

Maa-nulth Final Agreement: Certainty

The Maa-nulth Final Agreement was negotiated by the Government of Canada, the Government of British Columbia and the Maa-nulth First Nations. The five Maa-nulth First Nations are Ucluelet First Nation, Huu-ay-aht First Nations, Toquaht Nation, Ka'yu:k't'h/Che: k'tles7et'h' First Nations, and Uchucklesaht Tribe, all located on the west coast of Vancouver Island. The Maa-nulth First Nations represent about 2,000 people. Maa-nulth means "villages along the coast" in the Nuu-chah-nulth language.

The Maa-nulth Final Agreement is among the first Final Agreements reached in the province under the British Columbia treaty process. The Final Agreement sets out each Maa-nulth First Nation's rights and benefits respecting land and resources, and self-government over their lands and resources and their citizens. The Final Agreement provides certainty for all parties with respect to ownership and management of lands and resources and the exercise of federal, provincial and Maa-nulth First Nation governmental powers and authorities.

The negotiation of a Final Agreement marks Stage Five of the six-stage British Columbia treaty process, and is the conclusion of substantive treaty negotiations. Once ratified by all parties, the Final Agreement will become a treaty through legislation. It will be a constitutionally-protected, legal agreement which creates mutually binding obligations and commitments.

THE BENEFITS OF CERTAINTY

Section 35 of the Canadian Constitution recognizes and affirms existing Aboriginal rights and title; however, in the absence of a treaty, there is uncertainty around the nature, scope and content of those rights.

A fundamental goal of a treaty is to achieve certainty. This means that ownership and use of lands and resources will be clear and will result in predictability for continued development and growth in the province. Ongoing uncertainty has sometimes delayed or disrupted economic activities, resulting in lost investment estimated to be in the billions of dollars. Court cases have been and continue to be costly and divisive.

A treaty will bring certainty with respect to each Maa-nulth First Nation's rights to use, own and manage lands and resources throughout its claimed traditional territory. It will provide the Maa-nulth First Nations with modern governance tools to build strong and workable relationships with other governments, including federal, provincial and local governments on the west coast of Vancouver Island.

Canada, British Columbia and the Maa-nulth First Nations intend that a treaty will resolve long-standing issues regarding undefined Aboriginal rights and title, and bring certainty and economic benefits to the entire region.

FULL AND FINAL SETTLEMENT

Once ratified, the treaty will provide the full and final settlement in respect of the Aboriginal rights, including title, of each Maa-nulth First Nation. It sets out the section 35 rights of each Maa-nulth First Nation, the attributes and the geographic extent of those rights, and the limitations on those rights to which Canada, British Columbia, and the Maa-nulth First Nations have agreed.

The treaty can be amended after it is ratified, but all parties – Canada, British Columbia and the Maa-nulth First Nations – must be in agreement. Once the treaty is ratified, there is no provision to allow one party to alter it unilaterally.

DISPUTE RESOLUTION

In ratifying the Final Agreement, Canada, British Columbia and the Maa-nulth First Nations agree to develop respectful working relationships and to identify and resolve issues early, efficiently and collaboratively. In the event of a dispute, the parties will participate in a prescribed dispute resolution process. ■