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KITSELAS TREATY NEGOTIATIONS

Understanding the Treaty Process –Book 1–

Kitselas First Nation has been actively involved in Treaty Negotiations with the Province of British Columbia and the Canadian Government for the last 20 years.

Within the six stages of the treaty process, Kitselas First Nation is currently in Stage 4: Negotiation of an Agreement in Principle.

The Kitselas Treaty Office will be concentrating its efforts on regular community consultations, distributing treaty information packages and various other initiatives for Kitselas Band members.



October 23, 2008

To: All Kitselas Members

From: Mel Bevan

Re: Communications workplan

At the June 24th Community meeting we announced we will begin explaining the Draft Agreement in Principle in as much detail as we can, starting in September. The Draft AIP is about 200 pages long with 25 Chapters. If we do 2 Chapters per month it will take over one year to complete.

It must be absolutely clear that the AIP is NOT finished and will not be finished for at least another two years. It will be at least two years or more before we will be asking for a vote on the AIP. The objective is to make sure everyone is familiar with the Draft AIP, not only what it contains but how it is structured.

The First package covers Chapter 24 and Chapter 25. These chapters contain the clauses stating how an Agreement in principle and a final agreement will be approved. It is important that we start with these chapter to make sure everyone has a clear understanding of what it takes to approve a Treaty. At all of our Community meetings, some of our members express the fear that the negotiators will sign a treaty without the peoples approval. These document make it as clear as possible that only the Kitselas people can approve any Treaty. We as negotiators can only recommend to the people the best deal we can negotiate.

We will mail out a package every month, until all 25 chapters are explained. Each month we will try to explain two Chapters. The packages are in book form and are yours to keep for future reference. Please review the packages, share them with family members, discuss it documents with others. If you have any Questions about the documents feel free to write us, call us or drop in to the Treaty office and we will try to answer your questions.

We will do our best to answer as clearly as we can any questions you may have with a Question and Answer sheet to be included with each mail out.

TREATY PACKAGE CONTENTS:

“OVERVIEW OF THE KITSELAS TREATY NEGOTIATIONS.”	1
“KITSELAS DISCUSSION PAPER” AN EXPLANATION OF HOW AN AGREEMENT IN PRINCIPLE AND A FINAL AGREEMENT IS APPROVED.	2
“CHAPTER 24, QUESTION AND ANSWER SHEET” QUESTIONS AND ANSWERS ON THE CHAPTER CLAUSES.	3
-“ CHAPTER 24” PAGE 190 OF THE DRAFT AGREEMENT IN PRINCIPLE	
“CHAPTER 25 QUESTION AND ANSWER SHEET” QUESTIONS AND ANSWERS ON THE CHAPTER CLAUSES.	4
-“CHAPTER 25” PAGES 191 TO 193 OF THE AGREEMENT IN PRINCIPLE	
“AGREEMENT IN PRINCIPLE TABLE OF CONTENTS” THE COMPLETE LIST OF SUBSTANTIVE ISSUES UNDER NEGOTIATIONS, FOR REFERENCE.	5

KITSELAS TREATY OFFICE

KITSELAS TREATY NEGOTIATIONS OVERVIEW

FOR THE PEOPLE OF KITSELAS

This is a summary of all topics under negotiation.
It should be understood that nothing is finalized and that
everything is still under negotiations.

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STATUS OF TREATY NEGOTIATIONS

The Parties (Kitselas, BC, Canada) are in Agreement-in-Principle (AIP) negotiations, the major or substantive stage of the BC treaty negotiation process. Once the Parties conclude the AIP, **the community will vote on whether to approve it or to reject it.** Although not a legally binding agreement, the **AIP will form the basis for negotiating the final agreement.** The final agreement will describe the relationship between Kitselas, BC and Canada and set out the legal rights of the Parties. **Once again, the community will vote on whether to approve the final agreement.** Once the Kitselas people, BC and Canada approve the agreement, it will become final and given legal effect.

TREATY NEGOTIATION PROGRESS

Negotiators for Kitselas, Kitselas, Metlakatla, Canada and British Columbia are making progress on the following chapters which includes:

1. Definitions
2. General Provisions
3. Lands
4. Subsurface Resources
5. Water
6. Forest Resources
7. Access
8. Roads and Public Utility and Railway Corridors
9. Fisheries
10. Wildlife
11. Migratory Birds
12. Environmental Assessment and Environmental Protection
13. Parks and Protected Areas
14. Self-government
15. Municipal and Regional Government Relationships
16. Indian Act Transition
17. Capital Transfer and Negotiation Loan Repayment
18. Fiscal Relations
19. Taxation
20. Culture and Heritage
21. Dispute Resolution
22. Eligibility and Enrolment
23. Implementation
24. Approval of Agreement-in-Principle
25. Ratification of Final Agreement

These chapters will make up the draft Agreement-in-Principle(s).

WHAT TO EXPECT

We have yet to agree on a number of areas such as the land size and area, cash, commercial fish and an economic packages (recreation tenures, forest licences, shell fish aquaculture tenure) to conclude an Agreement.

The Agreement in Principle is not final and we are not bound by it. It will be used as the outline for negotiating a Final Agreement. The contents of the various chapters may change as negotiations continue through AIP and Final Agreement until the Final Agreement is completed, approved and becomes a treaty. We will make every effort to improve on the AIP as we negotiate the Final Agreement.

We hope to complete an AIP within a year.

The AIP will be made up of a number of chapters which will address the issues involved in a treaty. Negotiation of the AIP is conducted by representatives from Kitselas, Canada and British Columbia, referred to as the “Parties”. The AIP will be the basis for the negotiation of a Final Agreement or treaty.

Among other things, AIP negotiations may include:

- agreement on a land package
- addressing Kitselas relationship to the Traditional Territory through various land designations, including Kitselas Lands. The Kitselas Territory is also referred to as the Statement of Intent area (SOI), submitted by the Tsimshian to the British Columbia Treaty Commission to begin treaty negotiations.
- addressing Kitselas ability to exercise treaty rights in the Kitselas Territory including hunting, fishing, gathering, ceremonial and other practices
- describing the agreement on harvesting of fish, including commercial fisheries
- identifying Kitselas artifacts held by British Columbia and/or Canada that will be returned to Kitselas
- describing the agreement on the financial package, including arrangements for funding the Kitselas Government
- setting out Kitselas rights and obligations respecting Kitselas self-government

WHAT’S NEXT

We will complete negotiations and a legal review. We then require the approval of the Kitselas People regardless of where they live before continuing negotiations for a Final Agreement. Once the draft Agreement is completed the negotiators will take the draft Agreement to the people who will have an opportunity to review and either approve or

disapprove before entering final agreement negotiations. If the Agreement is approved by all Parties, final agreement negotiations will begin.

Once the Kitselas people approves the draft AIP, federal and provincial negotiators will recommend the AIP for approval to their respective cabinets. Once the AIP is approved by all Parties, the Parties will sign it in a ceremony. Final Agreement negotiations will then begin.

AGREEMENT IN PRINCIPLE NEGOTIATIONS

The following is a summary of the chapters that have been included in the draft Agreement to date. We have also indicated the status of negotiations and how the different parts of the AIP work together.

Preamble

The Preamble will outline the understanding between the Kitselas, Canada and British Columbia on our relationship under a treaty. The Preamble sets out an agreed on context for a new relationship based on mutual respect, trust and understanding.

The Parties will begin drafting the Preamble in this year.

Definitions

To understand and ensure agreement on the meaning of certain terms used in the AIP, the Parties have begun setting out the definitions of key terms in the Agreement. These can be found in the Definitions Chapter.

The definitions are negotiated at the same time as the chapters, and will be completed as each chapter is completed.

General Provisions

The General Provisions Chapter will set out the basic principles that will govern the treaty and will:

- Establish a legal structure where Kitselas, Canada and BC laws will exist together.
- Set out Kitselas Aboriginal rights under Canada's Constitution.
- Set out processes for the Parties to work together after the treaty is signed.
- Confirm that Canada's Charter of Rights and Freedoms will apply to Kitselas government and citizens.

The Parties are nearing completion of this chapter.

Lands

The Lands Chapter will describe Kitselas Lands and set out:

- The location and amount of land Kitselas will own exclusively as their lands.
- The relationship of Kitselas title to their Lands.
- Kitselas law-making powers related to their Lands.
- The process that allows Canada and BC to expropriate Kitselas Lands if certain requirements are met.
- Kitselas ability to add lands to Kitselas Lands after the Treaty is in effect.
- Existing tenures that may exist on Kitselas Lands, and determine whether they will continue after the Treaty takes effect.

The Parties have begun drafting this chapter which continues in negotiation. Canada and BC have indicated they will be ready to make a land and cash offer to Kalum in the next six months.

Subsurface Resources

The Subsurface Chapter will:

- Establish Kitselas ownership of subsurface resources on Kitselas Lands.
- Define Kitselas right to set and collect fees and royalties for the development of subsurface resources on or under Kitselas Lands.
- Make clear which laws and standards for mine reclamation and mine safety will apply to mining activities on Kitselas Lands.
- Identify existing tenures that may exist on Kitselas Lands, and determine whether they will continue after the Treaty takes effect.

This chapter is near completion and continues to be negotiated.

Water

The Water Chapter will include provisions regarding:

- the establishment of a Kitselas water reservation for domestic and commercial purposes
- Kitselas roles and responsibilities:
in granting water licences to be applied against the Kitselas water reservation,
in management of water resources in the Kitselas Territory
regarding flooding or health and safety issues

The Parties are near completion of this chapter, the amount of water to be included in the water reservation still needs to be negotiated .

Forest Resources

The Forest Resources Chapter includes provisions regarding:

- Kitselas ownership of forest resources on Kitselas Lands
- Kitselas law-making powers respecting those forest resources
- arrangements for the management and control of forest health and forest fire protection on Kitselas Lands
- transition measures for any outstanding silviculture and road deactivation obligations
- the regime under which Kitselas may export logs

With the exception of a renewable timber licence this chapter is near completion.

Access

The Access Chapter will include provisions regarding:

- Kitselas law-making powers to regulate public access to Kitselas Lands
- access for provincial and federal government representatives to Kitselas Lands to carry out their duties
- access for Kitselas government representatives to Crown lands within the Kitselas Territory to carry out their duties
- Kitselas ability to control public access to Kitselas lands for recreational and non-commercial use
- access for third party holders who have interests on Kitselas Lands

This chapter is near completion

Roads And Public Utility And Railway Corridors

Negotiations regarding the Crown Corridors and Roads Chapter will:

- define Kitselas law-making powers over roads on Kitselas Lands
- identify any corridors required by Canada or British Columbia through Kitselas lands that may be retained by the Crown for public purposes
- describe how any Crown corridors no longer required by Canada or British Columbia will be transferred to Kitselas

The negotiations of this chapter is near completion, still need to define crown corridors and where they are located.

Fisheries

The Fisheries Chapter will include provisions regarding:

- Kitselas right to harvest fish and aquatic plants for food, social and ceremonial purposes, subject to conservation, public health or safety reasons
- Kitselas law-making powers on the Kitselas right to harvest fish and aquatic plants
- the size of the Kitselas Fishing Area
- the establishment of Kitselas allocations species of fish
- the confirmation of Kitselas right to trade and barter fish and aquatic plants
- Kitselas role in cooperative management, decision making processes and fisheries management regimes
- the process for the establishment Kitselas Fisheries Operational Guidelines
- the establishment of a commercial fisheries agreement.

Canada has yet to agree to the extent of commercial fisheries for Kalum.

Wildlife

The Wildlife Chapter covers the following topics:

- Kitselas right to harvest wildlife for food, social and ceremonial purposes, subject to conservation or issues of public health or safety within the Wildlife Harvest Area
- Kitselas law-making powers and documentation and enforcement responsibilities for harvesting of wildlife by Kitselas People
- the extent of the Wildlife Harvest Area
- the establishment of a process for setting allocations for Kitselas if needed
- Kitselas rights to trade and barter wildlife
- the establishment of wildlife planning and management mechanisms where there are conservation concerns
- Kitselas role in the management of wildlife in the Wildlife Harvest Area
- the exemption of Kitselas People exercising the Kitselas treaty right to harvest wildlife from the requirement for provincial or federal fees or licences, except for licences for the use and possession of firearms
- conditions for the operation of existing trapping and guide outfitting licences that wholly or partially encompass Kitselas Lands

The Parties are near completion of this chapter.

Migratory Birds

The Migratory Birds Chapter will include the following:

- Kitselas right to harvest migratory birds for food, social and ceremonial purposes subject to conservation, public health or safety reasons within the Kitselas Migratory Birds Harvest Area
- Kitselas law-making powers and documentation and enforcement responsibilities for harvesting of migratory birds by Kitselas people
- the extent of the Migratory Birds Harvest Area
- the establishment of a process for migratory birds allocations if there are conservation concerns
- Kitselas rights to trade and barter migratory birds
- Kitselas role in managing migratory birds
- the exemption of Kitselas People exercising the Kitselas treaty right to harvest migratory birds from the requirement for provincial or federal fees or licences, except for licences for the use and possession of firearms

This Chapter is substantially complete.

Environmental Management And Environmental Protection

The Environmental Management and Environmental Protection Chapter will include provisions regarding:

- Kitselas law-making powers for environmental protection on Kitselas Lands
- Kitselas participation in environmental assessment processes for proposed projects that could have adverse effects on Kitselas Lands or rights
- the requirement of Kitselas consent for any federal and provincial project to be approved on Kitselas Lands
- a process for co-ordinating responses to environmental emergencies
- agreements to co-ordinate environmental management activities within the Kitselas Territory

This Chapter is substantially complete.

Parks And Protected Areas

The Parks and Protected Areas Chapter will include provisions regarding the following:

- Kitselas role in planning and management of provincial parks and protected areas within Kitselas Territory (SOI)
- Kitselas harvesting rights and activities in parks and protected areas
- Kitselas participation in decision making processes respecting new park designations or boundary adjustments that may impact Kitselas rights

- Kitselas involvement in public information about Kitselas traditional land use activity

The Parties are in negotiations and is near completion of this chapter.

Governance

The Governance Chapter will include provisions regarding the following matters:

- provisions to be included in the Kitselas constitution
- provisions for the establishment of Kitselas Self Government
- Kitselas law-making powers in relation to social and public services
- Kitselas citizenship
- non-Kitselas representation
- opportunities for the delegation of Kitselas law-making authorities
- opportunities for intergovernmental agreements with Canada and British Columbia to provide services
- the imposition of fines and penalties for the violation of Kitselas laws
- enforcement of Kitselas laws
- the process for prosecuting persons accused under Kitselas law

The Parties have substantially completed this chapter.

Municipal And Regional Government Relationships

The Municipal and Regional Government Relationships Chapter will set out the relationships between Kitselas and municipal and regional governments.

This chapter is near completion.

Capital Transfer & Negotiation Loan Repayment

The Capital Transfer Chapter will describe the cash component of the Kitselas treaty and will include provisions regarding:

- the amount and payment schedule to Kitselas from Canada for the cash component of the treaty
- a loan repayment schedule for negotiating loans secured through the BC Treaty Commission

The Parties have begun drafting this chapter which continues in negotiation. Canada and BC have indicated they will be ready to make a land and cash offer to Kalum in the next six months.

Fiscal Relations

The Fiscal Relations Chapter will include:

- details regarding the negotiation of the Fiscal Financing Agreement, a side agreement to the treaty, which would provide Kitselas with funding from Canada and British Columbia for delivery of agreed-upon programs and services
- provisions regarding how the Kitselas government will assume a greater role in the funding of agreed upon programs and services as its revenues increase as a result of economic growth under the Kitselas treaty

The Parties are in negotiations and have begun drafting this chapter.

Taxation

Negotiations regarding the Taxation Chapter will address Kitselas taxation powers and obligations and will include provisions to:

- provide direct taxation powers to the Kitselas government
- provide for taxation agreements outside the treaty which give the Kitselas government the authority to generate tax revenues in areas such as property, sales and income tax
- provide certain tax exemptions for the Kitselas government
- establish a Tax Treatment Agreement outside the treaty that will detail how the Kitselas government will be treated within the federal and provincial taxation systems

The Parties have substantially completed this chapter.

Resource Revenue Sharing

Resource revenue sharing is usually negotiated as part of the fiscal arrangement of a treaty. The Resource Revenue Sharing chapter will outline how Canada and British Columbia may share resource revenues with Kitselas.

The Parties have yet to begin negotiation of this chapter.

Culture And Heritage

The Culture and Heritage Chapter will define Kitselas ability to promote and protect their language, culture and heritage and will include provisions regarding:

- Kitselas law-making powers with respect to heritage sites and artifacts, including ancient human remains and associated burial objects on Kitselas Lands
- facilitation of the return of artifacts held by the Canadian Museum of Civilization and the Royal British Columbia Museum to Kitselas

- facilitation of the return of Kitselas ancient human remains that may be held by Canada or British Columbia
- a process for which geographic features or places within the Kitselas Territory may be named or renamed with traditional Kitselas names

The Parties have substantially completed this chapter.

Dispute Resolution

The Dispute Resolution Chapter will:

- establish a process for resolving disputes between the Parties over the interpretation, application or implementation of the treaty or a breach or anticipated breach of the treaty
- define the dispute resolution process that can include informal negotiation, facilitated negotiation, mediation, arbitration or adjudication

This chapter is basically complete .

Eligibility And Enrolment

The Eligibility and Enrolment Chapter will define who will be a member of Kitselas and eligible to be enrolled in the Kitselas treaty and will:

- set out the eligibility criteria for enrolment as a beneficiary under the Kitselas treaty
- describe the process for applying for enrolment and appealing an enrolment decision
- establish an Enrolment Committee and Enrolment Appeal Board

The Parties have substantially completed this chapter with the exception of the eligibility criteria.

Approval Of Agreement-in-principle

The Approval of the Agreement-in-Principle Chapter will:

- describe the process that each of the three Parties will follow to approve the AIP, in order to progress to Final Agreement negotiations

The Parties have completed this chapter.

Ratification of the Final Treaty

The Ratification Chapter will:

- describe the process that each of the three Parties will follow to give effect to the Kitselas Final Agreement
- establish voter eligibility criteria for ratification by Kitselas members

- provide for the establishment of a Ratification Committee with members from Kitselas, Canada and British Columbia to oversee the Kitselas ratification process

The Parties have completed this chapter.

Indian Act Transition

The Indian Act Transition Chapter will:

- identify those provisions of the Indian Act that will continue after the Kitselas Treaty comes into force
- provide for the transition from a Kitselas band council under the Indian Act to a Kitselas government under the treaty

This chapter is basically complete.

Implementation

The Implementation Chapter will include provisions that address:

- the requirement of Kitselas, Canada and British Columbia to develop an Implementation Plan to bring the Kitselas Treaty into operation
- the establishment of an Implementation Committee with members from Kitselas, Canada and British Columbia to discuss issues arising during the implementation process and to produce annual implementation reports

The Parties have substantially completed this chapter.

KITSELAS TREATY OFFICE

KITSELAS TREATY NEGOTIATIONS DISCUSSION PAPER

AGREEMENT IN PRINCIPLE
CHAPTER 24 AND CHAPTER 25

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Kitselas Discussion Paper

Kitselas and Kitsumkalum have been working together negotiating a Land Claims Agreement with Canada and British Columbia, and the two Bands are close to an “Agreement in Principle.” It is important to remember, in negotiations the word “close” could mean one or two years from now, or even longer.

An Agreement in Principle is a list to things, or in Treaty language “substantive Issues” that all parties agree will be included in negotiations for a Land Claims Settlement. The instrument used to record a Land Claims Agreement is called a “Treaty”. It is important to remember that an Agreement in Principle is NOT a Lands Claims or Final Agreement. The Agreement in Principle (AIP) is NOT a Treaty.

The negotiators for Kitselas and Kitsumkalum do not have the authority or the mandate to approve the AIP. In the draft AIP you will see, in front of each clause:

<p>AP by Can, BC, Ks, Km, —, —, — 4/10/07</p>	<p><u>AP</u> – means Approved.</p> <p><u>Can</u> – means the Chief Negotiator for Canada has agreed to recommend the clause to the Minister of Indian Affairs.</p> <p><u>BC</u> – means the Chief negotiator for British Columbia has agreed to recommend the clause to the British Columbia Attorney General.</p> <p><u>Ks.</u> – means the Kitselas negotiator has agreed to recommend the clause to the Kitselas membership for approval.</p> <p><u>Km</u> – means the Kitsumkalum negotiator has agreed to recommend the clause to the Kitsumkalum membership for approval.</p> <p><u>4/10/07</u> - means the date of the meeting the clause was approved.</p> <p>—, —, — The 3 short lines mean Kitasoo, Hartley Bay and Metlakatla have not agreed to this clause.</p>
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Clause 2 in Chapter 24 reads, “The {TFN} First Nation will have approved this Agreement (AIP) when it is signed by the Chief Negotiator of the {TFN} (Kitselas) First Nation after a

community approval process.” (page 190). The following describes the recommended community approval process:

- The Treaty Team will spend from three to six months reviewing and explaining the AIP to all Kitselas members regardless of where they live.
- Meetings will be held in Kitselas for the people who live on either Gitaus or Kulspai.
- Meetings may be held in Terrace for Kitselas people living in Terrace.
- Meetings will be held in Vancouver and Prince Rupert to reach Kitselas people.
- At the same time we will mail all the information to all Kitselas members to make sure those who are unable to attend meetings, have the same information.
- After we have completed the information sessions and are confident that the people are informed on the content of the AIP. A community meeting will be called to ask the people attending for permission to take the AIP to a referendum.
- At the meeting a motion will be proposed, the motion will probably read:
- Whereas: the proposed Agreement in Principle has been reviewed and is understood by the members of the Kitselas Nation. Therefore be it resolved that the Kitselas Treaty Office conduct a referendum to propose acceptance of the AIP and to proceed to Final Agreement negotiations.

If the motion is passed, a referendum will be held. The referendum will have three possible outcomes:

1. If the “Yes” vote is over 50%, the AIP will be considered approved.
2. If the “Yes” vote is less than 50%, it will be considered rejected and may be sent back to the treaty table for further negotiations.
3. If the AIP is rejected, it could mean Kitselas Treaty efforts are terminated and Land Claims negotiations postponed to a future generation.

If the AIP is approved, stage four of the BC Treaty Commission process will be complete and Kitselas will move into stage five. Final Agreement negotiations will begin. The negotiations will be based on the content of the Agreement in Principle. Final agreement negotiations are a completely new set of negotiation and are much more intense and exact, and will require the extensive use of hired experts to make sure the agreement in fact means what the people intend it to mean.

The experience of other groups who have completed Final Agreement negotiations tell us, because the AIP is not a binding agreement, Final agreements tend to include more than what is in an AIP. There may be some things not in the AIP that can be negotiated in a Final Agreement. The end of the AIP negotiations is the beginning of REAL Treaty negotiations.

Once the negotiators are satisfied they have reach the best agreement possible the following will happen:

- The Treaty Team will, taking as much time as necessary, review and explain the Final Agreement to all Kitselas members regardless of where they live.
- Information Meetings will be held in Kitselas for the people who live on either Gitau or Kulspai.
- Information meetings may be held in Terrace for Kitselas people living in Terrace.
- Information meeting will be held in Vancouver and Prince Rupert to reach Kitselas people.
- At the same time we will mail all the information to all Kitselas members to make sure those who are unable to attend meetings, have the same information.
- After we have completed the information sessions and are confident that the people are well informed not only on what it contains, but also the effect of the agreement. A community meeting will be called to ask the people attending for instructions to take the Final Agreement to a referendum.
- At the meeting a motion will be proposed, the motion will probably read:

- Whereas: the proposed Final Agreement has been reviewed and is understood by the members of the Kitselas Nation. Therefore be it resolved that the Kitselas Treaty Office conduct a referendum to accept the Final Agreement as the full and final settlement of the Kitselas Land Claims.

The Referendum will have two possible outcomes:

1. If the vote is over 50% “Yes” votes, of **all** of the Kitselas people registered to vote, the Final agreement will be considered approved. (the registration process will be explained in the “Enrollment and Eligibility Chapter”.)
 - a. British Columbia will then introduce and pass in the Provincial Legislature a law which will make the agreement legally binding in British Columbia.
 - b. Canada will introduce and pass a similar law in Parliament which would recognize the Kitselas Treaty in Canada and protected by the Canadian Constitution.
2. If the result of the vote is less than 50%, the final Agreement will be rejected and the Kitselas Treaty negotiations will come to an end. The BC Treaty Commission has no process on continuing negotiations if stage five fails. Stage six is the Implementation of a Final agreement.

Chapter 24

Question and Answer Sheet

Approval of the Agreement in Principle

When is the Agreement in Principle considered complete?

The AIP is considered complete when the Kitselas Negotiator, the Chief Negotiator for Canada and the Chief Negotiator for BC, all agree that the AIP is complete. Once they agree they will initial the agreement but they will not sign it.

How will the AIP be approved?

The People of Kitselas will decide for themselves how the AIP will be approved. It could be as simple as a motion to accept at a community meeting or a vote by referendum by all Kitselas members.

Canada will approved the AIP when it is agreed to by the federal Cabinet.

British Columbia will approved the AIP when it is agreed to by the Provincial Cabinet.

If the Kitselas people approve the AIP and Canada and BC Cabinets approve, it will be signed by the Kitselas negotiator and the Tsimshian Chief Negotiator and Cabinet Ministers from Canada and British Columbia.

What happens when the AIP is approved?

Approval of the AIP will be the end of stage 4 and the beginning of stage 5. Stage 5 is the negotiations for a final agreement for a treaty. The Agreement in Principle once signed is not legally binding on Kitselas, Canada or British Columbia, but will be used as a guide to negotiate a treaty in Stage 5.

CHAPTER 24 - APPROVAL OF THE AGREEMENT-IN-PRINCIPLE	
AP by Can, BC, Ks, Km, —, —, — 06/07/05	1. This Agreement will be submitted to the Parties for approval after it has been initialled by the Chief Negotiators for Canada and British Columbia and the {TFN} First Nation.
AP by Can, BC, Ks, Km, —, —, — 06/07/05	2. The {TFN} First Nation will have approved this Agreement when it is signed by the Chief Negotiator of the {TFN} First Nation after a community approval process.
AP by Can, BC, Ks, Km, —, —, — 06/07/05	3. Canada will have approved this Agreement when it is signed by a Minister authorized to do so by the federal Cabinet.
AP by Can, BC, Ks, Km, —, —, — 06/07/05	4. British Columbia will have approved this Agreement when it is signed by a Minister authorized to do so by the provincial Cabinet.
AP by Can, BC, Ks, Km, —, —, — 06/07/05	5. This Agreement is not legally binding.

Chapter 25

Question and Answer Sheet

Overview ratification

This chapter sets out the rules for the ratification of the Treaty and the Kitselas Constitution.

Who must ratify the Treaty before it comes into effect?

Kitselas, British Columbia and Canada.

What steps are required for the Kitselas Nation to ratify the Treaty?

- > The calling of an assembly of Kitselas, to consider the Treaty and whether to refer the Treaty to a referendum.
- > At the assembly, a simple majority voting to refer the Treaty to a referendum.
- > The conducting of a referendum on the Treaty, as described below.
- > In the referendum, at least 50 per cent plus one of all eligible voters must vote to accept the Treaty.

What happens if an eligible voter does not vote?

Every eligible voter who does not vote will be counted as a vote against the Treaty.

What is the Ratification Committee?

The Committee established by Kitselas to ensure an independent, fair and accurate referendum. The Ratification Committee includes a member named by Canada and a member named by British Columbia.

What does the Ratification Committee do?

The Committee takes steps to enable the Kitselas to review the Treaty, publishes a preliminary voters list based on the information provided by the Enrolment Committee, publishes and updates an official voters list, approves the ballot for the referendum, provides general directions to voting officers and conducts and counts the vote.

What steps are required for Canada and British Columbia to ratify the Treaty?

- > Signing of the Treaty by a federal Minister of the Crown, and enactment of settlement legislation by the federal Parliament.

> Signing of the Treaty by a provincial Minister of the Crown, and enactment of settlement legislation by the provincial Legislative Assembly.

CHAPTER 25 – RATIFICATION OF THE FINAL AGREEMENT	
	General
AP by CA, BC, Ks, Km, __ Nov/07	1. The Final Agreement will be legally binding once ratified by all of the Parties in accordance with the Ratification Chapters of the Final Agreement.
AP by CA, BC, Ks, Km, __ Nov/07	2. The Final Agreement will be submitted to the Parties for ratification as set out in the Final Agreement after it has been initialled by Chief Negotiators for Canada and British Columbia and the {TFN} First Nation.
	Ratification by {TFN} First Nation
AP by Can, BC, Ks, Km, __'__'__ 06/07/05	3. The Parties will establish a Ratification Committee, with equal representation of each of the Parties, to be responsible for the {TFN} First Nation ratification process, including preparing a list of eligible voters, as set out in the Final Agreement.
AP by Can, BC, Ks, Km, __'__'__ 06/07/05	4. An eligible voter will be a person who:
AP by CA, BC, Ks, Km, __ Nov/07	a) is enrolled or is conditionally enrolled under the Eligibility and Enrolment Chapter; and
AP by Can, BC, Ks, Km, __'__'__ 06/07/05	b) meets any other criterion set out in the Final Agreement.
AP by Can, BC, Ks, Km, __'__'__ 06/07/05	5. The Final Agreement will set out the minimum age for an eligible voter on the day of voting.
AP by CA, BC, Ks, Km, __ Nov/07	6. Ratification of the Final Agreement by the {TFN} First Nation requires:
AP by CA, BC, Ks, Km, __ Nov/07	a) that {TFN} First Nation voters have a reasonable opportunity to review the Final Agreement;
AP by Can, BC, Ks, Km, __'__'__ 06/07/05	b) a vote, by way of a secret ballot;

AP by CA, BC, Ks, Km, __ Nov/07	c) that a majority of eligible voters of the {TFN} First Nation vote in favour of the Final Agreement;
AP by Can, BC, Ks, Km, __' __' __ 06/07/05	d) ratification of the {TFN} First Nation Constitution through the process set out in the Final Agreement; and
AP by CA, BC, Ks, Km, __ Nov/07	e) the Final Agreement be signed by the authorized representative(s) of the {TFN} First Nation.

	Ratification by Canada
AP by CA, BC, Ks, Km, __ Nov/07	7. Ratification of the Final Agreement by Canada requires:
AP by CA, BC, Ks, Km, __ Nov/07	a) that the Final Agreement be signed by a Minister authorized by the federal Cabinet; and
AP by CA, BC, Ks, Km, __ Nov/07	b) the coming into force of federal legislation giving effect to the Final Agreement.
	Ratification by British Columbia
AP by CA, BC, Ks, Km, __ Nov/07	8. Ratification of the Final Agreement by British Columbia requires:
AP by CA, BC, Ks, Km, __ Nov/07	a) that the Final Agreement be signed by a Minister authorized to do so; and
AP by CA, BC, Ks, Km, __ Nov/07	b) the coming into force of provincial legislation giving effect to the Final Agreement.
	Ratification of the {TFN} First Nation Constitution
AP by Can, BC, Ks, Km, __', __', __' 06/07/05	9. Ratification of the {TFN} First Nation Constitution by the {TFN} First Nation requires:
AP by Can, BC, Ks, Km, __', __', __' 06/07/05	a) that the voters of the {TFN} First Nation have a reasonable opportunity to review their {TFN} First Nation Constitution;
AP by Can, BC, Ks, Km, __', __', __' 06/07/05	b) a vote, by way of a secret ballot; and
AP by Can, BC, Ks, Km, __', __', __' 06/07/05	c) that a majority of the eligible voters in the {TFN} First Nation vote in favour of adopting their {TFN} First Nation Constitution.

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