Ktunaxa Kinbasket Treaty Council

Kła tunwakakinił yisnakniłki (Treaty Update)

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The Treaty Negotiations Team



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Ki?su?k Kyukyit

In January of 2017 I joined the Treaty team, carrying on with the work that Roxanne Michel had been doing. Many of you are familiar with me but I will introduce myself in a manner that is in keeping with our ways.

I am the daughter of Alex and Florence Phillips. My grandparents on my Dad's side were John and Susette (Antiste) Phillips. My Grandmother's parents were Thomas Antiste and Anneas Duncan. My Grandmother was born in Big Arm Montana. From what I understand, after the passing of her husband, Anneas married Chief Paul David who became the (custom) adopted father of my Grandmother and her brother Joe. On my Grandfather's side was his mother Rowena David, who was the daughter of the last hereditary Chief of Tobacco Plains, Chief David, and Michael Phillipps. Rowena was also the brother of Chief Paul David who was the first elected Chief of Tobacco Plains. My aunt Elizabeth (Phillips) Gravelle is the last surviving of my Dad's siblings.

My grandparents on my Mom's side were Nick and Gwendolyn (Larmont) Smith, whose families both came to Canada from England to work in the coal mine of the then bustling town of Coal Creek (near Fernie), when my grandparents were both small children.

I feel the work that the Treaty team is doing is an important part of building our Nation. Is Treaty the right vehicle to drive us forward, I don't know but I do believe we owe it to those that have gone before us and those yet to come to at least explore it, keep an open mind, and in the end, when we have chewed on it long enough to decide if we can swallow it or not, we keep what is useful to us in continuing to move towards achieving our vision statement. I do know that whether we end up with a Treaty or not, the work that we are doing is moving us forward and is work that needs to be done regardless. Personally, the two people that guide me in my work

are my Great Uncle/Grandfather Chief Paul David whose image, displayed on so many walls throughout the KNGB building, is a constant reminder of who we are and what is important to us as Ktunaxa people; and my grandson who represents those that will inherit whatever we build today, whose future and the ability to continue to uphold ?a·kxamis qapi qapsin is at stake.

In reading through some of the files and documents from the very early days of land claims etc., I am reminded of the hard work and dedication that so many people have already invested in building our Nation and I am very honoured to be able to play a small role in continuing that work.

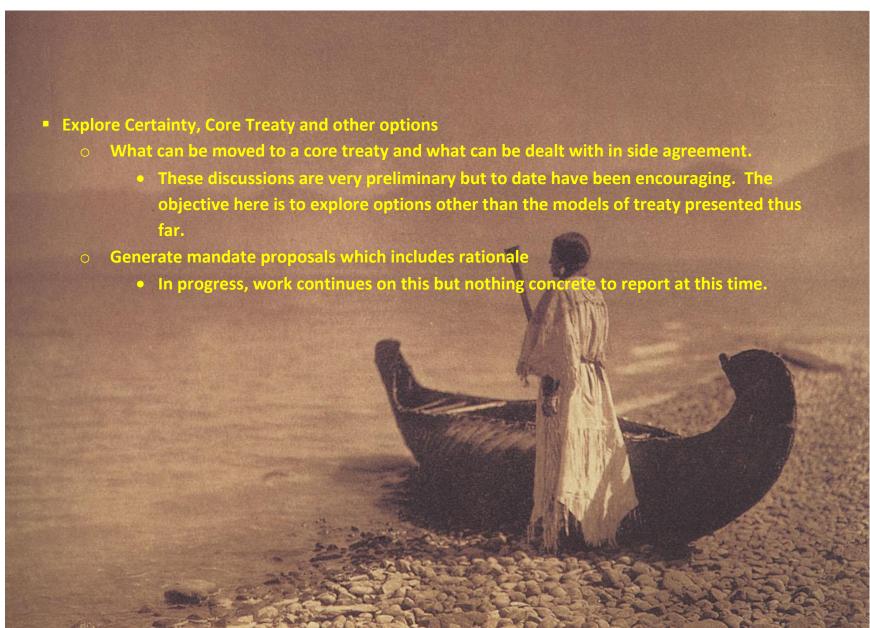
This report is being provided to you for a few reasons. It will provide an update on Treaty activities over the past few months and what can be expected in the coming months and to also explain a few of the general processes and terms related to Treaty.

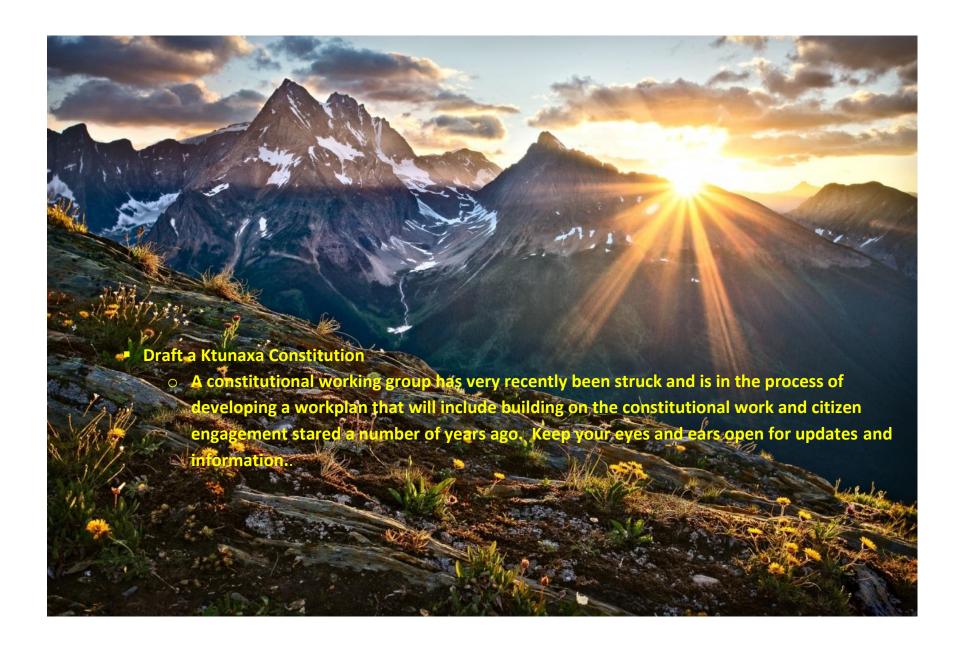
Update 2017-18



Each goal has a number of objectives and activities as follows:

- Conclude AIP outreach
 - Sector review
 - This is now complete with 165 comments received to date from the different sectors within the KNC. These comments will be very helpful going forward.
 - Identify topics that need further work
 - This is underway, there are a number of topics within the AIP that require further work including the topic of certainty. We have heard two things loud and clear from citizens citizens are not interested in an extinguishment model of certainty; and we should accept nothing less that we have now. With these two fundamental conditions in mind, we are exploring alternatives that will seek to provide an acceptable level of certainty for the parties at the treaty table.
 - Complete AIP consultation with citizens, leadership and operational staff
 - Once we are satisfied with the AIP or at least certain sections of the AIP we will consult with citizens, leadership and operational staff using a variety of methods.
 - Conclude AIP negotiations with Prov & Fed govits
 - Achieving this objective will of course be dependent on all other objectives being achieved first. With the change and transition of the new provincial government this may not be achievable by the end of the current fiscal year, but we will keep trying.
 - Final Draft





Develop Transition Readiness Plan

The Transition Readiness Plan will come into play when we have a clearer idea of what we are transitioning into. This plan will help us to identify our capacity gaps both at the corporate and community levels, what laws we want to draw down on initially and how we are going to build both or individual and organizational capacity. We envision a Transitional Working Group to guide this work. Again, watch for updates.







Treaty – General

Refresher

The treaty process consists of six stages:

Stage 1 – Statement of Intent

Stage 2 – Readiness to Negotiate

Stage 3 – Negotiation of a Framework Agreement

Stage 4 – Negotiation of an Agreement in Principle



We are here

Stage 5 – Negotiation of a Final Treaty

Stage 6 – Implementation of Treaty

Frequently Asked Questions

What is an Agreement in Principle (AIP)?

An AIP is basically a rough draft of a Final Agreement (FA). The AIP is a non-binding document that contains essential points and sets out the understandings between the parties (First Nation, BC and Canada) on items that the will be included in the Final Agreement. The AIP doesn't include all of the details that would be included in the Final Agreement however it does provide enough detail to form a good basis for moving into the next stage which is negotiating the Final Agreement.

When will the AIP negotiations be completed?

We are hoping to have the AIP negotiations substantially completed by the end of the 2017-18 fiscal year. There are still a few items that need significant deliberation but we are hopeful that we can make some progress on those things over the next few months.

What happens once the AIP is completed?

Once the AIP is completed it goes to the leadership for endorsement. This then becomes the basis for Final Agreement negotiations.

What is a Final Agreement?

The Final Agreement sets out the legal and technical details of the treaty. It is a legally binding document that requires ratification by the citizens enrolled in the treaty process. It typically takes a few years to finalize the Final Agreement and put forward for ratification.

How will ratification happen?

Ratification of the Final Agreement will be by a vote of all Ktunaxa citizens enrolled as per the Enrollment section and of the AIP. Citizens will be provided with information and opportunities to ask questions well in advance of a ratification process so they are well prepared to make an informed decision. The threshold for determining whether the ratification is passed or not has not been agreed to yet. This will be a question that will be brought to the citizens through focus groups and other means. More information will be provided as these things are rolled out.

What else is happening?

There are a number of other initiatives underway as follows:

A **constitutional working group** has been established to complete the work that was started a few years ago in regard to developing a draft Ktunaxa Constitution. The work of the committee will include citizen engagement and a **Citizen Engagement and Outreach Plan** is being worked on now.

Focus groups and other engagement processes will be underway in the near future. Information and calls for participants will be communicated once the dates and details of those are finalized. The purpose of these is to get input from citizens, leadership and staff (KNC and Band) on specific topics.

Work will also resume on the completion of the **citizenship code**. Quite a bit of work was done on this a number of years ago so it is a matter of updating and completing the code. Citizen engagement and participation will also be required here with the code being finalized and adopted through some sort of citizen ratification process. Information and calls for working group participants will be communicated out in the near future.

We are also one of 46 tables in Canada currently having "without prejudice" exploratory discussions with the federal government in regard to ways we can achieve a recognition of rights relationship as a path forward to self-determination. These discussions are very preliminary at this time, updates will be provided as we progress.

How can I get more information?

We will be working on getting regular updates out to citizens through a variety of means as progress is made on the various activities and initiatives. Drop by my office or give me a call. My phone number is (250) 489-2464 ext. 3077 and my office is located in the KNGB office in Cranbrook.

How can I get involved?

As mentioned in some of the answers above, calls for participation on focus and working groups will be communicated out in the future. Keep your eyes and ears open for information on when these are happening.