



KTUNAXA
NATION

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Ktunaxa Nation Taking Fight For Qat'muk to Supreme Court of Canada

Cranbrook/ʔa·kiskʷaq#iʔit – On October 5th, the Ktunaxa Nation filed an application seeking leave to appeal to the Supreme Court of Canada to set aside the August 6th, 2015 B.C. Court of Appeal decision on the Jumbo Glacier Resort project. That decision found B.C.'s approval of a Master Development Agreement for the resort in an area known as Qat'muk did not violate the Ktunaxa's Charter right to freedom of religion, saw no problem with B.C.'s failure to even consider that right, and determined that B.C.'s consultation with the Ktunaxa regarding their constitutionally protected Aboriginal rights was reasonable.

"Our appeal to the Supreme Court of Canada addresses whether our freedom of religion right is the same as other Canadians or whether we are still second class citizens whose rights do not even need to be considered," said Kathryn Teneese, Ktunaxa Nation Council Chair. "The previous courts have told us that our spiritual practices and beliefs, vital to who we are as Ktunaxa, matter less than a ski hill, and we cannot allow these decisions to stand."

"Earlier this year, The Truth and Reconciliation Commission released its report which included over 90 conditions to address the continuing legacy of loss of Aboriginal identity and culture," continued Teneese. "And yet here we find ourselves again asking a court to acknowledge what we have known for thousands of years. As long as Ktunaxa exist, we will fight this injustice."

The Province and the ski resort developer have thirty days to respond to the Ktunaxa court documents. A panel of three judges of the Supreme Court of Canada will then review the application material and decide whether the Ktunaxa will have the right to a full appeal hearing before the Supreme Court of Canada.

Qat'muk is where the Grizzly Bear Spirit was born, goes to heal itself, and returns to the spirit world. For Ktunaxa, Grizzly Bear Spirit is a unique and indispensable source of collective as well as individual guidance, strength, and protection, and a necessary part of many Ktunaxa spiritual practices and beliefs. Qat'muk's spiritual importance is deeply connected to its biological significance for living grizzly bears now and in the future.

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