

Kitselas Treaty and Kitsumkalum Treaty Governance Fact Sheet

After more than three decades, the Government of Canada (Canada), the Province of British Columbia (B.C.), Kitsumkalum First Nation (Kitsumkalum) and Kitselas First Nation (Kitselas) have concluded negotiations on two modern treaties. Initialling the treaties in summer 2024 signalled the conclusion of substantive negotiations, subject to certain caveats such as legal and technical review and ongoing consultation with neighbouring First Nations. It also set the stage for an approval process called ratification, in which the First Nation, B.C. and Canada each seek approval to sign the treaty before it can come into effect.

In 2025, First Nations began the ratification process with eligible voters from each First Nation voting overwhelmingly in favour of ratifying their respective treaties and self-government constitutions —Kitselas in April and Kitsumkalum in November. Now B.C. and Canada are undergoing their own respective ratification processes, which will take a couple years to complete. On April 15, 2026, B.C. introduced provincial treaty implementation legislation — the Kitselas Treaty Act, 2026 — in the B.C. Legislature as the first step in the provincial government's ratification of the Kitselas Treaty. B.C. aims to introduce the Kitsumkalum Treaty Act in the Legislative Assembly in 2026 as part of provincial ratification.

Modern treaties are an important part of advancing reconciliation, righting past wrongs and recognizing First Nations self-governance and self-determination. Treaties create jurisdictional and operational certainty for everyone in the region where they are concluded, while supporting partnerships, economic development and community social well-being. Treaties are informed by the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission's Calls to Action. For many years, organizations, businesses, interest holders, local governments and people in the Skeena area have been informed in these negotiations on various elements of the treaties and will continue to be informed as each government ratifies the agreements.

Treaties address a wide range of interests between a First Nation, B.C. and Canada. One of those is governance and self-determination. This fact sheet provides information on governance aspects of the Kitselas Treaty and Kitsumkalum Treaty. Learn more at <https://engage.gov.bc.ca/KitselasKitsumkalumTreaties>. If you have questions, please contact: Kitselas.Kitsumkalum@gov.bc.ca.

What is self-government for Treaty Nations?

Recognition of the right of self-government and Indigenous law-making authority is a central part of the treaties. The shift away from the *Indian Act* is foundational. A treaty creates a stronger framework for a First Nation's governance and recognizes a broader set of authorities for the First Nation to govern its lands and members.

Treaties recognize the inherent right of First Nations to self-govern and establish laws over matters integral to the Treaty Nation's governance, such as certain programs, services, and lands and resources. They also enable Treaty Nations to fully participate in regional government bodies as voting members. In democratic votes held in 2025, eligible voters of Kitselas First Nation (April 10) and Kitsumkalum First Nation (November 1) both voted in favour of ratifying its respective treaty and self-government constitution. A self-government constitution enables a First Nation to make its own decisions as a government.

What kind of law-making authority would Kitselas and Kitsumkalum have under their treaties?

The treaties contain law-making authority for Kitselas and Kitsumkalum on matters related to treaty lands, resources on those lands, and other areas of governance, such as culture and heritage. Areas of authority also include the delivery of health services, education, land management and public works.

Would the *Indian Act* still apply?

Apart from determining Indian status, after a transition period, the *Indian Act* would no longer apply to Kitsumkalum, Kitselas, its lands or members. The treaty provides that section 87 of the *Indian Act* applies to eligible persons in qualified circumstances.

Instead, constitutionally protected self-government provisions in the treaties would enable Kitselas and Kitsumkalum to make their own decisions as governments. These decisions include matters related to cultural preservation, social programs, education, government operations, property taxation, land

management and economic opportunities and partnerships. The Constitution of Canada and the *Canadian Charter of Rights and Freedoms* would apply to both First Nation governments.

How would Treaty Nation laws and laws of B.C. and Canada interact?

Kitselas and Kitsumkalum laws, provincial laws and federal laws will all apply on each First Nation's treaty lands. In matters where Kitselas and Kitsumkalum have law-making authority, the treaty sets out which law prevails if a Kitselas or Kitsumkalum law conflicts with a federal or provincial law.

In areas related to internal matters, Kitselas and Kitsumkalum laws would generally have priority over conflicting federal and provincial laws. Examples include government administration, use of treaty lands, Kitselas and Kitsumkalum assets on these lands, culture and heritage, and citizenship.

In other areas, federal and provincial laws would have priority in a conflict with Kitselas and Kitsumkalum laws, such as environmental protection. Conflicts between laws are expected to be infrequent. However, should a conflicting law arise, the treaty clearly delineates the relationship of laws and the prevailing law in the event of a conflict, should the parties disagree on their respective jurisdictions or the relationship of laws.

How do First Nations governments and governance on treaty lands relate to municipal governments?

Kitselas and Kitsumkalum treaty lands will not form part of any municipality or regional district electoral area. Treaty lands are not part of a regional district, unless Kitselas or Kitsumkalum becomes a member. Kitselas and Kitsumkalum treaty lands do form part of the North West Regional Hospital District, regardless of whether they have joined the Regional District.

Each First Nation has governance authority over its own treaty lands. Kitselas and Kitsumkalum are responsible for managing their intergovernmental relations with local governments and may enter into agreements with local governments to provide services. Both First Nations own lands within the City of Terrace and some of those lands will not become treaty land but remain land owned in fee simple by the Nations, under municipal jurisdiction.

The treaties provide for the option to turn lands owned by the First Nations into treaty lands. There is a specific process outlined in the treaties, which would require the consent of B.C. and Canada.

Do local government bylaws apply to treaty land?

No. Local government bylaws will not apply on treaty lands. Treaties recognize the inherent right of First Nations to self-govern. Kitselas and Kitsumkalum would create their own government laws on treaty lands to be regulated by the First Nation.

Why do Kitselas and Kitsumkalum have to ratify self-government constitutions?

Under the treaties, Kitselas and Kitsumkalum communities must ratify a constitution for their First Nation. This is an important part of the ratification process, which involves a democratic vote.

These constitutions contain guiding governance rules for each First Nation, similar to how the Canadian Constitution contains core provisions and takes precedence over other federal law in Canada. Among other things, the constitutions must provide that the Kitselas government and Kitsumkalum government are democratically and financially accountable to their members. The Kitselas constitution and Kitsumkalum constitution would come into force on the effective dates of the treaties.

What does treaty ratification mean?

Ratification is the approval process that the treaties must go through before they can come into effect. The first step is a vote by eligible voters of the First Nation on whether to enter into the treaty. To pass, the treaty must both be approved by a double majority vote, whereby more than 50% of eligible voters vote and of those, more than 50% vote for the treaty. In 2025, eligible voters from each First Nation voted overwhelmingly in favour of ratifying their respective treaties and self-government constitutions —Kitselas on April 10 and Kitsumkalum on November 1.

On April 15, 2026, B.C. introduced provincial treaty implementation legislation — the Kitselas Treaty Act, 2026 — in the B.C. Legislature as the first step in the provincial government's ratification of the Kitselas Treaty. B.C. aims to introduce the Kitsumkalum Treaty Act in the Legislative Assembly in 2026 as part of provincial ratification.

Following the passage of provincial treaty legislation, all parties need to sign the treaty. Following treaty signing, federal treaty implementation legislation would be introduced. If successfully ratified, the treaty comes into effect on the "effective date," which is typically a few years after it is signed. On the effective date, treaty lands are owned by the Treaty Nation and the Treaty Nation government operations begin.