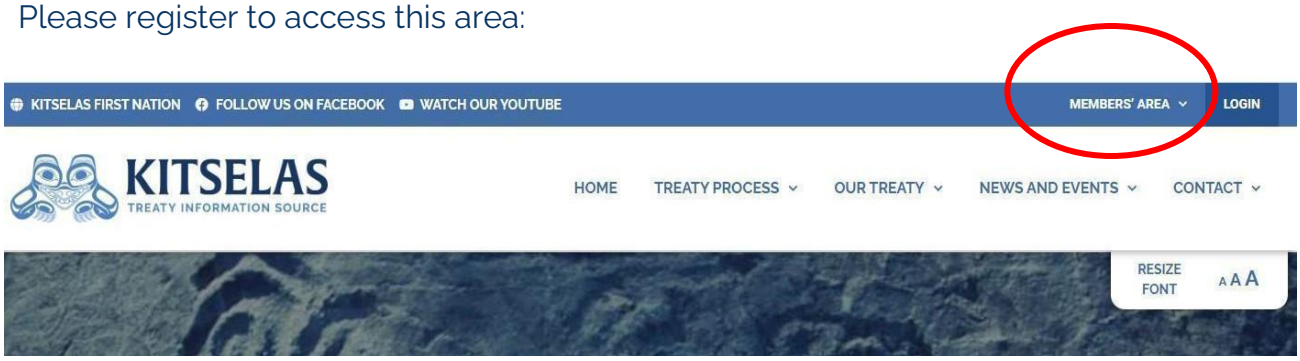
**Thank you to the Kitselas Members who joined us in person and via Zoom for our 26th Treaty Information Session community meeting on October 25, 2023.**

Below, please find the Q&As from the meeting.

**The next Treaty Information Session is on Wednesday, November 29, at the Admin Building in Gitaus, with dinner at 6 p.m. and the meeting at 6:30 p.m. The meeting will also be hosted on Zoom starting at 6:30 p.m. Our topic is laws, law-making, and the Constitution. Everyone is welcome at Treaty Information Sessions.**

The meeting recording from the October 25 meeting is available in the Members' Area of the www.kitselastreaty.ca website.

Please register to access this area:




**Q – Could there be an option for elders to receive their pension in 1 or 2 cheques per year, instead of 1 per month?**
**A –** The Finance Department confirmed that this would be possible.

**Q – Is it true that if we miss this opportunity to vote for the Treaty, we lose our Rights somehow?**
**A –** You will keep the same rights as every other Canadian Citizen and as a Status Indian no matter what way Kitselas votes on the Treaty.

If we vote "yes" for the Treaty, we still follow the Canadian Constitution and Charter of Rights and Freedom, then the Kitselas Constitution, and then the laws we make for our lands.

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**Q – It's very frustrating to deal with Kitselas' administration departments now. If the departments aren't working for the people, will we have a voice to change how a department works? Because that's my concern about moving into Treaty.**
**A –** That's a tricky question. I can't speak to the Kitselas administration operations, but generally, if a government or administration isn't working, it is the responsibility of the executive leadership to address any organizational challenges. Leadership must ensure that the government or administration serves the people's needs.

The Kitselas First Nation has hired a new CAO Linda Morven. Personally, I have high confidence in Linda's managerial skills, and I suspect she may choose to make some organizational changes to better meet the needs of the Kitselas People.

**Q - You talked about this possibility that Kitselas will have their own lawyer, is there any room for the individual, or families, to use the lawyer for their interest, rather than going out and hiring an outside lawyer?**
**A -** Hiring a lawyer for Kitselas is an interesting idea. We hadn't thought about giving legal advice to people in the community before. I'd like to find a Kitselas lawyer, someone who knows a lot about Aboriginal law. For example, next year, we want to have a workshop about making wills; a lawyer could help. It's part of the things we promised in the Treaty.

**Q -I'm wondering where the custom Election Code is at? This was started a while ago, and a lot of work was done on this. The membership played a role in this through engagement because it came back to the community. Within that custom Election Code, it did speak to having elected positions so that every 2 years a whole Council possibly would turn over.**
**A -** The Election Code was interrupted by Mel Bevan's illness and passing. We hope to reschedule that in late November and will get that information out as soon as possible. We are also inviting Members to participate in the law committee, which is a paid role. Whether we go into a Treaty or not, we can change how we do our elections and the terms lengths for elected officials.

**Q – And Treaty or not, in this day and age, should we focus on de-colonizing ourselves? There's talk about getting away from the Indian Act, but we have Chief and Council working on this. There are other communities that have gone the Mayor and Council route. If we vote "yes" for the Treaty, we would be like a municipality, so having all the work done to negotiate a Treaty but maintaining the Chief and Council link to the Indian Act I think is something that needs to be reviewed.**

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**A –** Decolonizing starts with us having choices about our own governance AND how we choose to reach decisions. We want to get direction from the people and not the Indian Act. The people's input will be critical - that's the accountability that is part of self-government and decolonization, not having the Indian Act tell us how to govern our people. No government, including Kitselas, can do everything for everybody, but this is one way to change accountability. When I talk about the "The Kitselas Way", I think what Aunt Sue (Isabel), Mel, Willie, and other Kitselas Elders want to make sure this becomes a reality. We want people at the table and all of us working together towards self-government. It's an exciting time.

**Q – For self-government, whether it's Treaty or not, how are we going to get away from 100 years of the Indian Act, that other governments don't have? If the Treaty is brought forward what will be done to ensure the Administration and staff are working in the same direction to move implementation forward?**
**A –** Implementation of the Treaty is a big job. We can learn from BC, Canada and other First Nations who have implemented a Treaty before. There is a two-day kick-off workshop with representatives from BC, Canada and other First Nation groups who are Treaty implementation experts. We've invited the Kitselas directors and their staff to join us for the workshops. Kitselas Members are also welcome to come to the workshop and observe. The workshop is designed to help the Kitselas Administration develop an understanding of what the Treaty would mean for them and their programs. This workshop is a continuation of the ongoing education and preparation for the Administration to get ready for Treaty implementation.

**Q – I have one question about the programs and services after the Treaty, but I imagine that those funds and rules for programs and services will change.**
**A –** There are mandatory programs that we must offer. For example, social assistance is a mandatory program that we must offer even as a Treaty Nation. We can't decide that we won't provide social assistance or that we will decrease social assistance amounts (per month). We will become a block-funded Nation, as we partially are right now. Being block-funded does give us some flexibility. Post-secondary funding is another one that will not change. The funding will continue exactly as it is now, and a small amount of these programs are mandatory, but many are discretionary.

**Q – Will the requirements of Treaty give us the choice about where we allocate the Treaty funds?**
**A -** Yes.

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**Q - I just want to touch again on the lands transfer to Kitselas post-Treaty. I know I have asked this several times before, where are the maps? What will the land be used for? Is it residential land? Industrial lands? How can we use them? What's on them? When can I get a map/graph with the information?**
**A –** You are welcome to come by the Treaty Office to see the map. The map is also in the members' section of the Treaty website and part of the materials mailed out/PowerPoint from the June 2023 meeting. We can email anybody the maps upon request, too.

We choose what the lands can be used for. It is our choice. Land Planning, which is currently underway, is a key part of how we make these decisions based on Community input and advice. It's your land!

On the Treaty Settlement Lands (TSL), there is nothing on the lands right now, other than a few Statutory Rights of Ways (e.g. hydro lines), as they are BC Crown Lands. Nobody is living there.

**Q – When I went through Nisga'a Treaty I was heavily involved in the resources being extracted from our land. Are we starting at day 1?**
**A –** There is an embargo on our lands for resource extraction. It has been in place since about 2016. It is up to us how and when to extract the resources after Treaty.

**Q – So we don't have a historical record, forestry for example, of what was taken?**
**A –** No. We do not have records but BC probably does have some information about historical harvests, based on BC stumpage fees paid. After Treaty, the stumpage fee comes to us, not BC.

Will we be compensated in the way you are asking – no. The Capital Transfer is the money that symbolically addresses these past wrongs. And, we can still continue with our specific claims against the railway and other instances where Canada failed to represent our interests (typically land-related). Fortunately, trees do grow again, unlike minerals or mines, and the next time they're cut down, we will benefit directly, or receive the tax paid by companies (stumpage fees).

**Q - On or off-reserve? Tax free status question.**
**A -** Anyone with Indian Status Tax exemptions now, will keep them in Treaty. If you don't enjoy tax exemptions now, that won't change in Treaty either. This won't change with Treaty.

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**Q – The goal of the Indian Act was to move Aboriginal people into the white stream. That was achieved, and we hear so many times 'time immemorial'. I get emotional, but when I hear something like this, I become very unhappy. It makes my blood boil. We have been governing ourselves for 10,000 years. Why are we not looking back and learning from that? I come from a band where they have House Chief, not Councillors, and the House Chief speak for the clan. I would like to see a look back at the history and to learn from these past structures.**
**A -** If Kitselas wants House Chiefs in our legislature, we can do that. The Treaty and Constitution give us the authority to decide how we wish to be governed.

Based on the Elders I've spoken with and research I've read on how Kitselas was governed historically, the information available is about how we interacted with 'settlers' and government from the 1880s and 1890s. There are massive, detailed files. And I've been learning and trying to understand how Hereditary Chiefs were born into the role, and trained from birth, or as children. Mel Bevan told me as a Hereditary Chief, he walked the boundaries of the Kitselas Lands - all of them - and spent time living off the land. I don't know how we could duplicate this type of training now. But I am here to listen and learn about the will of the people.

**Q - I notice that while there are 60ish people here tonight, many are not. This isn't not going to be done overnight. But we can't even, I know that the Gitksan people, where if you don't attend a meeting, there are consequences.**
**A -** Every Kitselas Member is invited to these meetings. We promote the meetings via social media, radio and newspaper ads, home mailouts, emails, Elders phone calls, etc. We really work hard to invite everyone. Come help us! Invite your neighbours and families to join us - be an ambassador of the Treaty.

**Q - Is there a phase, where we can build a government structure?**
**A -** Yes, after the ratification votes, we have time to develop and build out the government during the Treaty implementation phase.

**Q - My question is about the logging; how much logging is happening now? I can see some logging, but I'm not sure if it is on TSL.**
**A -** Right now, no logging is happening on the TSL by third parties. The government has stopped it. Any logging that has been authorized was authorized for Kitselas because we were harvesting and selling the wood ourselves.

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**Q - I just wanted to carry on with the Hereditary Chiefs. We need to identify our Hereditary Chief so that we know who are the current chiefs and then we can follow the cultural practices, to see the true chiefs. There is a fear that Kitselas will not follow these teachings. We should hire a genealogist (specialist is tracing family trees) to build a proper Kitselas Chart.**
**A -** Good idea. We have a historic band list going back to 1906 and one from the 1930s. We have those lists, but I'm sure there are Kitselas people who choose not to be on the Band List. I will see if we can start to pill this together. Please remember, the Treaty Office would never suggest that anyone is or is not a Hereditary Chief, that is up to each family/clan to state for themselves.

**Q - Who is in charge of eligibility now? Is it Indian Affairs who controls this? We had a membership clerk, but now we have to apply through Indian Affairs.**
**A -** Up to the Effective Date, the government controls who is a Kitselas Member, noting that Kitselas is a "Section 10" band with some control over our membership. We still have a membership clerk. Her name is Sharon, and she works in the Band Office on Mondays, and in the Treaty office the rest of the week.

After Treaty, we will have full control of the membership rules, not Canada. In terms of enrolling people, if you are currently on the Band List, we will automatically enroll you. If you have other entitlement criteria, like genealogy, adoption, history, or married in, you may be eligible to enroll.

**Q - At one time there was a membership committee that would see who would be a Kitselas Member. We should have to restart this again, as we are trying to get our numbers up.**
**A -** I will leave it to Chief and Council to respond to your suggestion regarding Kitselas membership right now under the Indian Act.

When we start enrolment, four community members will review every application to assess eligibility as part of the Eligibility and Enrolment Committee. Sharon will support the committee in their work.

**Q - As long as someone is in charge of deciding who is a 'real Kitselas member'. I've heard stories of people coming from Saskatchewan.**
**A -** The committee will oversee this process. If you are interested in being a part of the Eligibility and Enrolment Committee, please contact the Treaty Office.