



Understanding the Ktunaxa Constitution

The Constitution Working Group is inviting you to participate in the development of the Ktunaxa Constitution. To provide background on the history and process, we have prepared the following document with Frequently Asked Questions.

Visit us at:

www.ktunaxa.org



**KTUNAXA
NATION**

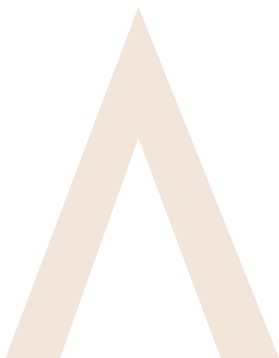
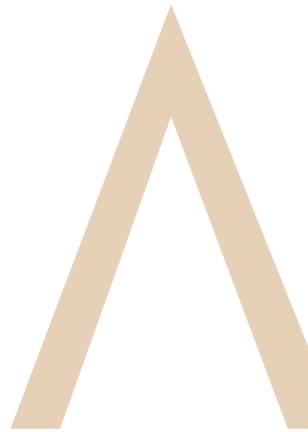
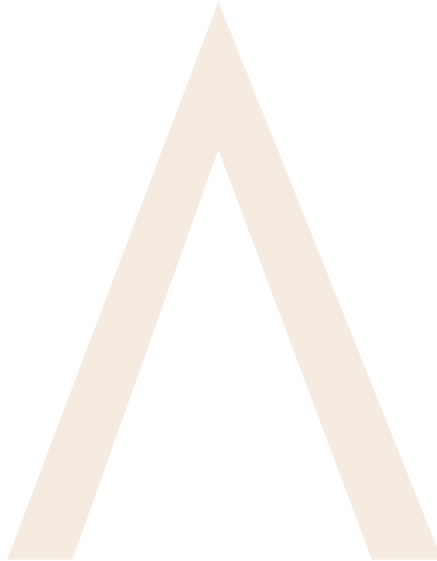
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What is a constitution?

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A nation's constitution is its foundational law. As the highest form of written law, it determines the powers and duties of a government. It is basically a people's instructions to its government. In our case, it is the Ktunaxa Citizens' instructions to their collective (Nation) government.

It includes the basic rules dealing with how law-makers and decision-makers are chosen, how laws are made and enforced, and how accountability to citizens is maintained.



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Why do we need a Nation Constitution?

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The current Ktunaxa Nation Council Society (KNCS) was always meant as an interim structure. This is stated right in the current KNCS Constitution.

As an interim structure, the KNCS does not have the elements and checks and balances of good governance, including the separation of powers, clear and transparent decision-making processes, dispute resolution mechanisms, and accountability to Citizens, typically contained in a constitution.

Work on creating a Ktunaxa Constitution was started in the mid-2000s, but that work was not completed. The current constitution development work is finishing what was started a decade ago.

The Ktunaxa Nation Council Society is currently the governing body of the collective Nation government. It is a Society under the BC Societies Act. The BC Societies Act is a provincial law that was designed to regulate clubs and charities. It is not an effective mechanism for operating a government.

The Ktunaxa Nation Constitution will help move the Ktunaxa Nation's governing structure from the current interim structure to one that is more representative and permanent. This will bring the Nation closer to realizing our of being:

“Strong, healthy citizens and communities, speaking our languages and celebrating who we are and our history in our ancestral homelands, working together, managing our lands and resources, within a self-sufficient, self-governing Nation.”

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Who is the Constitution Working Group?

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The Constitution Working Group (CWG) is a diverse group that consists almost entirely of Ktunaxa Citizens. The CWG provides a wide range of perspectives that contributes to the work. The CWG is assisted by a very knowledgeable legal team.

The work being done by the CWG is the continuation of work started a decade ago. The CWG, in its current form, has been working on the Nation constitution for the last three years.

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Will I have the chance to provide input into the Ktunaxa Constitution?

A

Yes, the focus of the first round of citizen engagement will be on getting input.

Engagement will occur in various ways, including focus groups, webinars, one-on-one and family meetings if desired, etc. The input received in the first round of engagement will be taken into consideration by the Constitution Working Group. Revisions to the draft Constitution will be made accordingly.

The second round of engagement will occur, focusing on providing information, so voters can make a well-informed decision when asked to cast their votes.

Please refer to the Constitution Engagement Plan or contact the Citizen Engagement Coordinator for more information on the engagement process.

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When will I get to see the Ktunaxa Nation Constitution?

A

The Constitution Working Group is currently working on drafting the Ktunaxa Constitution. The work of engaging with and seeking input will likely begin in early 2021. Copies of the engagement draft will be available to all Ktunaxa through a variety of modes and means.

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What if my community already has or is working on its own constitution?

A

A community's constitution typically addresses matters specific to that community's operations and governance, within the boundaries of their reserves and the Indian Act's limitations. A nation's constitution typically addresses matters that are of a collective nature.

Canada and BC both have constitutions that sit side by side. Each of them governs over those things that fall within their specific jurisdiction. Similarly, the Nation Constitution and a community constitution can live side by side.

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What are the challenges with the way we do things now?

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The Ktunaxa Nation Government currently operates under a constitution and bylaws regulated by the BC Societies Act. Under the current structure, leadership from the four Ktunaxa communities are the governors of the Ktunaxa Nation.

One of the purposes of the Ktunaxa Nation Council Society, as set out in its Constitution (September 4, 2011, passed by consensus), is:

“To provide an interim structure through which the Ktunaxa Nation can organize its government for the purposes of making decisions with respect to Aboriginal title and rights, including governance rights, that are held by the Ktunaxa Nation and other matters of concern to the Ktunaxa Nation as a collective.”

Right now, the KNCS Board of Directors is made up of the Chief of each Ktunaxa Band and the Chairperson of each Sector Council (also elected Councillors of the Bands)

The members of the KNC Society are the elected leadership from the four Ktunaxa Bands. This means that right now we do not have Ktunaxa Nation leadership directly elected by or accountable to Ktunaxa Citizens.

In fact, approximately only 38% of Ktunaxa Citizens are represented under the current Ktunaxa Nation government structure, even though the KNCS bylaws say *“the Society represents the interests of all Ktunaxa Citizens regardless of residency or status under the Indian Act.”*

The current governing structure was appropriate when the communities and the KNC were primarily program and service delivery agents. We’ve moved far beyond that. As our Nation Vision states, we are striving towards becoming a self-governing nation.

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How will the Ktunaxa Constitution affect the four Ktunaxa communities?

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The Ktunaxa Constitution will not change the way the Ktunaxa communities operate or govern themselves. Nothing in the Ktunaxa Constitution limits the autonomy or authority of the communities as *Indian Act Bands*.

The only potential change is the role of community elected leadership in the collective government. The structure proposed under the current draft Constitution proposes representation from each of the four communities. However, it does not propose elected community leadership automatically becoming the leadership of the Nation government.

The Constitution Working Group has spent a considerable amount of time discussing the structure of the collective government, including the pros and cons of the current structure of Nation leadership.

Input provided through the first round of Citizen engagement will give a clearer picture of the people's wishes regarding structure and representation.

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Who will ratify the Nation Constitution?

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Ktunaxa Citizens (those enrolled as Ktunaxaniḿtik under the Ktunaxa Nation Citizenship Code and those eligible to be enrolled) of voting age at the time of the referendum will be eligible to vote in the referendum.

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How do I enroll as a Ktunaxaniḱtik (Ktunaxa Citizen)?

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The Ktunaxa Nation Citizen Registrar accepts applications for enrollment on an ongoing basis. Applications can be obtained by contacting:

Rachelle Sebastian, Citizen Registrar
rachelle.sebastian@ktunaxa.org

or

Visit the Citizen Enrollment section of the Ktunaxa Nation website: ktunaxa.org/citizenship-enrollment

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When will the referendum be held for the Nation Constitution?

A

The referendum on the Nation Constitution will likely be held late 2021. However, this timeframe will depend on the engagement process and the voters' readiness to make an informed decision.

All eligible to vote will be sent a voter information package well in advance of the referendum. An Engagement Plan has been developed, which can be viewed through the Ktunaxa Nation website. A copy may also be obtained by e-mailing Keith Clement, Ktunaxa Citizen Engagement Coordinator at: keith.clement@ktunaxa.org

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How can I get more information about the Nation Constitution?

A

Keith Clement has joined our team as the Citizen Engagement Coordinator. Keith's role regarding the Ktunaxa Constitution is to bring information to Ktunaxa Citizens and bring input back to the CWG.

There are several ways to become informed on this critical step in Ktunaxa self-government and nation re-building, including:

1. Arrange an individual or small group meeting with COVID-19 protocols
2. Participate in focus group sessions on several constitution-related subjects
3. Become a Community Champion, and assist Keith Clement in his work

For more information on any of these opportunities, please contact keith.clement@ktunaxa.org

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citizeninput@ktunaxa.org

More Questions?

If you or your family members want further information,
please don't hesitate to contact:

Keith Clement, Citizen Engagement Coordinator
keith.clement@ktunaxa.org

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