

Nisga'a final agreement

ISSUES & RESPONSES



Ratification & Implementation

THE ISSUE:

What happens now that the Final Agreement has been concluded? Will the Nisga'a automatically start to receive benefits without British Columbians or other Canadians having any more say in the matter?

THE ANSWER:

Negotiations on the Final Agreement are over, but more work remains before the Nisga'a have a legally binding Treaty with Canada and B.C. Initialing this Final Agreement formally concludes the Nisga'a Treaty negotiation process. Each party has now to undertake a ratification process, beginning with the Nisga'a. The Government of British Columbia would then ratify the Final Agreement. Following acceptance by the Nisga'a and by the provincial government, the Government of Canada will proceed with its ratification process.

The Final Agreement sets out the specific steps to be taken by each Party. For the Nisga'a, the steps include consideration of the Final Agreement at an assembly followed by a referendum. For Canada and B.C. respectively, ratification requires the signature of a Cabinet Minister and the enactment of federal and provincial settlement legislation. These provisions ensure that the Final Agreement is ratified following a fair and legal process.

When the Treaty is ratified, it will become effective and will be implemented according to the terms laid out in the Final Agreement.

MORE TO CONSIDER:

Why are the Nisga'a voting on the Final Agreement in a referendum?

The Nisga'a are required to hold a referendum; they can't ratify the Treaty by any other means. That is because by accepting the Treaty, Nisga'a citizens agree to modify their Aboriginal rights to become the specific rights set out in the Treaty. In addition, through the Treaty, Nisga'a citizens will release any rights they may have that are not in the Treaty or that are different from those set out in the Treaty.

more...



Federal Treaty Negotiation Office

PO Box 11576
2700-650 West Georgia St
Vancouver, BC V6B 4N8

Telephone (604) 775-7114 or
1-800-665-9320
Website <http://www.inac.gc.ca>

Canada
Printed on recycled paper.

It seems like the average Nisga'a has a lot more opportunity to influence the outcome of the ratification process than the rest of us. That doesn't sound fair.

Ordinary Canadians will have the opportunity to influence the course of debate, both in the B.C. Legislature and Parliament. Canadians elect their lawmakers, and have a right to bring any views they may have to their local representatives.

In addition, citizens representing third-party interests have had an opportunity to influence the outcome of the negotiations throughout the negotiation process through the Kitimat-Skeena Regional Advisory Committee, local fisheries and forestry advisory committees, and the Treaty Negotiation Advisory Committee, which comprises 31 members representing various third parties. Their views have been taken into account during the negotiations.

How will the government know that only Nisga'a people are voting in their referendum?

The Final Agreement contains a list of eligibility criteria that a person must meet in order to vote on the Treaty. The criteria are largely based on Nisga'a ancestry and require applicants to establish that ancestry.

What happens once the Final Agreement is ratified?

The implementation process will begin. The general terms of the implementation are laid out in the Treaty, with details provided in a supplementary Implementation Plan. The plan identifies the timing for activities, how they will be carried out, and who will be responsible for them.

The amount of time required for implementation will vary between sections of the Treaty. Some parts of the Treaty can be implemented soon after the deal is ratified. Others, like the taxation provisions, may take more than a decade to implement fully.

Find more information on the Nisga'a Final Agreement at www.inac.gc.ca, or contact:

Federal Treaty Negotiation Office

PO Box 11576

2700-650 West Georgia St

Vancouver, BC V6B 4N8

Telephone (604) 775-7114

or toll free 1-800-665-9320