

# Certainty

The Tsawwassen Final Agreement was negotiated by the Government of Canada, the Government of British Columbia and Tsawwassen First Nation. It is the second Final Agreement reached in the province under the British Columbia treaty process. The Final Agreement provides Tsawwassen First Nation with certain rights and benefits regarding land and resources, and self-government over its lands and resources and its members. It provides certainty with respect to ownership and management of lands and resources and the exercise of federal, provincial and Tsawwassen governmental powers and authorities.

The negotiation of a Final Agreement marks Stage Five of the six-stage British Columbia treaty process, and is the conclusion of substantive treaty negotiations. Once ratified by all parties, the Final Agreement will become a treaty through legislation. It will be a constitutionally-protected legal agreement that creates mutually binding obligations and commitments.

## THE BENEFITS OF CERTAINTY

Section 35(1) of the *Constitution Act, 1982* recognizes and affirms existing Aboriginal rights and title; however, in the absence of a treaty, there is uncertainty as to the nature, scope and content of those rights.

A fundamental goal of a treaty is to achieve certainty. This means that the ownership and use of lands and resources will be clear and will result in predictability for continued development and growth in the province. Ongoing uncertainty has sometimes delayed or disrupted economic activities, resulting in lost investment estimated to be

in the billions of dollars. Court cases have been and continue to be costly and divisive.

A treaty will bring certainty with respect to Tsawwassen First Nation's rights to use, own and manage lands and resources throughout its claimed traditional territory, which covers over 279,600 hectares, including the waters in the southern Strait of Georgia. It will provide Tsawwassen First Nation with modern governance tools to build strong and workable relationships with other governments, including federal, provincial and local governments.

Canada, British Columbia and Tsawwassen First Nation

intend that a treaty will resolve long-standing issues regarding undefined Aboriginal rights and title, and bring certainty and economic benefits not only to Tsawwassen members, but also to the entire region.

## FULL AND FINAL SETTLEMENT

Once ratified, the treaty will provide full and final settlement in respect of the Aboriginal rights, including title, of Tsawwassen First Nation. It sets out the section 35 rights of Tsawwassen First Nation, the attributes and the geographic extent of those rights, and the limitations to those rights to which Canada, British Columbia, and Tsawwassen First Nation have agreed.

The treaty can be amended after it is ratified, but all three parties – Canada, British Columbia and Tsawwassen First Nation – must be in agreement. Once the treaty is ratified, there is no provision to allow one party to alter it unilaterally.

## DISPUTE RESOLUTION

In ratifying the Final Agreement, Canada, British Columbia and Tsawwassen First Nation agree to develop respectful working relationships and to identify and resolve issues early, efficiently and collaboratively. In the event of a dispute, the parties will participate in a prescribed dispute resolution process.

## TSAWWASSEN FIRST NATION – LAND FACING THE SEA

The Tsawwassen are proud, sea-faring Coast Salish people who have long travelled and fished the waterways of the southern Strait of Georgia and lower Fraser River.

The main Tsawwassen community is located on the waterfront adjacent to Delta. Tsawwassen First Nation lists its membership at 358 people, about half of whom live on reserve.

*If you would like more information about the Tsawwassen Final Agreement, contact:*

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