KITSELAS
TREATY INFORMATION SOURCE

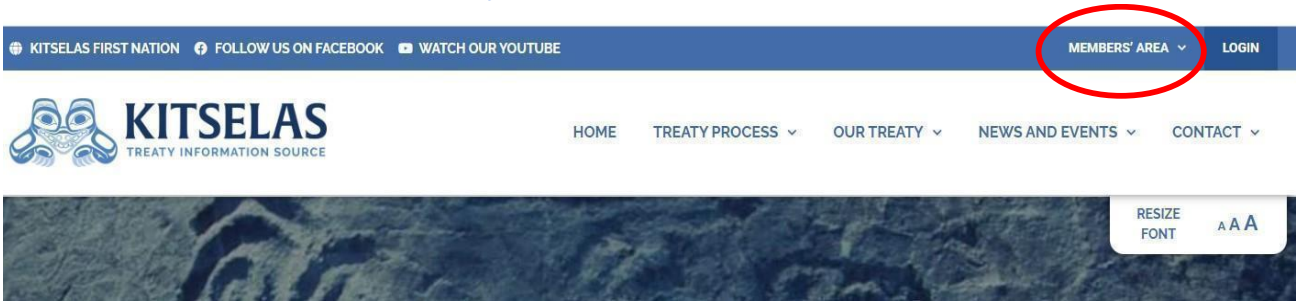
TREATY INFORMATION SESSION: Comparing Treaty & Other Self-Governance Options: January 25, 2023

Thank you to Kitselas Members who joined us for our latest and 19th local Treaty Information Session community meeting at the Administration Building in Gitaus on and via Zoom on January 25, 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, February 22, 2023, with dinner at 6 p.m. and the meeting at 6:30 p.m at the Community Hall on Kulspai. The Treaty topic is enforcement.

The recording of the January 25 community meeting is available in the **Members' Area** of the www.kitselastreaty.ca website. Please register to access this area:



Q – Does Treaty have a sense of current community support for Treaty?

A – A survey is going to be prepared to seek the pulse of the community. The Treaty Team will call four or five dozen people and ask them a few questions like, "On a scale from 1 to 5, how do you feel about Treaty?"

We hope to have this finished in a month or two and will be able to report back to the community. We know that for the 2014 Agreement-in-Principle vote 60 per cent of Members who voted were in favour of proceeding to a Treaty and 40 per cent were opposed.

There are approximately 700 people in Kitselas. If we remove youth (under 18), there are about 500 eligible voters for Treaty ratification. We sense that interest

continues to increase in Treaty. We understand and respect those who are against Treaty. We will never ask you to vote for Treaty, only to vote with your heart.

Q - What is the link between the Canadian Charter of Rights and Freedoms, Treaty or alternatives to Treaty, and Kitselas's law-making authority?

A – The Canadian Charter of Rights and Freedoms contains high-level principles that define Canada's values and apply to every Canadian. These principles are not detailed or operational, but rather are general statements about your rights. First Nations are covered in Section 35 of the Charter. We cannot pass a law or do anything that will diminish your (or anyone's) rights under the Charter.

Q – Law-making power and the *Canadian Human Rights Act,* how much impact will this have on Kitselas?

A – At an operational level, we will have a lot of power and control. At the philosophical level, we will not.. We cannot say, for example, "We do not allow men here," as that's discrimination under the *Canadian Human Rights Act*. But we can choose to provide separate bathrooms for men and women. When we use our law-making power, we cannot discriminate.

Q – How will Treaty change our health benefits?

A – Current health benefits **will not** change. All programs that exist today will continue to be funded after Treaty. Additionally, Kitselas will still be eligible for any new programs that are announced after Treaty. Becoming a Treaty Nation will neither improve, nor reduce, any health benefit you have right now.

After Treaty, Chief and Council (probably called the Kitselas Legislature) will have the ability to improve programs, if that is what they believe is the best way to help Kitselas People. For example, if the Health Canada maximum for new eyeglasses is $300 per year, Kitselas could decide to offer an additional $100 for glasses.

With the additional money that Treaty will provide, the Legislature will be able to provide extra funding for people who have the greatest need. We will have more money and we will figure out what is needed to help the people. We may choose to help the people in the community with the greatest need, or to offer benefits to everyone. Whatever we decide, it will be our decision, not Ottawa's.

By the way, the Treaty Team will not be making those decisions. We won't be sitting at the table. If you're interested, consider running for Council now or the Kitselas Legislature after Treaty.

Comment from Glenn Bennett *– It can only get better. Thank you for your question. It is heart-wrenching to see our families having to do fundraising to generate extra dollars [for those] who have to leave town for medical [services]. Under a Treaty, it can only get better. If you look at what the Nisga'a have accomplished, they have extra money to give families for food. You can visit a doctor or dentist, the way the Nisga'a have this is through Treaty.*

There are things that are out there that are more beneficial for our people. And Treaty is a way, in my opinion, for our people to succeed. We have lived here for over 5,000 years. In my mind, if we negotiate a Treaty, it will be beneficial for the people, especially those who need it. In my mind programs and services will only get better after Treaty. I'm saddened when we have to say "Sorry, there is nothing we can do." Under the Treaty, we don't have to ask for more money – we will have this for our people.

Q – Where will new laws come from?

A – A new law or proposal to revise an existing law can come from many sources, but the three primary ones will be: the Kitselas Legislature, Kitselas Administration, and Kitselas People's Assembly. The People's Assembly will be similar to our current annual general meeting, but will be more formal. The Kitselas People will have a formal vote, which binds or forces the government to respond under the Kitselas Constitution.

The drafting of the actual words in a Kitselas law will be done by a lawyer. It has to be a legal document. Our current thinking is that a draft law will go first to the Legislature for discussion, then it must go out to the people for their review and input. The people will have a key role. Once it has been reviewed by the people, it comes back to Council for additional discussion to become a law. At any step, improvements to the law can be made. Basically, the Legislature cannot pass a law without you. They can pass a temporary law for 30 days in emergency situations.

The Kitselas People, the Administration, and the Council can start the law-making process. The lawyer will write the law. We will be testing this process this spring with a few draft laws. Finally, in Treaty Kitselas laws will be enforced by the courts.

In terms of your health programs or any other Kitselas programs, nothing will change.

Q – Can community members observe negotiations? If yes, where?

A – Yes, observers are permitted at negotiations. Negotiations are held during the third week of each month and rotate between here, Vancouver, and Victoria. For February 21-23, we will be welcoming negotiators to Terrace, at the Community

Hall in Kulspai. Negotiations start at 9 a.m. and end at 4 p.m. with a break for lunch. You are welcome to observe, but only the negotiators will be speaking. *For clarity, there are no opportunities for community member questions or comments during negotiations*. February will be focused on completing Fish Chapter negotiations.

Comment – *There was discussion about Kitselas's ability to petition Victoria or Canada to improve both health and education programs. In general, Treaty staff encourage anyone writing (or petitioning) the appropriate BC / Canada Department or Minister requesting changes, improvements, or new programs to please consider copying Kitselas Council or Administration.*

We note that this is outside of the Kitselas Treaty, as any changes would apply to all approximately 630 Indian bands or Treaty Nations in Canada. And, Kitselas is not negotiating individual programs, which will not change at all as a result of Treaty.

Q – Thank you for the presentation. Hearing that negotiations are close to being finished is scary, but members of the community would like to be involved and have some points to bring to you. You mentioned approximately 700 members. Will everybody get to vote (e.g., those who live in community, versus those who live far away, etc.)?

A – Thanks. This is Treaty's 19th local monthly community meeting and we have hosted seven others across BC over the last two years. We don't want anyone to be afraid of Treaty! If you're opposed, our key goal is to make sure you understand what's in the Treaty, so you're opposed, not afraid. We welcome all input, comments, and thoughts, here or any other way that you would like to let us know (e.g., by phone, email, etc).

In terms of who votes, every Kitselas Member over the age of 18 who chooses to enrol in Treaty can vote.

Where Members live is not important. Those living on-reserve, off-reserve but local (in town), or far away can enrol and vote. It's your choice! We're just getting everything ready for the enrolment process, which we expect will start either later this year or in early 2024.

Q - Looking at the different options involving the three parties, can Canada move more towards reconciliation? Is Truth and Reconciliation real or just empty words?

A – We consider Treaty to be perhaps the most powerful form of reconciliation. We have no impression that the governments of Canada or BC are treating Truth and Reconciliation as just words.

Q – Our history as Kitselas People is full of loss – land, rights, people. Will there be compensation for those losses because of what we have experienced [and] the impact on our lifestyle. There are those with addiction issues. Even though the government is providing treaty funding, how else will we be able to address these issues?

A – Part of the Treaty includes significant land and cash offers: direct compensation, in part, for our losses.

Healing from the multi-generational impacts of residential schools, as well as other historical government actions, policies, and laws is harder. On the positive side, we have seen, over the last couple of decades, Canada and BC now offer many new programs supporting healing. Kitselas Health, Northwest Inter-Nation Family and Community Services, and other help is available now for our people. Treaty will ensure these programs continue.

Q - How will Treaty impact our relationships with the City of Terrace? How are we going to live next to the City of Terrace, but with our laws? How will this impact things? Our Council over the years has signed some agreements and laws with the City. Can we have an update from Chief and Council?

A – We do meet with the City to update them on our Treaty negotiations. However, the key relationship is probably with the Regional District, since most of our land falls within the overall Regional District, and almost none is within City of Terrace boundaries. In fact, we made a presentation to the Regional District last week and answered all of their questions. Chief Glenn Bennett and Councillor Gerald Nyce are non-voting members of the Regional District now. In both cases, the relationships are healthy and strong.

We are meeting with the City of Terrace in March. We are meeting with the RCMP to talk about the Treaty. We are meeting with the School Board on March 7, as well. This is part of our "no surprises" and "nothing to hide" policy.

Existing agreements will probably have to be updated when Treaty starts, but we would expect to renew them, too. We will pass your request to Chief and Council for an update on the current agreements.

Q – How can we better identify our territory?

A – Last year, the Kitselas Lands & Resources Department posted Kitselas signs that you may have seen. One sign was vandalized, so we replaced it. We know cultural change is hard. A very small minority of people are racist, prejudiced, or just afraid of change. Fortunately, most are good people, who frankly just want to know what is happening. That's why 180 (not a typo) people stopped by our tent at

the Farmer's Market last fall to chat with us. By the way, we will be there again this year.

Q - With the implementation date and the laws that we are developing, will they be developed in time?

A – There's a total of 36 to 48 laws needed for Effective Date in four to five years. We are just getting started now with testing the process that will work best for us and working on the first couple of laws to have in place if Treaty is approved. Later this year, we expect we will have community meetings to discuss each new law: a key part of the Treaty law-making process.

Q – Ratification voting, when will we learn more about this?

A – This fall. We have almost finished the background work on enrolling people in the Treaty and the ratification votes (including the policy, forms, plan, etc.). We probably won't start to roll this out until we are very close to finishing negotiations with the "handshake" deal.

Q – Discussion about enrolment

A – We will devote one of our monthly Treaty Information Sessions to enrolment, probably this fall. For any Kitselas Band Member, the process will be very simple and easy. If you want to be enrolled, you will be. If you are not currently a Kitselas Member, there are a number of other possible criteria you may qualify under. If you belong to another band or Treaty Nation, and enrol, you will automatically become a Kitselas Member (i.e. transfer) on the Effective Date. You can always join the Kitselas Treaty after the Effective Date, too.

To some extent, the Treaty vote will look like a Chief and Council election, but with more publicity. We will do everything possible to inform you of your opportunity to vote. Voting will have the usual protections.

We will have early ballots. We don't know yet because it's too far ahead, but we may have electronic voting. We hope to have the results the same night, once votes are tallied, or at the very latest the next day. We'll explain this process fully before enrolment starts, too.

Q – Why has it taken 30 years? It's taken a long time.

A – Yes, it has taken three decades. The current draft Treaty is number 135. There are about 2,500 clauses in Treaty and it's 225 pages long. We've negotiated 2,400 clauses so far. It's a long, complex legal document. Treaty impacts many BC and Canada departments, all of whom have to agree, before we can move ahead with

each chapter or clause. We can't really explain why it's taken so long. It just has. But, we are almost done.

Comment (Glenn Bennett) *- Confirming the long, long time this has taken, how lucky we are that Mel Bevan, Chief Negotiator has been here since day one, and that we're close to finishing!*

Q – What kinds of economic activities will Treaty bring? Kitselas can't survive on government handouts.

A – Land has always been a key part of economic development and a cash settlement gives us the capital to fund new businesses; Treaty gives us both. Water, electricity, roads, Wi-Fi, an airport, railway, a local college and university, forestry, and the advantages of living next door to Terrace are all winning conditions for Kitselas's economic development.

We aren't waiting for Treaty to start, but Treaty will give us a boost with additional land and cash. Usually Darrin McCormack, CEO of Kitselas Development Corporation, joins us, but he is in Vancouver tonight. We imagine he would be happy to discuss our economic development plans with you.

Q – Are you still thinking of doing geothermal on the Treaty Settlement Lands? How will you deal with CN?

A – Yes the geothermal project is proceeding. There is no conflict with CN regarding geothermal.

Q - The other thing in the Houston area is the pollution of the river. When they built the highway, what did they do? They put a lot of the silt, and garbage off to the side. Now, it's going down the river.

A - The Treaty has much stronger language on environmental protection: a whole chapter, in fact.. As well, anything that might impact our Treaty Settlement Lands, like activities upstream on the Skeena, requires consultation with Kitselas. These rights will now be protected by the highest laws of Canada, not policy.

Q – Since we're near the end of negotiations, how are we starting to prepare for the next steps? Will we have a planning meeting, like before, with Satsan and other Chiefs?

A - We are planning the next steps and implementation, and will be engaging with the community as we get started on implementation.