

## **CERTAINTY**

### **The benefits of certainty**

Section 35(1) of the *Constitution Act, 1982* recognizes and affirms existing Aboriginal rights and title. However, in the absence of a treaty, there is uncertainty as to the nature, scope and content of those rights.

A fundamental goal of a treaty is to achieve certainty. This means that the 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 Tla'amin Nation rights to use, own and manage lands and resources throughout its claimed traditional territory, which covers 609,000 hectares including marine areas. It will provide Sliammon with modern governance tools to build strong and workable relationships with other governments, including federal, provincial and local governments.

Canada, British Columbia and Tla'amin intend that a treaty will resolve long-standing issues regarding undefined Aboriginal rights and title, and bring certainty and economic benefits not only to Tla'amin members, but also to the entire region.

### **Full and final settlement**

Once ratified, the treaty will provide full and final settlement in respect of Tla'amin Aboriginal rights, including title. It sets out the section 35 rights of Tla'amin Nation, the attributes and the geographic extent of those rights, and the limitations to those rights to which Canada, British Columbia, and Tla'amin have agreed.

The treaty can be amended after it is ratified, but all three parties – Canada, British Columbia and Tla'amin – 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 Tla'amin 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.