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NISGAANATION.CA

## NOTICE TO NISGA'A CITIZENS

### Nisga'a Nation Commences Dispute Resolution Proceedings against Canada and British Columbia to Protect Nisga'a Treaty Rights

**October 11, 2019 – New Aiyansh, B.C.** – As a result of persistent breaches of the historic Nisga'a Final Agreement (the "Nisga'a Treaty") by the federal and provincial governments, Nisga'a Lisims Government commenced dispute resolution proceedings today in order to try to persuade those governments to honour and respect the commitments made to the Nisga'a Nation almost 20 years ago. Many of the breaches of the Treaty relate to federal and provincial governments ignoring Nisga'a Treaty rights while giving priority to unproven and undefined rights asserted by the Nisga'a Nation's neighbours.

The current federal and provincial governments have each purported to implement policies of recognizing assertions of Aboriginal rights, without a requirement for the asserted rights to be plausible, much less proven or defined by the relevant Indigenous groups. These federal and provincial approaches, while superficially attractive, have not taken into account the fact that many Indigenous groups assert rights in areas where modern treaty parties, such as the Nisga'a Nation, already have established treaty rights and interests, and the implementation of these policies by Canada and British Columbia in recent years has resulted in repeated breaches of the Nisga'a Treaty.

"The Nisga'a Nation, through the *Calder* case, and decades of negotiation and compromise, established our constitutionally protected treaty rights," said Eva Clayton, President of the Nisga'a Nation. "Our neighbours have not yet come to this point, but yet assert broad rights and title that are inconsistent with or undermine our treaty interests. And, unfortunately, the federal government and provincial government have each taken steps which recognize or accommodate our neighbours' assertions in a way that has ignored our treaty rights and undermined the promises made to us by the Crown. The purpose of these proceedings is to ensure that Canada and British Columbia comply with and implement our Treaty on the terms that the parties agreed and intended, and regardless of any policy changes implemented by subsequent governments."

The Dispute Resolution Chapter of the Nisga'a Treaty sets out processes to address breaches or the improper implementation of the Nisga'a Treaty. Nisga'a Lisims Government is utilizing these processes to resolve numerous breaches of the Nisga'a Treaty by Canada and British Columbia. The proceedings will follow the stages set out in the Dispute Resolution Chapter, starting with informal collaborative negotiations.

"It is unfortunate that Nisga'a Lisims Government was forced to take this step against the federal and provincial governments," said President Clayton. "This dispute is not with our neighbours, it is with our treaty partners. We have an obligation to our citizens to ensure their treaty rights are respected and protected, and that is what we will accomplish through these proceedings."