



The Truth About Treaty

It's important to know what treaty will mean to future generations of Ktunaxa Citizens. We've put together this document to clear up some common misconceptions and provide real answers to you.

Visit us at:

www.ktunaxa.org



**KTUNAXA
NATION**

1

We will lose more than we gain if we sign a treaty

FALSE

When the Ktunaxa Nation entered into the treaty process, the Citizens gave the negotiating team instructions to negotiate nothing less than we have now.

With this principle in mind, the Ktunaxa treaty table has set aside the Agreement-In-Principle (AIP) and is exploring a new approach to a treaty.

A new approach will recognize our rights as they exist when the treaty is signed and will leave room for our government-to-government relationships and our powers to make law (jurisdiction) to grow over time.

2

I will lose my Indian Status if we sign a treaty

FALSE

Those eligible for or currently having Indian Status will not lose their Indian Status if we enter into a treaty.

But, you will gain official recognition as a Ktunaxa Citizen, which will provide more benefits than if you remained only a Status Indian.

3

I will lose my personal income tax exemption if we sign a treaty

FALSE

A treaty is what we make it, and in our case, what Ktunaxa Citizens are only willing to agree to. It is highly unlikely that Ktunaxa Citizens would agree to give up their Section 87 tax-exemption.

It is true that in some of the modern treaties signed in BC, there has been an agreed to 8 to 12-year “phase-out” of the Section 87 tax exemption.

However, many First Nations currently in treaty negotiations are working together in actively engaging with Canada to change its position on this “phase-out as it is a major issue regarding progress at treaty tables.

4

Ktunaxa communities will no longer exist after we enter into a treaty

FALSE

The Ktunaxa communities that exist today will continue to exist. When we sign a treaty, they will likely no longer be Indian reserves subject to the Indian Act.

Instead, they would become Ktunaxa communities complete with their own community governments and legal powers to govern their community. We can even add new Ktunaxa communities in other areas around ʔamakís Ktunaxa (Territory) if we choose.

5

I will lose my hunting and fishing rights if we sign a treaty

FALSE

We will negotiate for nothing less than we have today. All of your aboriginal rights, including all of your hunting, fishing and gathering rights, will not change.

We are also building measures that will allow these rights to expand and evolve over time.

6

As a status Indian, I will continue to have dental, health, eye care and other such benefits currently provided

TRUE

The benefits available to Status Ktunaxa will not change and, in some cases, will be enhanced.

7

Will Ktunaxa aboriginal rights will be extinguished if we sign a treaty

FALSE

The new approach does not require us to extinguish or modify our rights in any way.

The old approach was based on full and final settlement of rights which meant that our rights were changed to treaty rights and were fixed in time.

Our treaty will recognize and affirm our Aboriginal rights as they exist (without any modification) and will provide for these rights to evolve over time.

8

A treaty will be forced on Ktunaxa Citizens

FALSE

When the time comes, Citizens will vote to approve or not approve the treaty.

Because the treaty is such an important legal and constitutional step, Citizens will decide what percentage of Ktunaxa need to vote in favor of a treaty for it to be agreed (the voting threshold).

This voting threshold must be high enough for us to be comfortable that we have shown clear consent.

9

A treaty has already been signed

FALSE

A treaty has not been signed or agreed to and will not be signed or agreed to until it is approved by enough Ktunaxa Citizens based on the voting threshold that Citizens establish.

It could still be many years before negotiations are concluded, and a treaty is put before Ktunaxa Citizens for a vote.

It doesn't mean work won't be going on, but it does mean there is lots of work to be done between now and concluding a treaty.

We are also exploring a stepping-stone approach. This means that we negotiate pieces in steps where each step can stand alone or can lead to the next step.

If the Citizens are not in favour of that next step, the previous step or steps remain. This eliminates the all-or-nothing element that the previous approach was built on.

10

Treaty loans have been forgiven

TRUE

The announcement that treaty loans would be forgiven was made late in the 2018 fiscal year.

The treaty loan has now been completely removed from the Ktunaxa Nations' books. Treaty negotiations are now funded entirely through non-repayable contribution funding.

11

Aside from the two historic treaties (Douglas & Treaty 8), no other treaties exist in BC

FALSE

There have been six modern treaties signed in BC - Nisga'a in 2000; Tsawwassen in 2009; Maa-nulth and Yale in 2011, Tla'amin in 2012, and Lheidli T'enneh in 2018.

There are many other First Nations in BC that are in the Agreement-In-Principle stage of treaty negotiations or, like us, are setting aside the Agreement-In-Principle and exploring different approaches.

12

Nation Re-building is just a treaty thing

FALSE

Each Citizen, each of our Ktunaxa communities, and each sector within the KNC has a role to play in Nation Re-building.

It's also important to remember that the Ktunaxa Nation is not just the Ktunaxa Nation Council Administration. It is Ktunaxa Citizens, families, communities, community governments and territory.

Nation Re-building is about achieving our Nation Vision. A negotiated treaty is only one possible piece of the bigger Nation Re-building picture.

If we decide that, after exploring a negotiated treaty, it is not for us, our Nation Re-building journey continues with other tools.

The important thing is that we explore treaty and our other Nation Re-building processes to help us continue to grow and improve our lives.

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**

Visit us at:

www.ktunaxa.org



**KTUNAXA
NATION**