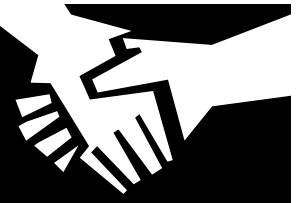


Nisga'a final agreement

ISSUES & RESPONSES



Governance

THE ISSUE:

Some critics say the Final Agreement will establish a racially based third order of government and give the Nisga'a special laws. "This is unfair," the critics say. "It's special treatment that other Canadians don't get."

THE ANSWER:

The Nisga'a will not get special treatment under the terms of a treaty. Simply put: there are no provisions in the Final Agreement for racially based laws or for a third order of government.

Nisga'a Tribal Council Chief Joseph Gosnell has frequently reiterated that the Nisga'a want to participate in Canadian society, not opt out of it. The Final Agreement provides a fair opportunity for the Nisga'a to manage their affairs in a fashion similar to other local governments, and subject to the overarching laws and principles of the *Canadian Charter of Rights and Freedoms* and the *Criminal Code of Canada*.

MORE TO CONSIDER:

How will the Nisga'a Government compare with other local governments?

The Nisga'a Government will function under the umbrella of federal and provincial legislation, just like other local governments. Generally, if there is a conflict between Nisga'a laws and those of Canada and British Columbia, the federal or provincial legislation will prevail. It's true that there are some exceptions where Nisga'a laws will have priority, but they are limited and defined. In general, they concern matters that are internal and local such as culture, or include a condition that the laws meet existing government standards, such as for social services.

If the Treaty is at least partly about Aboriginal rights, doesn't that imply that the benefits the Nisga'a will get are race-based?

The Nisga'a will receive certain benefits in the Treaty precisely because their Aboriginal rights are *legal* rights.

The Courts and the constitution of Canada have recognized that Aboriginal peoples' prior presence in Canada has given them a status and rights as Aboriginal people of Canada and that those existing Aboriginal and treaty rights are protected by the constitution. The fact that these rights exist means that First Nations people have unique rights; it does not mean that they have "better" rights.

more...



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What about the rights of people who live within the boundaries of the Nisga'a Lands? Can the Nisga'a Central Government make laws that affect them? Will they have any say in those laws?

Everyone on Nisga'a lands will continue to enjoy the same rights and freedoms under the *Canadian Charter of Rights and Freedoms*. Everyone will continue to be subject to the *Criminal Code of Canada*. Federal and provincial laws that are in force for all residents of British Columbia will also apply to everyone living on the Nisga'a Lands. Some local Nisga'a laws, such as traffic and transportation, will apply to all residents of Nisga'a Land, but in the majority of cases Nisga'a laws will pertain only to Nisga'a citizens.

The Nisga'a Government will be required to consult with other residents of Nisga'a Lands about decisions that significantly and directly affect them. Residents who are not Nisga'a will be able to participate in Nisga'a public institutions, such as on school, health and police boards, whose activities affect them. Participation can include eligibility to vote and run for office, guaranteed seats with voting powers and the right to appear before elected bodies.

What about future Aboriginal governments in British Columbia? Will they be like the Nisga'a Government?

Not necessarily. Treaties respond to local needs, and what works in the Nass Valley won't necessarily work in other areas.

There are also other self-government models in B.C. Take the Sechelt Government, for example. It has been managing Sechelt affairs just north of Vancouver since the mid-eighties. It's not like the Nisga'a model, but rather reflects the Sechelt's needs.

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

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