



LANDS ADVISORY BOARD

REGAINING CONTROL OF OUR
RESERVE LANDS & RESOURCES

*A GUIDE TO THE FRAMEWORK AGREEMENT
ON FIRST NATION LAND MANAGEMENT*

2017/2018 EDITION

WWW.LABRC.COM

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“ I am proud of my people for wanting to take back management of the land because it has been too long that we didn’t have a say in what happened on our land. We voted yes because we want to go back to managing our land and traditional territories.

If you look back at our past, there were only native people here and we had to look after our land, so that’s what we did. So now we have that chance again to manage our land and teach our children.

Land is everything to us.”

Chief Veronica Waboose
Long Lake 58 First Nation, Longlac, Ontario



THE *FRAMEWORK AGREEMENT* ON FIRST NATION LAND MANAGEMENT

The road to the *Framework Agreement on First Nation Land Management (Framework Agreement)* began in the late 1980's, launched by a small group of First Nations Chiefs, looking for a way for First Nation communities to leave the paternalistic constraints of the *Indian Act* behind.

The purpose of the *Framework Agreement* was to recognize the inherent right of First Nations to resume control over their lands and resources for the use and benefit of their members without Government interference, by replacing the land provisions of the *Indian Act* with First Nation made laws.

The *Framework Agreement* was signed by the Minister of Indian Affairs and Northern Development and 13 First Nations on February 12, 1996.

The *Framework Agreement* sets out the principal components of reserve land governance. It is not a treaty and does not affect treaty or other aboriginal constitutional rights of the First Nations.

The *Framework Agreement* was ratified by Canada through the enactment of the *First Nations Land Management Act* on June 17, 1999.

The *Framework Agreement* provides First Nations with the option to govern their reserve lands outside the *Indian Act*. The option to regain control of their lands and resources can only be undertaken with the consent of the community.

A signatory First Nation to the *Framework Agreement* creates its own land code, community ratification process, and enters into an Individual Agreement with Canada.

Once the Land Code and Individual Agreement are approved by the community, the land management provisions of the *Indian Act* cease to apply. The Minister of Indian Affairs and Northern Development will no longer be involved in the day-to-day management of the First Nation's reserve lands. The Land Code does not have to be approved by the Minister.



Why is the Framework Agreement so important?

In the past, some have asked why the creation of the *Framework Agreement* was so important. The answer lies in the shortcomings of the *Indian Act*.

Under the *Indian Act* First Nations were considered wards of the state and not governments.

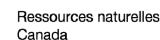
The *Indian Act* gave the government of Canada the authority to legislate all matters concerning "Indians and lands reserved for Indians". First Nations lands were "administered" by Indian Agents and members of Government with little consideration to First Nations environment, culture or people.

The *Indian Act* was legislated without the involvement, consultation or consent of First Nations peoples. It enabled the government to exercise control over children, families and communities by imposing foreign systems of governance, education, health, and religion.

The *Indian Act* made it virtually impossible for First Nations people to continue to trade, or seek other ways of economic sustainability. First Nations were required to have a permission from the Indian agent, to sell things as basic as firewood. Cultural celebrations and traditions were also prohibited.

The legacy of the *Indian Act* is not a good one and continues to cause significant ongoing problems.

To the *Framework Agreement on First Nation Land Management*



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Scale 1:18 000 000 or one centimetre represents 180 kilometers
Échelle 1: 18 000 000 ou un centimètre représente 180 kilomètres

180 0 180 360 540 KM

Lambert Conformal Conic Projection, Standard Parallels 49° N and 77° N

Projection conique conforme de Lambert, parallèles d'échelle conservés à 49° N et 77° N

LÉGENDE

Developmental First Nations

Text

Premières nations - En développement

Operational First Nations

Text

Premières nations • En opération

*Operational date to be determined

1

*Date opérationnelle à d

Indian Reserves

Réserves indiennes

Provincial/Territorial Boundaries

—

Limite provinciale ou territoriale

International Boundary

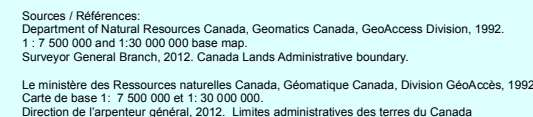
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Frontière internationale

200 Mile Limit

100 100 100 100

- Limite de 200 milles



How many First Nations are currently a part of the Framework Agreement?

Signatory participation in the *Framework Agreement* has increased from the original 14 signatories to an astounding 153, with wait listed First Nations bringing the number to 207! This number accounts for almost 1 in 3 First Nations in Canada! Today there are 80 First Nation communities who have ratified their community land codes under the *Framework Agreement*, with numerous other First Nations in various stages of land code development.

Operational Communities

BC:

Aitchelitz
Beecher Bay
Campbell River
Chawathil
Cheam
Haisla Nation
Katzie
Kitselas
K'omoks
Kwantlen
Kwaw-kwaw-apilt
Lake Cowichan
Leq'a:mel
Lheidli T'enneh
Lower Nicola
Malahat
Matsqui
McLeod Lake
Metlakatla
Musqueam
Nak'azdli Whut'en
Nanoose
Scowlitz
Seabird Island
Shuswap
Shxwhá:y Village
Shxw'ow'hamel
Skawahlook
Skowkale

MB:

Sliammon*
Songhees
Soowahlie
Squiala
St. Mary's
Stz'uminus
Sumas
Tsawout
Tsawwassen*
Ts'kw'aylaxw
Tsleil-Waututh
T'Sou-ke
Tzeachten
We Wai Kai
Westbank*
Williams Lake
Yakweakwioose
SK:
Flying Dust
Kahkewistahaw
Kinistin Saulteaux
Mistawasis
Muskeg Lake
Muskoday
One Arrow
Whitecap Dakota
Yellow Quill

MB:

Brokenhead Ojibway
Chemawawin Cree
Long Plain
Misipawistik
Nisichawayasihk Cree Nation
Opaskwayak Cree
Swan Lake
ON:
Anishnaabeg of Naongashiing
Atikameksheng Anishnawbek
Bingwi Neyaashi Anishinaabek
Chippewas of Rama
Dokis
Georgina Island
Henvey Inlet
Long Lake #58
Magnetawan
Mississauga
Nipissing
Scugog Island
Shawanaga
Temagami
Wasauksing
QC:
Abenakis de Wolinak
NB:
Madawaska Maliseet
NFLD:
Miawpukek

Developmental Communities

BC:

Akisq'nuk
Cowichan
Ditidaht
Fort Nelson
Homalco
Iskut
Kitsumkalum
Lytton
Namgis
Neskonlith
Okanagan
Osoyoos
Penelakut
Penticton
Splatins
Sts'ailes
Tahltan
T'it'q'et
Tsartlip
AB:
Alexis Nakota Sioux Nation
Enoch
Fort McKay
Fort McMurray #468
Loon River
Tsuu T'ina

SK:

Carry The Kettle
English River
George Gordon
James Smith
Lac la Ronge
Sakimay
Wahpeton Dakota
MB:
Norway House
Fisher River
NWT:
K'atl'Odeche
ON:
Algonquins of Pikwakanagan
Animbiigoo Zaagi'igan
-Anishinaabek
Beausoleil
Big Grassy River
Brunswick House
Chapleau Cree
Chippewas of the Thames
Fort William
Hiawatha
Kettle & Stony Point
Mattagami
M'Chigeeng
Moose Deer Point
Rainy River
Saugeen

Serpent River
Sheshegwaning
Wikwemikong
QC:
Abenakis d'Odanak
Mashteuiatsh
Listuguj Mi'gmaq
NB:
Woodstock
NS:
Membertou
Paqtnkek Mi'kmaw Nation

(*Implementing full self-government or treaty)

ULTIMATE GOALS OF THE *FRAMEWORK AGREEMENT*

Across our country, signatory First Nations to the *Framework Agreement* are making great strides towards self-sufficiency and rebuilding of our governments.

The LAB is steadfast in its support of all First Nations, who wish to exercise their inherent right to land governance.

The LAB continues to work diligently to ensure that each and every First Nation community has access to the great opportunities provided by the *Framework Agreement*.



All First Nations will be aware of the option to exercise their right to govern their reserve lands.



Each First Nation community will decide how to govern its reserve lands and natural resources.





Each First Nation will have sufficient resources to govern its reserve lands and resources effectively.



Effective land and resource governance will become a cornerstone of decolonization community by community.



Government-to-Government relationships will strengthen Canada.



LANDS ADVISORY BOARD

“First Nations
working together to
resume jurisdiction
over reserve lands
and natural resources.”


The signatory First Nations to the *Framework Agreement* established the Lands Advisory Board (LAB) to assist them in re-asserting their land governance over their reserve lands and resources.

LAB functions are prescribed in the *Framework Agreement* and includes the provision of technical and advisory services to the signatories.

Councils of the signatory operational First Nations determine composition of the LAB.

LAB's primary responsibilities are to:

- provide strategic direction to the Resource Centre;
- propose to the Minister such amendments to the *Framework Agreement* and the federal legislation as it considers necessary or advisable;
- in consultation with First Nations, negotiate a funding method with the Minister
- perform such other functions or services for a First Nation as are agreed to between the Board and the First Nation.



“The momentum behind the *Framework Agreement* was our desire to leave behind these paternalistic remnants of land administration under the *Indian Act* and resume governance over our lands and natural resources under a land code, designed and ratified by our own community members.”

Robert Louie, Chairman LAB

COMPOSITION OF THE LAB

The LAB is currently comprised of 14 Directors and the Chair, serving on staggered terms.

Annually, one Director's position comes up for election from each of three regions. These three regions are British Columbia, Prairie (AB, SK and MB), and Eastern (ON, QC and the Atlantic).

The LAB Chair is elected for a five (5) year term. The Directors are elected for three (3) year terms.



CHAIRMAN



ROBERT LOUIE LL.B., OC,
Westbank First Nation, BC
[LAB Chairman]



JASON CAMPBELL
Seabird Island First Nation, BC
[Director, B.C. Region]

CHIEF



MAUREEN CHAPMAN
Skawahlook First Nation, B.C.
[Director, B.C. Region]



LEAH GEORGE-WILSON
Tsleil-Waututh First Nation, BC
[Director, B.C. Region]

GRAND CHIEF



JOE HALL
Tzeachten First Nation, B.C.
[Director, B.C. Region]



GORDON PLANES
T'Sou-ke First Nation, B.C.
[Director, B.C. Region]

CHIEF



AUSTIN BEAR

Muskoday First Nation, SK
[Director, Prairie Region]

CHIEF



DARCY BEAR

Whitecap Dakota First Nation, SK
[Director, Prairie Region]

CHIEF



GERRY DUQUETTE

Dokis First Nation, ON
[Director, Eastern Region]



JAMES CADA

Mississauga First Nation, ON
[Director, Eastern Region]

CHIEF



PAUL CHIEF

Brokenhead Ojibway Nation, MB
[Director, Prairie Region]



CLIFFORD TAWPISIN JR.

Muskeg Lake Cree Nation, SK
[Director, Prairie Region]



PHILIP GOULAIS

Nipissing First Nation, ON
[Director, Eastern Region]



KELLY LAROCCA

Scugog Island First Nation, ON
[Director, Eastern Region]

COUNCILLOR



WILLIAM MCCUE

Georgina Island First Nation, ON
[Director, Eastern Region]

LAB FINANCE COMMITTEE

The LAB delegates the duties of managing all financial reporting matters the Finance Committee, which also functions as its Executive Committee.

Current Finance Committee Members are:

Chief Austin Bear, Leah George-Wilson,
Grand Chief Joe Hall, and Councillor William McCue.

FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE INC.

MISSION :

“Supporting First Nations to exercise their Inherent Right to govern their Lands and Resources.”

ROLE :

The First Nations Land Management Resource Centre (Resource Centre) was established by the LAB and was incorporated in 2001. The Resource Centre is the service delivery organization that fulfills the LAB's technical and administrative responsibilities under the *Framework Agreement*. Governed by a Board of Directors which are appointed by LAB elected officials, the Resource Centre provides developmental and operational support services throughout the pre-developmental, developmental and operational stages of land governance.





Adam Scott / PMO

FNLMRC Chair: Chief Austin Bear

Chief Bear has been a key proponent of the Framework Agreement since its creation. His own community, the Muskoday First Nation (Muskoday, SK) ratified their land code in 1999, and have been experiencing dramatic socio-economic gains ever since.

Chief Austin Bear has served as the Chair of the Resource Centre Board of Directors since 2001. Chief Austin Bear is also currently serving an unprecedented fourteenth term as the Chief of the Muskoday First Nation.

Chief Bear is happily married and has three children, seven grandchildren and two great grandchildren. He is active in promoting First Nations' traditions and culture and believes that the involvement of Elders and youth is essential in all aspects of community life.

FNLMRC Executive Director: Mr. Meko Nicholas

Mr. Nicholas is responsible for managing the day to day operations of the Resource Centre. He also manages the technical partnership with Canada, to continue to successfully implement the *Framework Agreement* in support of First Nation communities across the country.

In addition to reporting to the Lands Advisory Board and Resource Centre Board of Directors, he serves as the main public contact, spokesperson and representative for the Resource Centre in all professional capacities.

Mr. Nicholas is Welastekokewin (Maliseet) from the Nekwotkok (Tobique) First Nation in New Brunswick and holds a Bachelor of Arts in Psychology from the University of New Brunswick.

Meko has been working to support the development, finalization and fulfillment of the *Framework Agreement* for more than 20 years.



RESOURCE CENTRE BOARD OF DIRECTORS

The Resource Centre offers a wealth of support services to First Nations across Canada. From the first phone call and meeting with an interested community, through the developmental and post-ratification phases of their Land Code, the Resource Centre endeavors to provide assistance to facilitate the community's land governance efforts.

The Resource Centre is governed by its Board of Directors, who work closely with the Resource Centre's Executive Director and his staff to advocate for the Resource Centre mission in support of the signatory communities that it serves.

Resource Centre Board of Directors:

- Chief Austin Bear
- Leah George-Wilson
- Grand Chief Joe Hall
- Councillor William McCue

For more information on the Resource Centre Board of Directors, please visit our website at: <https://labrc.com/rc-board/>

THE FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE INC.

OPERATIONAL & DEVELOPMENTAL TECHNICAL FIELD SUPPORT

The Resource Centre places great emphasis on the regional representation of its technical staff, which geographically coincides with the distribution of signatory First Nations.

Many of our Managers and Technicians were integral to the development and implementation of the land code for their respective First Nations. This insight is invaluable to the support provided to communities proceeding towards self-governance.

The support services provided by our field staff are wide-ranging, including:

- Aiding in land code development;
- Aiding in community engagement and communication strategies;
- Advising in Individual Agreement negotiations;
- Coordinating the verification process;
- Assisting in planning/facilitating ratification votes;
- Supporting operational First Nations during and after transition to land governance authority under their land code;

For more information please contact us at:
<https://labrc.com/contact-us/rc-contacts/>

CAPACITY BUILDING, TRAINING, & PROFESSIONAL DEVELOPMENT

A Land Governance Manuel (LGM) has been prepared as a resource tool for Operational signatories. The LGM is a living resource tool, updated regularly, and has been developed from 20 years of actual examples of lands governance experiences under land code.

A series of ongoing sessions, called “Think-Tanks” are offered regionally throughout the year. These focused, capacity building sessions encourage the discussion of current land governance practices and experiences as they relate to various lands governance topics.

Equally, the Resource Centre has produced over 33 self-paced training courselets, designed to aid Developmental and Operational *Framework Agreement* signatories with their lands governance responsibilities. The courselets cover a wide-range of essential topics, and are available to anyone interested in learning about lands governance related issues under a land code.

The LGM and courselets are accessible by visiting:
abrc.com/resources/

ENVIRONMENTAL & ENFORCEMENT SUPPORT SERVICES

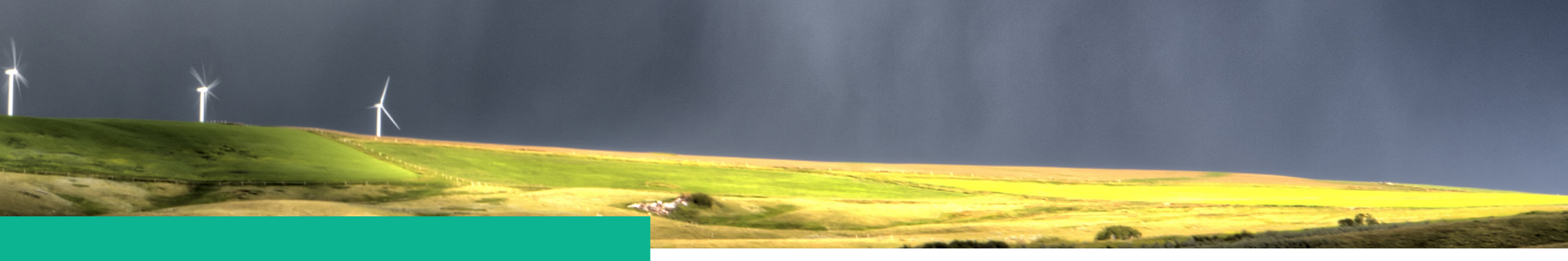
The Resource Centre continues to work towards addressing the regulatory gap on reserve lands with First Nations, provinces and the federal government as intended by the Framework Agreement.

Environmental Management Planning, Implementation, Law-making and Enforcement in our communities are a unique and on-going challenge.

In response to this need, the Resource Centre has been developing various strategies to expand on the self-government law-making powers of operational signatory nations to the *Framework Agreement*.

Equally, the LAB and Resource Centre are committed to consistently improving upon the *Framework Agreement* per the direction of its membership. As such, several amendments are currently in development, including topics such as:

- Voting thresholds and need for verifiers;
- Expanded Environmental law-making powers;
- Expanded MRP provisions and powers;
- A First Nation led lands registry system;
- Additions to Reserve;
- Authorities for partnerships in policing, etc.



LAND USE PLANNING & RELATED SUPPORT SERVICES

Assistance in land-related planning is provided to Operational communities as well as Developmental communities.

Land Use Planning, Strategic Planning and other land-based planning advising is provided to communities. This includes assistance in preparing for planning activities and sourcing and applying for funding.

The Resource Centre recognizes that land-related plans are primary tools for successful land governance to take place, that Land Use Plans are a requirement for successful economic development and protecting traditional sites, and that the development of land-related plans should follow the development of land codes, given that land codes govern land laws.

Lands department staff can be provided with mentoring opportunities and each community is treated individually. The activities are at once related to land governance, economic development planning, and capacity building, with the three being merged into the overall Resource Centre Land Use Planning advising role as well as the Resource Centre's Training and Communications strategies.

LAND DESCRIPTION & SURVEYS SUPPORT SERVICES

Assistance and advice is offered to First Nations with regards to surveys, processes and other survey related issues or questions. This can include:

- Determining the type of survey plan required for a land transaction;
- Detailing the survey plan process;
- Determining the various stakeholders and their specific role's in the process;
- Reviewing and explaining the survey plan;
- Researching the status of a survey project;
- Searching for finalized survey plans for the First Nation, etc.

The Resource Centre also provides assistance in reviewing the Research Reports and Land Descriptions prepared by Canada for a First Nation's Reserve lands.

If Canada identifies the need for a survey, the Resource Centre's survey contracting process was developed to ensure a timely completion and that First Nation are included in the project.

For more information on First Nation surveys, please visit: www.labrc.com/resources/surveys/

COMMUNICATIONS DEVELOPMENT & SUPPORT SERVICES

As with all areas of Resource Centre support, our communications department plays a key role in the Resource Centre's mandate, by developing products that share pertinent information about the *Framework Agreement*, its signatory communities, and other topics of significance.

A variety of products are produced and maintained throughout the year to help inform, advise, and support. Among others, some of these items include:

- The LAB Annual Report;
- Special presentations to communities, Parliament, associations;
- Land Code specific websites and community engagement materials;
- Social media;
- Digital and print media; and
- LAB and Resource Centre websites.

To access copies of some of our communications products, please visit: www.labrc.com/resources

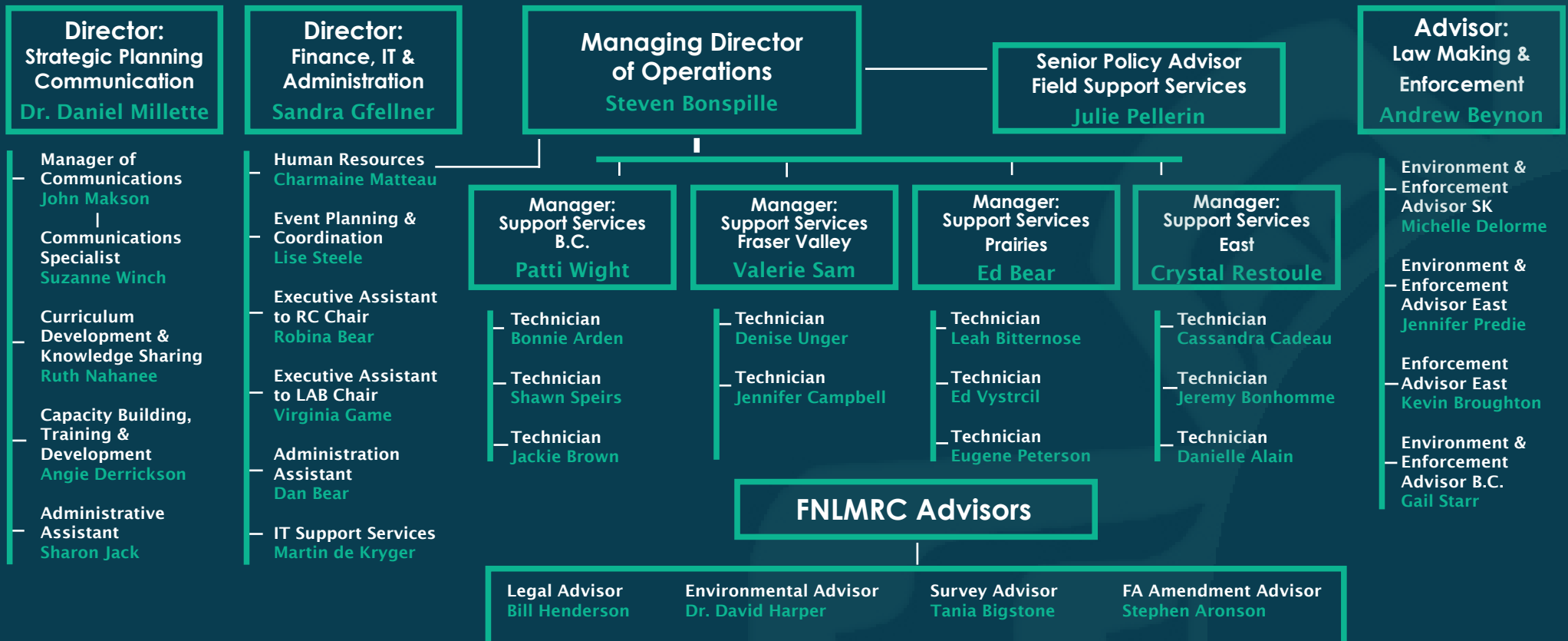
RESOURCE CENTRE TEAM



Missing from photo:
Charmaine Matteau
Dan Bear
Martin de Kryger
Ruth Nahanee
Shawn Speirs
Jackie Brown
Michelle Delorme
Jennifer Predie
Kevin Broughton
Gail Starr

Resource Centre Board of Directors

Executive Director
Meko Nicholas



FRAMEWORK AGREEMENT SUCCESS

The *Framework Agreement* and its principles are a success story for a number of reasons.

First, reserve lands can never be surrendered, sold or diminished. Fee simple title is not permitted. Reserve lands must be protected for the use and benefit of future generations.

Secondly, it was developed and led by First Nations and continues to be led by First Nations. Total jurisdiction, decision-making and control must be with the community, not with the Minister of Indigenous and Northern Affairs Canada.

Third, it increases accountability. The *Indian Act* doesn't provide for reporting to First Nation membership. However land codes established under the *Framework Agreement* do.

Fourth, it has helped establish new relationships with federal, provincial and municipal governments as well as 3rd parties. Decision and law-making processes are provided for.

Operational *Framework Agreement* signatories have equal and true government-to-government footing are able to directly work with all levels of government and develop compatible laws and regulations that deal with a full range of land and resources related matters.

Fifth, First Nations are able to deal directly with business interests that can bring much needed economic development opportunities to their communities. First Nations are finally able to function at the speed of business. Banks and financial institutions across this country are looking to partner with First Nations with land codes because they have recognized governance structures in place, with laws, rules and regulations that protect investors and their investments. Banks and investors are at the table because of this direct jurisdiction. They have the comfort of knowing there is improved certainty to land interests, low land transaction costs, and solid land laws.

Sixth, First Nations are experiencing an "in-migration" of what was at one time an "out-migration" of their youth, due to increased employment and training opportunities on reserve.

Some First Nation projects under community land codes include:

- Multi-million-dollar green energy initiatives;
- Real Estate development/leases;
- Aboriginal ecotourism endeavors;
- Sustainable resource management projects;
- Creation of new laws and management policies;
- Cultural reinvigoration;
- Food security;
- Environmental protection initiatives;
- Transportation/infrastructure improvements;
- Many other First Nation owned businesses in areas of retail, services, construction industries, etc.



25%

OF INDIAN ACT PROVISIONS
NO LONGER APPLY TO LAND
CODE FIRST NATIONS

The greatest success of the *Framework Agreement* is its ability to greatly assist in the decolonization of First Nations communities. As an Indigenous organization, the LAB and Resource Centre consider the governance and protection of our lands as a sacred, imperative responsibility. This is the purpose of the *Framework Agreement*. The following 32 land related provisions of the Indian Act no longer apply to operational First Nations:

- Reserves (ss. 18-19)
- Possession of Lands in Reserves (ss. 20, 22 -28)
- Trespass on Reserve (ss. 30-31)
- Sale or Barter of Produce (ss. 32-33)
- Roads and Bridges (s. 34)
- Lands Taken for Public Purposes (s. 35)
- Surrenders and Designations (ss. 37-41)
- Distribution of Real Property but not personal property on intestacy (ss. 49 and 50(4))
- Management of Reserves and Surrendered and Designated Lands (ss. 53-60)
- Management of Indian Moneys (ss. 66, 69)
- Farms (s. 71)
- Removal of Materials from Reserves (s. 93)
- Regulations made under section 57 of the Indian Act; and
- Regulations under sections 42 and 73 of the Indian Act to the extent that they are inconsistent with the *Framework Agreement* or the land code or the laws of the First Nation.

THE FRAMEWORK AGREEMENT IS WORKING

1 IN 3

Approximately 1 in 3 First Nations communities in Canada are either already operational under their land code, are currently developing their land code, or have been officially placed on the waiting list of communities looking to take part in the Framework Agreement.

> 10,000

Over 10,000 employment opportunities, on and off reserve, have been created through land code development. The unemployment rate, in many signatory communities, has dropped considerably, and numerous training and apprenticeship opportunities have been created as well, providing for more skilled workforce and reduced reliance of social assistance.



1.4
BILLION

COST BENEFIT ANALYSIS

In 2016, the Resource Centre commissioned a “Partial Benefit-Cost Study” to further examine the successes of communities operating under the *Framework Agreement*. This study followed previous findings that had already highlighted a number of social and economic benefits for signatory First Nations.

Using case studies, the paper quantified the economic role and impact of the *Framework Agreement* on operational communities. The same study in turn documented the value and benefit of the *Framework Agreement* to the broader national economy.

The Partial Benefit-Cost Study results confirm that the *Framework Agreement* generates net positive benefits (i.e., “profits”) for Canada. Under the best estimate scenarios for each case study, the *Framework Agreement* provides a positive net return to Canada of between \$270 million and \$1.4 billion (depending on the discount rate used), modelled under the anticipated lifetime of the projects considered under the Partial Benefit-Cost Study. The five successful projects alone may generate profits from \$270 million to \$1.4 billion over and above the entire *Framework Agreement* costs, plus the costs of building and running these five projects, over their assumed lifetimes. For the full press release please visit: www.labrc.com/news-events/.

What is a Community Ratification Process?

In order for the First Nation to assume control over its lands, the land code and the Individual Agreement must be ratified by the members of a First Nation. All voting aged members of the First Nation, whether living off or on-reserve, have the right to vote on the land code and the Individual Agreement. The procedure for the community ratification process is developed by the community in accordance with the Framework Agreement.

97 First Nations have held a land code ratification vote

80 First Nations have RATIFIED their land code.

10 First Nations had votes that did not meet the NRT*.

7 First Nations have declined to ratify their land code.

* NRT Signifies that the required voting threshold was not met. Despite having great support from the participating voters, a vote can still "fail" if the percentage of participation needed to pass the vote was not achieved. Some factors which have negatively affected a land code vote have been the weather, death in the community, and the circulation of misinformation. Often, those communities who do not pass their land code on the first vote, will often opt to hold a subsequent vote.

80

OPERATIONAL
COMMUNITIES

84%

NATIONAL LAND CODE
APPROVAL AVERAGE

A vertical photograph of a white wind turbine against a clear blue sky, positioned on the left side of the page.

FREQUENTLY ASKED QUESTIONS

Have more questions?
Want more answers?

Visit:

www.labrc.com/faqs/

How does a First Nation community become a signatory to the *Framework Agreement*?

The *Framework Agreement* is open to all First Nations. If a First Nation is interested in becoming a signatory member of the *Framework Agreement*, they would first submit a Band Council Resolution (BCR) to the Chairman of the Lands Advisory Board. Once the BCR is received, the Chairman is able to begin the dialogue with the Department of Indigenous and Northern Affairs Canada (INAC), in support of that community's request.

What is a Community Land Code?

As a fundamental principle, the development of a land code is an exercise in community self-government at a "grass-roots" level. The land code will replace roughly 25% of the land related provisions of the *Indian Act*. A land code is drafted by each First Nation and provides for following matters:

- Identifies the reserve lands to be governed by the First Nation (called "First Nation land"),
- Scope of law making powers;
- Sets out the general rules and procedures for the use and occupation of these lands by First Nation members and others,
- Provides financial accountability for revenues from the lands (except oil and gas revenues),
- Provides the procedures for making and publishing First Nation land laws,
- Provides conflict of interest rules,
- Provides a community process to develop rules and procedures applicable to land on the breakdown of a marriage,
- identifies a dispute resolution process,
- Sets out a procedure by which the First Nation can grant interests in land or acquire lands for community purposes,
- Allows the delegation of land management responsibilities,
- Sets out the process for amending a land code.

What is an Individual Agreement?

An Individual Agreement between each community and the Minister will be negotiated to deal with such matters as:

- The reserve lands to be managed by the First Nation,
- The specifics of the transfer of the administration of land from Canada to the First Nation,
- Operational funding to be provided by Canada to the First Nation for land governance.

If the community ratifies the land code and Individual Agreement, the lands provisions of the *Indian Act* no longer apply to that community.

Are First Nations members involved in developing a land code?

YES! The contents of the land code are developed by the membership of the First Nation. Typically, a lands committee is formed to be responsible for developing the draft land code for the First Nation. The committee has representatives of the First Nation knowledgeable about lands and other community matters.

The lands committees often hold community or individual family meetings with members to develop the policy upon which the land code is based and to ensure informed decision making. Once the draft land code begins to take shape, drafts are circulated in the community for comment. Door to door meetings with members are also often arranged to allow the lands committee and members an opportunity for more in depth discussion of the draft land code.

All members of the First Nation who are of voting age, whether living off-reserve or on-reserve, have the right to vote on the land code and the Individual Agreement.

Does the *Framework Agreement* affect Treaty Rights? Does it affect other Indigenous Rights?

NO! The *Framework Agreement* is not a treaty and does not affect any treaty rights. Equally, the *Framework Agreement* DOES NOT define or prejudice inherent rights, or any other aboriginal rights.

Is there funding provided to develop, and operate under, a First Nation land code?

YES! Canada will provide funding to a First Nation to develop its land code, its community ratification process and the individual Agreement. This funding is available through the Lands Advisory Board Resource Centre.

Canada provides operational funding to First Nations to manage its land, make, administer and enforce its laws under a land code. The funding amount is set out in the Individual Agreement with Canada and is subject to the approval of the members of the First Nation as part of the ratification process.





For further information:

www.labrc.com

www.landsadvisoryboard.ca

<https://www.facebook.com/FNLMRC/>