

2004 Treaty Progress Report

What's New at Ktunaxa Nation Treaty Negotiations

The Ktunaxa Nation (represented by the Ktunaxa Kinbasket Treaty Council or KKTC) is currently negotiating an agreement-in-principle (AIP) with the Governments of Canada and British Columbia. In December 2003, chief negotiators Brian Smith (Canada), Kathryn Teneese (KKTC) and Bronwen Beedle (BC) identified seven priority issues for the treaty table to focus on over the next year.

They include:

- recognition and reconciliation
- land
- resource revenue sharing
- culture and heritage
- parks
- wildlife, migratory birds and fish
- forestry

By focusing on these central topics, we expect to accelerate negotiations and achieve an AIP in 2005.

For current information on developments in these negotiations, please contact us at the numbers provided on the back page.

(For more updates, see page 3)

What is the status of negotiations?

Negotiation of an AIP is stage four of a six-stage process. An AIP covers the basic elements of a treaty, like land, resources (including wildlife and forestry), culture, a capital transfer, and self-government. An AIP lays the foundation for the final round of negotiations.

An AIP is reached when KKTC, Canada and BC agree on the principles that will help guide them in negotiating the details of a final agreement. Governments will then seek approval of their Ministers, and the KKTC will seek approval from their communities to sign the AIP. In the process of negotiation, each party consults with its constituents to ensure that local interests are heard and addressed.



Why Treaties?

TREATY-MAKING IS PART OF OUR HISTORY

Most treaties east of the Rockies were concluded by the 1920s. Only a small number of treaties were ever reached in BC, including the Douglas Treaties on Vancouver Island and Treaty 8 in the north-east of the province. The Nisga'a Treaty was the first modern-day treaty to be completed in BC, in 2000. The work of treaty-making is not yet complete in the rest of the province.

UNCERTAINTY IS BAD FOR BUSINESS

Treaties will clearly set out the land rights, obligations and authorities of First Nations in relation to other governments. This will create certainty over the use and management of lands and resources, and a better climate for business and investment. The cost of uncertainty has been estimated to run into the billions of dollars in lost investment to the provincial economy (Price Waterhouse, 1990).

NEGOTIATION IS BETTER THAN LITIGATION

Canadian courts have said that governments need to deal with Aboriginal rights. The Ktunaxa Nation has long sought a fair resolution with Canada and BC. All three parties are seeking to negotiate a mutually acceptable agreement, rather than have a decision imposed by the courts that would not necessarily account for all of the associated interests.

SOCIAL AND ECONOMIC DEVELOPMENT

Treaties will enhance First Nations' opportunities for economic development. They promote self-reliance, and cultural and social well-being.

Who are the Ktunaxa?

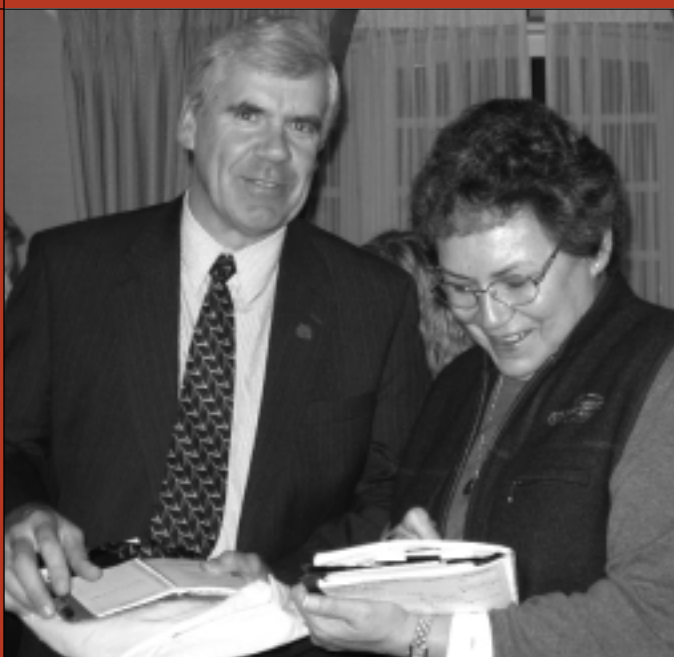
The Ktunaxa Nation communities include:

- Columbia Lake, near Windermere, BC
- Lower Kootenay, near Creston, BC
- Shuswap, near Invermere, BC
- St. Mary's, near Cranbrook, BC
- Tobacco Plains, near Grasmere, BC
- Kootenai Tribe of Idaho, near Bonner's Ferry, Idaho
- Confederated Salish and Kootenai Tribe, near Elmo, Montana

The traditional territory of the five Ktunaxa communities in southeastern BC includes the east and west Kootenays, ranging north of Golden to the US border in the south. This area is identified on the map submitted by the KKTC in its statement of intent when it entered the treaty process.

Most members of the five Canadian bands originate from the Ktunaxa or Kootenai culture. However, the Shuswap Band contains descendants of the Kinbasket family who moved to the Invermere area in the 19th Century from the territory of the Shuswap Nation.

The Ktunaxa Kinbasket Tribal Council originated in 1970 as the Kootenay Indian District Council to promote the political and social development of the Ktunaxa Nation. In 1991, the name was changed to reflect the origins of the two language groups, Ktunaxa and Secwepemc, in the area. The goals of the KKTC include promotion of their language and culture, community and social development, wellness, self-government and land management.



Achievements in 2003

Over the last year, a great deal of work has gone into projects that will contribute to the Ktunaxa's institutional capacity. These projects are jointly funded by Canada, BC and KKTC, and have been designed to create a foundation for successful negotiations.

FORESTRY AND LAND-USE PLANNING ACCORD

This initiative will improve the Ktunaxa Nation's ability to participate in forestry and strategic land-use planning processes, as well as identify new employment and business opportunities. In addition to developing Ktunaxa's institutional capacity, this initiative will also contribute to Ktunaxa's long-term interest in being involved in land and resource decision-making in the region, and promote economic development.

In April 2003, the Minister of Forests invited the Ktunaxa Nation to apply for a forest tenure on the Dominion Coal Blocks, a roughly 20,000 hectare area of forested federal land situated south of Sparwood, BC.

Other interesting elements of this project include:

- improving Ktunaxa's participation in strategic planning processes through a Memorandum of Understanding with the Ministry of Sustainable Resource Management and the Ministry of Forests; and,
- the development of a Ktunaxa recreation and tourism economic strategy.

COALBED METHANE INITIATIVE

This project is designed to explore the potential economic and employment opportunities for the Ktunaxa Nation from the development of coalbed methane resources in the region.

Interesting elements of this project include:

- Ktunaxa's participation in oil and gas development through agreements with the Ministry of Energy and Mines and the Oil and Gas Commission;

- the identification of business opportunities in the region related to coalbed methane; and,
- skills training for Ktunaxa community members in coalbed methane development activities.

DRAFT AGREEMENT-IN-PRINCIPLE CHAPTERS

Progress is also being made in the negotiation of draft chapters for an AIP. In April 2003, forestry and governance draft chapters were released for public information and consultation. This brings the total number of draft chapters available for public review to six. More discussion is still required on these chapters before they are considered complete. For more information or to obtain copies, please see page four for contact information.

Frequently Asked Questions

HOW WILL KTUNAXA SELF-GOVERNMENT WORK?

Self-government arrangements will enable the Ktunaxa Nation to control its own affairs, manage its public institutions, administer its collective economic interests and participate effectively in regional planning processes for areas outside treaty lands.

These arrangements, including the relationship of federal, provincial and First Nation laws, are negotiated within the framework of the Canadian Constitution and the Charter of Rights and Freedoms.

WHAT KIND OF RELATIONSHIPS DOES THE KTUNAXA NATION CURRENTLY HAVE?

The Ktunaxa are committed to good working relationships with its local and regional government neighbours. Servicing and infrastructure agreements already exist in many cases—they don't have to wait for treaty. For example, the Shuswap community has a relationship with the Regional District of East Kootenay providing water and sewer services through its Kinbasket Water and Sewer Company Ltd.

Forums have been held annually since 1997 to provide opportunities for Ktunaxa and neighbouring local and regional governments to meet and discuss issues of mutual importance.



What is being negotiated?

The Ktunaxa Nation is negotiating a treaty with the governments of Canada and BC. A treaty will establish new relationships based on mutual respect, trust and understanding.

Negotiations address issues related to lands and resources in the Kootenay region, as well as the self-government authorities of the Ktunaxa Nation. A treaty will provide certainty over land use and ownership, and provide a sound basis for the Ktunaxa to build its

community and economy. These improvements are expected to benefit the region generally.

AIP negotiations have been underway since 1998, and progress is being made.

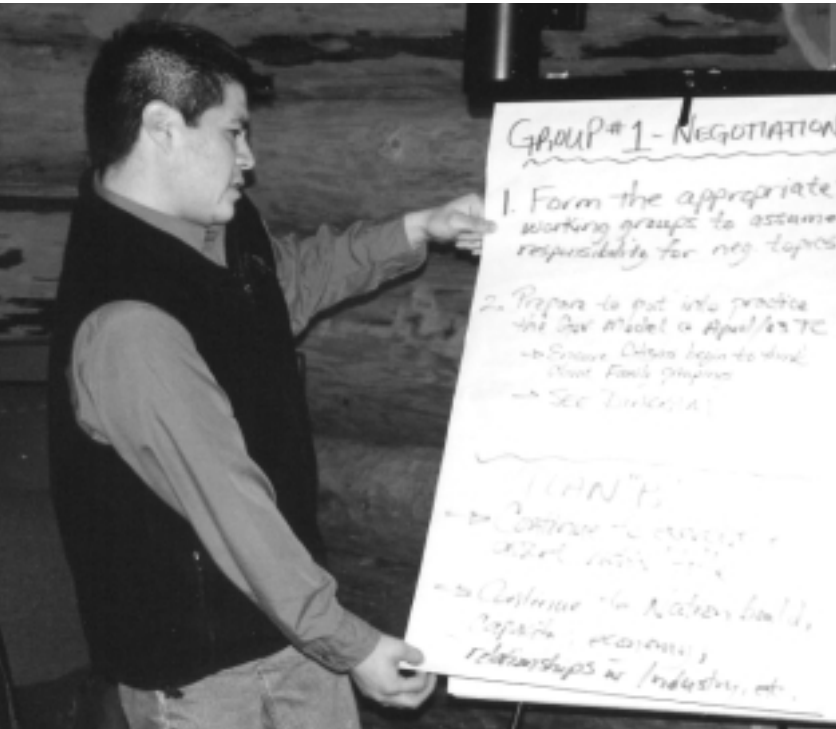
(For more updates, see page 3)

Public and Stakeholder Involvement

The governments of Canada and BC and the Ktunaxa Nation have conducted a wide range of activities to provide information to the public and consult with groups whose interests may potentially be affected by treaty settlements.

Canada has recently renewed its commitment to consulting with affected interests and is currently updating its network of regional contacts. Please contact the Government of Canada (see below) if you are interested in becoming involved in treaty consultations, or would like to stay informed of developments.

Open main table negotiations and public information events are held from time to time throughout the region, as warranted by progress at the treaty table. Check your local newspapers for notices of upcoming events.



For More Information

For more information, please contact us or visit one of our websites. Speakers can be arranged for groups interested in learning more about treaty negotiations.

KTUNAXA KINBASKET TREATY COUNCIL

Bev Hills,
Communications
Co-ordinator
Phone: (250) 417-4022
Email: bhills@kktc.bc.ca

INDIAN AND NORTHERN AFFAIRS CANADA

Katherine Beavis,
Communications &
Consultation Advisor
Phone: (604) 775-5199 or
(1-800) 665-9320
Email: beavisk@inac.gc.ca

www.kktc.bc.ca/treaty.htm
www.bctreaty.net
www.ainc-inac.gc.ca



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