

**Responses to Questions from Mike Scott, MP
submitted by Jack Weisgerber, MLA
to Minister John Cashore for reply.**

1. What is the timetable for settlement of the Nisga'a land claim?
 - All three parties feel that an Agreement-in-Principle (AIP) can be reached by March 1994, but I am hopeful we can do so by the end of 1994.
 - Canada's experience in the north suggests that a final treaty takes one to two years to conclude after an AIP. This will depend on how much remains to be negotiated after an AIP. It is our goal to conclude an AIP that is as complete and detailed as possible. It is in everyone's interest to conclude a final treaty sooner rather than later.
2. When do you expect to have an Agreement-in-Principle signed?
 - All parties hope to have an AIP signed by the end of the year. At the least we are hopeful an AIP will have been concluded by then and only remain to be formally approved and signed.
3. Will every Nisga'a have the right, as an individual to vote to accept or reject the agreement?
 - Every Nisga'a will have the right to vote on the agreement if they meet a number of conditions:
 1. meet the criteria set out in the Eligibility and Enrolment sub-agreement;
 2. enroll; and
 3. are of voting age.
 - The actual approval and ratification process for the AIP and a final treaty is a topic being negotiated.
4. Will members of the Nisga'a band have the option of receiving benefits conferred under the agreement on a personal basis, that is, directly from the Government rather than to the Band Council on his/her behalf?
 - This is a question that is yet to be negotiated but it should be set out in the AIP. Therefore, those voting on the AIP and/or final treaty will be aware of how benefits are to be dealt with.
 - In all the northern agreements the majority of the cash component was paid to a settlement corporation or to the First Nation government. Payments to individuals have usually been left to the discretion of the First Nation Government.

5. Will non-Natives in the Land Claim area have the right, as individuals, to vote to accept or reject the agreement?

- Treaties are already recognized in the Constitution and, unlike the Charlottetown Accord, do not constitute a constitutional change.
- Since all Canadians are paying for the federal contribution to land claims, it would be difficult to argue against the right of Canadians from outside British Columbia to vote in any referendum on British Columbia treaties. This would, once again, put British Columbians at the mercy of voters east of the Rockies. We reject that possibility in favour of a "made in British Columbia" solution.
- Any treaty legislation will be subject to full and open debate in the provincial legislature.

6. Has your department assessed potential Socio-Economic impacts of a land claim settlement on surrounding non-Native communities? If so, could you provide these to me and if not will you commit to do so before signing any agreement?

- No formal assessment has been done to date as there is yet to be an agreement or even a tentative agreement to assess.
- This issue is central to the negotiating position and strategy of the Province.
- The interest and rights set out in the treaty will create legitimate economic interests that will provide the Nisga'a with opportunities to develop a sustainable economy within their traditional territory comparable to other communities in the region. As a result, we anticipate that a Nisga'a settlement will have a very positive impact in the region.
- Socio-economic impacts as well as a range of other implications are considered by Cabinet when making a decision on each issue.

7. Have you considered the potential cumulative effect that over 40 land claims could have on the B.C. economy?

- The government believes that treaty settlements will end the years of uncertainty surrounding land entitlements and will provide the basis for economic growth and social stability. Investors will be encouraged and new opportunities will be realized for all British Columbians.

8. Considering that the Nisga'a land claim is the First claim in B.C. to be negotiated and will set the floor and not the ceiling for benefits and land conveyance, will you commit to a detailed study of the above-mentioned potential cumulative effect?

- This question assumes that the Nisga'a settlement will set the floor for other negotiations. I do not agree.
- Each negotiation, to some extent, will be unique; for example, the mix of resources will be different from treaty to treaty depending on the location of the land claim, the aspirations of the First Nation, the interests of others in the resources and other factors.
- Because each settlement will be different, it is impossible to undertake a study of potential cumulative effects in advance of negotiations.

9. Have you considered the tax base generated by the resource industries in the claim area which provides direct benefits to all Canadians, and how this base may be affected by land claim settlements?

- This is one of the considerations taken into account when making decisions on issues.
- The Cost Sharing Memorandum of Understanding signed on June 21, 1993, by Canada and British Columbia, provides that the Province will be fully reimbursed for any resource revenues lost through the land transfer process.
- However, the Province has made it clear from the beginning that it will not endorse any settlement that it can't afford. Furthermore, one of the Province's principal objectives in these negotiations is that aboriginal resources and revenues be taken into account in future funding arrangements for aboriginal governments, just as they are for municipal governments.
- Most of this tax base rests on crown land which was never legally obtained, by treaty or by war, from the aboriginal people who occupied it for centuries before European settlement. The whole point of land claims is to create some certainty and ownership and development of this land.

10. Do you intend to provide fair compensation to non-Nisga'a people who are economically injured or displaced as the result of land claim settlements? If so, can you provide details of your policy on compensation? I am not just referring to fisherman, forestry workers or miners, but also the thousands of retail, commercial, and service jobs that exist because of these industries.

- It is not at all clear that there will necessarily be an adverse impact as a result of the Nisga'a land claim settlement.
- Providing an economic base for aboriginal communities likely will have significant positive impact on regional economies.
- Provincial negotiators will make every effort to achieve a settlement which causes the least possible disruption to the local economy consistent with a settlement which is fair, equitable and affordable.

- Every government action has potential for both favourable and adverse impacts. In this case, those most directly affected will be those who have legal rights. It can be very difficult to determine the extent of indirect adverse impact or loss or, as you put it, the "economically injured or displaced". For these reasons, the question you pose, or commitment you seek, from the Province is too broad.
 - The cost-sharing MOU provides that it may be necessary to purchase interests held by persons other than Canada, British Columbia or the First Nation. The types of interests which might have to be purchased would include fishing vessels and licences, forest tenures, traplines, mining interests and other tenures. It remains to be seen whether, and to what extent, any of these will be involved in connection with the Nisga'a treaty. But I can say that anyone whose legal interest is expropriated will be fairly compensated.
 - The cost-sharing MOU also recognizes that the Province may be required to provide extraordinary assistance to communities and to individuals adversely affected by a treaty. Canada will provide \$3 million per treaty to British Columbia for adjustment purposes.
11. Will regulations in place to protect and enhance renewable resources apply to resources conveyed to the Nisga'a people?
- This issue is being negotiated.
 - Although the particulars will vary from topic to topic, the Province's position is that those standards which are important to all British Columbians must be maintained. Health, safety and environmental protection standards are obvious areas where maintaining provincial or federal standards will be important to the Province.
 - Also, do not overlook the fact that the treaty gives the Province an opportunity to have important provincial standards apply to aboriginal lands and resources where they currently do not. As you know, most provincial land-use laws do not apply to reserve lands. We now have an opportunity to remedy that situation where it is warranted in the public interest.
12. Will the Nisga'a be entitled to ship unprocessed round logs for export? If so what percentage of their timber is subject to this practice?
- Again, this is a subject under negotiation. However, one of the provincial goals is to avoid entrenching in a treaty any continuing economic advantages.
 - Our negotiating team is well aware of the fibre supply issues in the Northwest and we have no intentions of concluding a settlement that might exacerbate those problems. On the other hand it would be extremely unfair if the Nisga'a could not export while existing licensees can.
 - I cannot say what percentage of the timber will or will not be subject to log export privileges as we do not yet know what timber interests the Nisga'a will have. The current situation is that most timber from the North Kalum Timber Supply Area can be exported pursuant to existing Orders-in-Council.