

CHAPTER 22 RATIFICATION

GENERAL

1. Ratification of this Agreement by the Parties in accordance with this Chapter is a condition precedent to the validity of this Agreement and, unless so ratified, this Agreement has no force or effect.

RATIFICATION BY THE NISGA'A NATION

2. Ratification of this Agreement by the Nisga'a Nation requires:
 - a. debate at an assembly of the Nisga'a Nation called to consider this Agreement and to determine whether to refer it to a referendum;
 - b. proposal at that assembly of a motion to refer this Agreement to a referendum;
 - c. adoption of that motion by a simple majority of those voting on that motion;
 - d. conduct, by the Ratification Committee, of the referendum referred to in paragraph 5; and
 - e. that in that referendum, a simple majority of eligible voters vote in favour of entering into this Agreement.
3. All votes cast in a referendum under this Chapter will be by secret ballot.

Ratification Committee

4. The Ratification Committee is a committee established by the General Executive Board of the Nisga'a Tribal Council and governed by rules adopted by the General Executive Board of the Nisga'a Tribal Council. It includes a representative of Canada, selected by the Minister of Indian Affairs and Northern Development, and a representative of British Columbia.
5. Conduct of the referendum by the Ratification Committee requires the following steps:
 - a. preparing and publishing a preliminary list of voters based on the information provided by the Enrolment Committee under paragraph 12 of the Eligibility and Enrolment Chapter;
 - b. taking reasonable steps to provide the opportunity for the Nisga'a Nation to review this Agreement;
 - c. preparing and publishing an official voters list at least 14 days before the first day of general voting in the referendum by:
 - i. determining whether or not each individual whose name is provided to it by the Enrolment Committee is eligible to vote, and
 - ii. including on that list the name of each individual whom the Ratification Committee determines to be eligible to vote in accordance with paragraph 6;

- d. updating the official voters list by:
 - i. at any time before the end of general voting, adding to the official voters list the name of each individual whom the Ratification Committee determines to be eligible to vote in accordance with paragraph 6,
 - ii. adding to the official voters list the name of each individual who votes in accordance with paragraph 7 and whose vote counts in accordance with paragraph 8,
 - iii. removing from the official voters list the name of each individual who died on or before the last day of voting without having voted in the referendum, and
 - iv. removing from the official voters list the name of each individual who did not vote in the referendum and who provides, within seven days of the last scheduled day of voting in the referendum, certification by a qualified medical practitioner that the individual was physically or mentally incapacitated to the point that they could not have voted on the dates set for general voting;
- e. approving the form and content of the ballot;
- f. authorizing and providing general direction to voting officers;
- g. conducting the vote on a day or days determined by the Ratification Committee; and
- h. counting the vote.

Eligible Voters

- 6. An individual is eligible to vote in the referendum if that individual:
 - a. has been enrolled by the Enrolment Committee as a Nisga'a participant in accordance with the eligibility criteria set out in paragraph 1 of the Eligibility and Enrolment Chapter;
 - b. will be at least 18 years of age on the last scheduled day of voting for the referendum referred to in paragraph 5;
 - c. is ordinarily resident in Canada; and
 - d. is not enrolled in any other land claims agreement in Canada.
- 7. An individual who is eligible to vote under paragraph 6, but whose name is not included on the official voters list, may vote in the referendum if that individual:
 - a. provides the voting officer with a completed enrolment application form or evidence satisfactory to the voting officer that the individual has submitted an enrolment application form to the Enrolment Committee;
 - b. provides evidence satisfactory to the voting officer that the individual meets the requirements set out in subparagraphs 6 (b) and (c); and
 - c. declares in writing that they:
 - i. meet the eligibility criteria set out in paragraph 1 of the Eligibility and Enrolment Chapter, and

- ii. are not enrolled in any other land claims agreement in Canada.
8. The ballot of an individual who votes under paragraph 7 counts in determining the outcome of the referendum only if the Ratification Committee determines that the individual is enrolled by the Enrolment Committee and meets the criteria set out in subparagraphs 6 (b), (c), and (d).

Costs

9. Canada and British Columbia will pay the costs of the Ratification Committee as set out in the “Ratification Funding Agreement for a Nisga’a Final Agreement” entered into by the Parties on March 31, 1998.

RATIFICATION BY CANADA

10. Ratification of this Agreement by Canada requires:
- a. that this Agreement be signed by a Minister of the Crown authorized by the Governor in Council; and
 - b. the enactment of federal settlement legislation giving effect to this Agreement.

RATIFICATION BY BRITISH COLUMBIA

11. Ratification of this Agreement by British Columbia requires:
- a. that this Agreement be signed by a Minister of the Crown authorized by the Lieutenant Governor in Council; and
 - b. the enactment of provincial settlement legislation giving effect to this Agreement.

ADOPTION OF THE NISGA’A CONSTITUTION

12. Adoption of the Nisga’a Constitution requires the support of at least 70% of those eligible voters who vote in a referendum on the Nisga’a Constitution.