

Negative impacts after the nisga'a treaty essay sample



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Following the decision of the signing of the Nisga'a Treaty with the Nisga'a Nation on April 13, 2000, a great number of Final Agreement provisions were fulfilled, including the transfer of nearly 2, 000 (1) square kilometers of Crown land to the Nisga'a Nation, the establishment of a 300, 000 (2) cubic decameter water reservation, the establishment of an aboriginal self-government, and a cash payment/compensation of 190 (3) million to the Nisga'a Nation.

Since then, things took drastic changes in BC, both in terms of its economy, and the land claims. The leaving behind of a great number of essential issues unsolved in the final draft of the agreement also caused controversies and problems in the post-treaty period. Although the treaty aimed to benefit Canada's economy and to work out mutually acceptable relationships between Aboriginal and Non-Aboriginal people, the number of negative impacts during the six years of post-treaty period by far outnumbered the positive ones.

Despite the fact that several industries benefited somewhat over the six years of post-treaty period, the treaty has financially burdened, not only the Canadian Government and the British Columbians, but as well as the Nisga'a first nations themselves. With regards to the fish industry, Eric Grandison as the communications coordinator of the Nisga'a Lisims government pointed out that, as of October 2004, hundreds of Nisga'as are now managing to make \$6, 000 to \$20, 000 (4) a season, fishing or collecting mushrooms and qualifying for employment insurance over the winter.

However, as the communication coordinator of the Nisga'a Lisims government, Grandison must have purposely neglected the decrease in house income after the Nisga'a government made decision to restrict the annual allowable catch in the Nass River to 600 (5) fish per household. As a fearless Nisga'a first nation, Gerald Clayton responded with opposition, saying that he preferred it before the Nisga'a government restricted the amount of salmon he could catch and sell.

From this, one could clearly tell that the fishing industry had been better off before the treaty. Equally as important was the fact that \$175.5 (6) million was generated from the federal government to the Nisga'a Nation in which \$14.5 (7) was generated from the province of BC. Although one may certainly say that BC was getting more of its taxation money back from the federal government since the treaty because the federal would now have to make the same amount of distribution it used to give to BC plus another significant amount to the Nisga'a.

Although the Nisga'a Nation gained a great deal of money from this treaty, closer scrutiny revealed the limits of Nisga'a financial freedom. For one, there is the cost of negotiations-a \$51.3 million loan to be repaid to the federal government within fifteen years. From here, one could clearly see the burden the Nisga'a Nation carried upon receiving the loan of \$51.3 from the federal government. There was also the cash payout of \$4.5 million as each of the three hundred Nisga'a elders, sixty years or older, receives a one-time \$15,000 payment.

Worse still, the Liberals later on also admitted to have had a budget of spending \$30 (8) million to build a road from Lakalzap to the isolated village of Ginglox at the mouth of the Nass-something not mentioned in the treaty- on top of the \$41 (9) million upgrade of the Nisga'a Highway, which was included. The pro-Nisga'a advertising budget which increased from the initial \$2.3 (10) million to more than \$7 (11) million had further burdened the economy of BC.

The forest industry production represented about 34 (12) cents of every dollar of income in Nisga'a. Since the transition period, about fifty or so full-time contracting positions originally held by non-aboriginals on their lands, were filled in by the formerly unemployed Nisga'a people. Of course one could say that after all the job employment rate of the Nisga'as has increased. But this only resulted in a greater loss in forestry revenue due to the Nisga'a workers' lacking of proficiency in operating machines during the transition period.

Some might argue that this was just an act of justice for the Nisga'a right after some 103 years of endeavoring to gain justice. However, overall, Canada's economy was burdened after the signing of the Nisga'a Treaty since 1998, resulting in loss of revenue for the country. While the treaty enabled the Nisga'a people to "take control of their destiny once again" (13), it seemed to have increased the tension there already was between the treaty-affected natives and the non-treaty affected natives, leaving yet more problems unattended.

Although University of Victoria associate dean of arts and law professor Hamar Foster, a long time supporter of the Nisga'a Treaty, suggested the failure to resolve the Gitanyow overlap tarnishes an otherwise fair and moderate treaty, he wrote in Bc Studies magazine. " This does not mean that it is a perfect agreement or even the best in the circumstances. As a product of human negotiation, it naturally has flaws; and although there is unlikely to be a consensus on what these are, one is certainly the failure to resolve the overlap issue between the Nisga'a and their neighbors, the Gitanyow. (14) Infact, their trouble with the tribal neighbors were increasingly overheated since signing of the treaty. The long-time neighbor of the Nisga'a, the Gitanyow announced that the treaty was " act of aggression". Some might argue that in some instances before, overlaps, far from being an expression of traditional conflict, may be seen as evidence of a history of peaceful co-existence between First Nations. But the Gitanyow and the Nisga'a was just not one of those cases where peaceful co-existence would ever exist.

The Gitksan legal counsel Gordon Sebastian even warned, " I'm telling you, the tolerance level is going to be very low," when referring to the problems of overlaps. The extent of this overlap problem can be understood when one realizes that traditional territories claimed by various First Nations (both treaty and non-treaty) presently exceed 100% of the landmass of British Columbia. Non-treaty aboriginal groups consequently presented a particular problem in their overlapping claims because they were not participants in the treaty process.

The problem with the neighbors of Nisga'a also created a negative impact on the economy owing to the fact that the Nisga'a economy was based on <https://assignbuster.com/negative-impacts-after-the-nisgaa-treaty-essay-sample/>

natural resources and relied on complex trading relationships with the neighbors. (15) The Victoria-based businessman David Black, whose fifty community newspapers in Western Canada and the US Pacific Northwest generate more than \$150 (16) million annually, said that "the treaty caused a racial divide that could eventually cause bloodshed." "I think, if we don't solve it, we're going to create a Northern Ireland," Black told a reporter in July 1998. (17) From this, one could clearly tell that the tension which was increasingly getting worse not only created hostility between the two neighboring native groups but as well created a loss of opportunity to improve the Nisga'a economy by trading. The signing of the treaty also violated human rights and created political problems within Canada. As of October 2004, forty-seven-year-old Nisga'a man Russ Morven, who worked in the mushroom industry explicitly implied that for the same two-hour hike in the woods, a man was earning \$80 (18) while a woman earned only \$25 (19).

This gender inequality was another problem which the Nisga'a Treaty had left out unsolved. The negative impact was still spreading across the nation as women's rights were neglected in the Nisga'a territory. The BC Liberals' also claimed that the denial of voting rights to non-Nisga'a living on Nisga'a territory contravened the Charter of Rights and Freedoms. Of course, one might say that the treaty permitted the Nisga'a government to grant citizenship to non-Nisga'a and that many Canadians already have their voting rights abridged by provincial residency requirements and laws and bylaws of municipalities and administrative boards. (20) However, this resulted in creating tension between the Nisga'a and the non-Nisga'a living

in their territory. Although one might argue that it was a positive change to have had much more new job opportunities after the treaty, it was really a race-based cultural problem. Such was the case in the fishing industry where more than 100 Nisga'a were seasonally employed by the Nisga'a fisheries program. On the other hand, the former workers got laid off as soon as the treaty was signed. Also was the case in forestry where some fifty or so former workers were substituted with the Nisga'a people.

In the end, it turned out that former Premier Glen Clark, who was the Nisga'a Treaty's strongest supporter, became a real supporter of what he once called "racists" when referring to those who had opposed the treaty in 1998. In conclusion, the negative impacts of the Nisga'a treaty are numerous when compared to the trivial positive impacts it seemed to have offered. The treaty not only weighed down Canada's economy but as well as have created tension between the people in Canada. Another impact which must be hinted was that the treaty basically violated human rights, creating race-based and gender-based racism within Canada.

Maybe it was like Glen Clark said, "This is the first treaty that has been brought forward, and requires time to see the benefits it will eventually bring." But is six years still not long enough for the positive changes to take a place? One might come up with a better explanation with the situation today and what has taken place in the past- Although the treaty promised positive changes and benefits such as to thrive the country's economy, to bring together the people of Canada and to give back the aboriginal title and the aboriginal rights the Nisga'a solely deserved, it has reneged.