



Ktunaxa Kinbasket Treaty Council

Ktunaxa Kinbasket Treaty Council Treaty Negotiations

GOVERNANCE: STRUCTURE

Common Principles Document

Public Consultation Draft 2

April 5, 2001

This document is tabled for discussion purposes only. It is not necessarily representative of the position any Party may take in Final Agreement negotiations, it contains no admissions and is subject to change. It is without prejudice and will not be tendered or relied upon in any court proceedings.

GOVERNANCE: STRUCTURE COMMON PRINCIPLES

BACKGROUND

Canada, British Columbia and the Ktunaxa Kinbasket Treaty Council are engaged in treaty negotiations in the British Columbia Treaty Commission process. ~~Our~~ treaty negotiations include public consultation and internal review of documents jointly drafted by the three Parties.

This document ~~is~~ on Common Principles will be -used as the basis for the development of a chapter ~~which will form part of~~ to be included in the Agreement-in-Principle. It has not been finalized and is subject to change.

OBJECTIVE

The Parties are releasing this document for public information on a ~~It is~~ without prejudice basis to any Party and is subject to change.

~~For~~ You may obtain -further information ~~on~~ about -the negotiations or the public consultation process, ~~please~~ by -contacting any of the following people:

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GOVERNANCE: STRUCTURE COMMON PRINCIPLES

- 1) The Final Agreement will:
 - a) establish the [Ktunaxa Nation] as a legal entity with the powers of a natural person;
 - b) provide ~~ide~~ that the [Ktunaxa Nation] will act through the [Ktunaxa Government];
 - c) describe and establish the structure of the [Ktunaxa Government] that will come into force on the effective date of the Final Agreement;
 - d) ensure that the [Ktunaxa Government] will be inclusive, open, transparent, and politically and financially accountable;
 - e) provide that the [Ktunaxa Government] will be exercised directly or indirectly through a system of representation, by the whole body of free citizens subject to the [Ktunaxa Government's] authority;
OR
provide that the [Ktunaxa Government] will be structured by the people, for the people and of the people;
 - f) enable the [Ktunaxa Government] to make laws integral to its culture, traditions, citizenship and language;
 - g) specify the application of [Ktunaxa Government] laws;
 - h) ensure that the [Ktunaxa Government] legislative process is clear and open and includes procedures for the appeal of laws and the review of administrative decisions; and
 - i) establish the [Ktunaxa Government's] authority and responsibility to establish a constitution which may include:
 - i) matters internal to the [Ktunaxa Nation] and which will be determined by the [Ktunaxa Nation];
 - ii) ~~determines~~ the structure of the government and its legislative, executive, administrative and judicial functions; and
 - iii) a process for amend~~ing~~menting-of the constitution.

Options intended to capture concept of individual's voice and representation.

- 2) Except as otherwise provided in the Final Agreement, the *Indian Act* will not apply to the [Ktunaxa Nation], Ktunaxa institutions or [Ktunaxa Citizens] as of the effective date of the Final Agreement.
- 3) The [Ktunaxa Government] and [Ktunaxa Nation] will operate within the framework of the *Constitution Act, 1982*, ~~and~~ including the Canadian Charter of Rights and Freedoms.

Linkages:

Intergovernmental Relationships

Other subsets of Governance as set out in the AIP Workplan

Lands

Cultural Resources