

Ktunaxa Kinbasket Treaty Council



BRITISH
COLUMBIA



Canada

**Ktunaxa Kinbasket Treaty Council
Treaty Negotiations**

**RATIFICATION OF
THE FINAL AGREEMENT
Sub-Agreement
Public Consultation Draft
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.

RATIFICATION OF THE FINAL AGREEMENT Sub-Agreement

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 part of a group of chapters which will form the Agreement-in-Principle and will acquire greater context over time. It has not been finalized and is subject to change.

OBJECTIVE

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

For further information on the negotiations or the public consultation process, please contact any of the following people:

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RATIFICATION OF THE FINAL AGREEMENT

DEFINITIONS:

Δ**Final Agreement**@

Δ**[Ktunaxa Nation]**@

Δ**Ratification Committee**@ means the committee established under the Ratification Chapter.

1. GENERAL

- 1.1. Once the Final Agreement has been initialled by the Chief Negotiators for the [Ktunaxa Nation], Canada and British Columbia, they shall submit the Final Agreement for ratification pursuant to the provisions of the Ratification Chapter of the Final Agreement.
- 1.2. The provisions of the Ratification Chapter of the Final Agreement will be utilized to ratify the Final Agreement prior to the Final Agreement coming into effect. The Final Agreement is not valid and has no effect unless ratified in accordance with the provisions of the Ratification Chapter of the Final Agreement.

2. RATIFICATION BY [KTUNAXA NATION]

- 2.1. The [Ktunaxa Nation] will have ratified the Final Agreement when:
 - 2.1.1. at least 75% of the eligible voters vote in favour of approving the Final Agreement; and
 - 2.1.2. it is signed by the Chief Negotiator for the Ktunaxa Kinbasket Treaty Council authorized by a [to be determined].
3. The Ktunaxa Kinbasket Treaty Council will establish the Ratification Committee and appoint the Ktunaxa Kinbasket Treaty

The Final Agreement must be ratified using this chapter even though, as part of the Final Agreement, this chapter does not actually have legal validity until the Final Agreement has been ratified.
Δ**Condition precedent**@

- Council members. Canada and British Columbia will each appoint one member of the Ratification Committee.
4. The Ratification Committee will be governed by procedural rules adopted by the Ktunaxa Kinbasket Treaty Council.
 5. The Ratification Committee may use legal advice as required.
 6. Canada and British Columbia will pay the costs of the Ratification Committee within an agreed upon budget.
 7. The Ratification Committee will be responsible for:
 - 7.1. preparing and publishing a preliminary list of eligible voters;
 - 7.2. updating the preliminary list of eligible voters;
 - 7.3. establishing a process to hear applications or appeals arising from inclusion on, or exclusion from, the preliminary list of eligible voters;
 - 7.4. providing eligible voters with a reasonable opportunity to review the proposed Final Agreement;
 - 7.5. preparing and publishing an official list of eligible voters 14 days prior to the ratification vote;
 - 7.6. updating the official list of eligible voters from the date of its publication until the completion of the ratification vote;
 - 7.7. approving the form and content of the ballot;
 - 7.8. conduct of the ratification vote on a day or days determined by the Ratification Committee at:
 - 7.8.1. advertised locations including Tobacco Plains, St. Mary's, Columbia Lake, Lower Kootenay, and Shuswap, and
 - 7.8.2. mobile polling stations;
 - 7.9. establishing a mail-in ballot process for eligible voters who are ordinarily resident at a distance greater than fifty (50) kilometres from a polling station; and

- 7.10. compiling the results of all polling stations and mail-in ballots to determine the overall number of votes in favour or against.
8. The ratification vote will be by secret ballot.
9. The ratification vote will be on the same day or days for all eligible voters except for advance polls or where circumstances require an alternate day.
10. An individual is eligible to vote in the ratification vote if that individual:
- 10.1. has been enrolled in accordance with the Eligibility and Enrollment Chapter.
11. An individual who is eligible to vote under section 10, but whose name is not on the official voters list, may vote in the ratification vote if that individual provides the voting officer with a completed enrollment application form or evidence satisfactory to the voting officer that the individual has submitted an enrollment application form to the Treaty Enrollment Commission.
12. The ballot of an individual voting under section 11 counts in determining the outcome of the vote as long as that individual is enrolled in accordance with the Eligibility and Enrollment chapter.

13. RATIFICATION BY BRITISH COLUMBIA

13.1 Ratification by British Columbia requires that:

- 13.1.1 the Final Agreement has been signed by a Minister of the Crown authorized by the Lieutenant Governor in Council; and,
- 13.1.2 provincial settlement legislation has been enacted, giving effect to the Final Agreement.

Under discussion:

10.2 will be at least [16/18] years of age on the last scheduled day of the ratification vote; and

10.3[is a Canadian citizen].

14 RATIFICATION BY CANADA

14.1 Ratification by Canada requires that:

14.1.1 the Final Agreement has been signed by a Minister of the Crown authorized by the Governor in Council; and,

14.1.2 federal settlement legislation has been enacted giving effect to the Final Agreement.