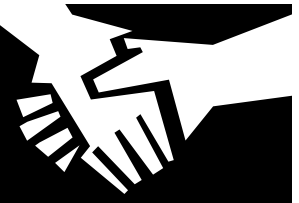


# Nisga'a final agreement

ISSUES & RESPONSES



## Certainty

### THE ISSUE:

**Canadian taxpayers are investing a lot in the Nisga'a Final Agreement. The Nisga'a are getting land, resources, a new form of government and substantial cash transfers. What do other Canadians get in return?**

### THE ANSWER:

**The Final Agreement provides all Canadians with certainty as it relates to lands and resources originally claimed by the Nisga'a and to the relationship between federal, provincial and future Nisga'a laws. This is a significant gain in the B.C. context where so few treaties exist.**

**A healthy economy is something we all want and is fundamental to every community's success. But economic prosperity is only possible where investors feel secure that their investments will not be jeopardized by disputes over land and resource rights.**

**The Nisga'a Final Agreement clarifies the rights the Nisga'a will have as they relate to lands, resources and governance in the Nass Valley. That means good news for the economy, and prosperity for communities in northwestern B.C.**

**"The Parties intend that this Agreement will provide certainty with respect to ownership and use of lands and resources, and the relationship of laws, within the Nass Area."**

PREAMBLE  
NISGA'A FINAL AGREEMENT

### MORE TO CONSIDER:

#### **What's in the Nisga'a Final Agreement to provide certainty?**

Certainty is a central thread woven throughout the Nisga'a Final Agreement.

First, the Preamble Chapter of the Final Agreement clearly sets out the Parties' intention that certainty be provided with respect to Nisga'a ownership and use of lands and resources, and the relationship of federal, provincial and Nisga'a laws within the Nass Area.

The Final Agreement then sets out all the rights that the Nisga'a have under section 35 of the *Constitution Act, 1982*, the area over which they apply and the limitations to those rights. It does so by modifying any Aboriginal rights the Nisga'a may have and by clearly defining any other rights the Parties have agreed the Nisga'a should exercise.

In addition, through the Final Agreement, the Nisga'a agree not to pursue any claims they may have arising from past infringements of Aboriginal rights.

*more...*



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And finally, as a precaution, the Final Agreement contains an agreement by the Nisga'a to release any Aboriginal rights the Nisga'a may be found to have, to the extent that those rights are different from the rights set out in the Final Agreement.

There's no vagueness about the Nisga'a Final Agreement. The Final Agreement is a full and final settlement of Nisga'a Aboriginal rights.

**Does the wording in the Nisga'a Final Agreement provide the same level of certainty as the clauses commonly found in the treaties of the past?**

This wording ensures that all the rights of the Nisga'a are set out clearly in the Treaty for everyone to understand. This is consistent with the objective achieved historically through treaties.

Canada, British Columbia and the Nisga'a Tribal Council all agree that the Treaty will provide the certainty that is needed to stand the test of time.

**Why doesn't this Final Agreement contain an extinguishment or surrender clause the way that past treaties have?**

Several reports, including the 1994 report of the Standing Committee on Aboriginal Affairs and the 1996 Royal Commission on Aboriginal Peoples, have recommended developing an alternative approach.

Aboriginal people throughout Canada have told the government that they could not accept an agreement that contains "cede, release and surrender" or extinguishment language. They believe that agreeing to these terms would break the spiritual and cultural link they have with their traditional territories and deny their identity as Aboriginal people in Canada.

**Are the certainty provisions in the Nisga'a Final Agreement a model for other treaties?**

Canada is committed to exploring with First Nations and other partners techniques for achieving certainty through treaties. The Nisga'a Final Agreement provides one technique to do this.

**Find more information on the Nisga'a Final Agreement at [www.inac.gc.ca](http://www.inac.gc.ca), or contact:**

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