



For Immediate Release

BC Court of Appeal upholds constitutionality of Nisga'a Treaty

Gitlaxt'aamiks, BC, February 5, 2013 – The British Columbia Court of Appeal handed down its decision today upholding the constitutional validity of the Nisga'a Treaty.

The Court of Appeal ruled that “The Treaty has been carefully crafted to respect constitutional principle and to fit into the wider constitutional fabric of Canada. It is what it purports to be: an honourable attempt to resolve important but disputed claims, to achieve reconciliation, and to lay the foundation for a productive and harmonious future relationship between the Nisga'a Nation and the non-Aboriginal population of Canada.”

Mitchell Stevens, President of the Nisga'a Nation, stated “We are delighted that the British Columbia Court of Appeal has arrived at the same result as the British Columbia Supreme Court. The Nisga'a Nation has never doubted that our Treaty is consistent with the Canadian constitution.”

In October 2011, the British Columbia Supreme Court ruled that the challenge to the legal validity of Nisga'a Treaty by James Robinson and Mercy Thomas failed because the Treaty is consistent with the Canadian constitution. A similar challenge to the validity of the Treaty by Gordon Campbell and others was dismissed in 2001 by the BC Supreme Court. After losing their case in Supreme Court, Robinson and Thomas appealed that decision to the Court of Appeal.

Today the Court of Appeal dismissed the appeal and affirmed the constitutionality of the Nisga'a Treaty and the self-government provisions of the Treaty.

The Court of Appeal also ruled that Robinson and Thomas “mischaracterize the effect of the Treaty in material ways. Their misinterpretation of the legal effect of the Treaty substantially undercuts the merits of the core arguments they advance on this appeal. To put the matter baldly, the Treaty does not do what they say it does.”

President Stevens went on to say “The right of Nisga'a self-government is at the heart of our Treaty. Our elders have always said that not only must our ownership of Nisga'a Lands be recognized, but we must also have the right to make decisions for ourselves about our lands and our people. This is the meaning of Nisga'a government – having the right to determine our path towards a better quality of life within Canada. This is the right the Court has re-affirmed today.”

The reasons for judgment can be found at www.nnkn.ca

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