

## K'ómoks Treaty Governance Fact Sheet

After more than three decades, the Government of Canada (Canada), the Province of British Columbia (B.C.), and K'ómoks First Nation (K'ómoks) have concluded negotiations on the K'ómoks Treaty and the parties are ratifying the treaty through their respective processes. Initialling the K'ómoks Treaty 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 undergo processes to sign the treaty and bring it into effect.

On March 8, 2025, in the first step of ratification, K'ómoks First Nation held its ratification vote for eligible voters, who voted in favour of ratifying their treaty and self-government constitution. Now B.C. and Canada are undergoing their own respective ratification processes, which will take a few years to complete. On April 14, 2026, B.C. introduced provincial treaty implementation legislation — the K'ómoks Treaty Act, 2026 — in the B.C. Legislature as the first step in the provincial government's ratification of the K'ómoks Treaty.

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, while supporting partnerships, economic development and community 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 Comox Valley have been informed in these negotiations on various elements of the treaty and will continue to be informed as each government ratifies the agreement.

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 K'ómoks Treaty. Learn more at <https://engage.gov.bc.ca/KomoksTreaty>. If you have questions, please contact: [komoks.treaty@gov.bc.ca](mailto:komoks.treaty@gov.bc.ca)

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### **What is self-government for Treaty Nations?**

Recognition of the right of self-government and Indigenous law-making authority is a central part of 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 set out the authority to 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.

On March 8, 2025, eligible voters of K'ómoks First Nation voted in favour of ratifying their treaty and self-government constitution in a democratic vote. The self-government constitution enables K'ómoks to make its own decisions as a government.

### **What kind of law-making authority would K'ómoks have under its treaty?**

The K'ómoks Treaty contains law-making authority for K'ómoks on matters related to treaty lands, resources on those lands, and other areas of governance, such as culture and heritage. K'ómoks 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 K'ómoks, 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 treaty will enable K'ómoks to make its own decisions as a government. 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 the First Nation government.

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

K'ómoks laws, provincial laws and federal laws will all apply on K'ómoks treaty lands. In matters where K'ómoks has law-making authority, the treaty sets out which law prevails if a K'ómoks law conflicts with a federal or provincial law.

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

In other areas, federal and provincial laws would have priority in a conflict with K'ómoks laws, such as in relation to 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?**

K'ómoks treaty lands will not form part of any municipality or regional district electoral area. Treaty lands are not part of a regional district, unless K'ómoks becomes a member.

K'ómoks has governance authority over its own treaty lands. K'ómoks is responsible for managing its intergovernmental relations with local governments and may enter into agreements with local governments to provide services. The existing service agreement between K'ómoks and the Regional District for sewer and water would continue. The treaty also provides for the opportunity for K'ómoks to fully participate in regional government bodies.

The treaty provides for the option to turn lands owned by the First Nation into treaty lands. There is a specific process outlined in the treaty, which would require the consent of B.C. and Canada, and considers municipal engagement. The Crown duty to consult on any potential adverse effects on the rights of other Indigenous groups must also be met before B.C. and Canada would agree to turn lands owned by the First Nation into treaty lands.

### **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. K'ómoks would create its own government laws on treaty lands to be regulated by the First Nation.

### **Why does K'ómoks have to ratify their self-government constitution?**

Under the treaty, K'ómoks members must ratify a constitution for their First Nation. This is an important part of the ratification process, which involves a democratic vote (held on March 8, 2025).

The constitution contains guiding governance rules for a First Nation, similar to how the Canadian Constitution contains core provisions and takes precedence over other federal law in Canada. Among other things, the constitution must provide that the K'ómoks government is democratically and financially accountable to its members. The K'ómoks constitution would come into force on the treaty's effective date.

### **What does treaty ratification mean?**

Ratification is the approval process that the treaty must go through before it can come into effect. The first step is a vote by K'ómoks eligible voters 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. On March 8, 2025, K'ómoks eligible voters overwhelmingly voted in favour of ratifying the treaty and self-government constitution.

On April 14, 2026, B.C. introduced provincial treaty implementation legislation — the K'ómoks Treaty Act, 2026 — in the B.C. Legislature as the first step in the provincial government's ratification of the K'ómoks Treaty. 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.