

# Myths & FACTS!

The truth about the

## ***FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT***



**FIRST NATIONS  
LAND MANAGEMENT  
RESOURCE CENTRE**

### **The First Nations Land Management Act (FNLMA) is the guiding document that First Nations become subject to**

No, this is incorrect.

The First Nation Land Management Act (FNLMA) ratifies the *Framework Agreement on First Nations Land Management (Framework Agreement)*. It is this agreement that is actively being implemented. First Nations sign the *Framework Agreement*, ratify the *Framework Agreement* by a community vote and implement the *Framework Agreement* through their land codes.

### **The Framework Agreement/Land Code will force First Nations members to relinquish their Indian Status**

No, neither document can or does affect eligibility for, or relinquishment of, Indian Status or Band Membership.

### **The Framework Agreement/Land Codes create “Municipalities” of First Nations**

No. Municipalities are creations of provincial law and subject to Provincial legislation. First Nations are not under provincial authority or made municipalities under the *Framework Agreement*.

### **There is a “secret transfer” document that shifts responsibility to the province for First Nation lands**

No. There is no such document. First Nations do not come under the jurisdiction of provinces through this process.

### **The Framework Agreement/Land Code prevents First Nations from asserting Aboriginal Title over Lands**

No. Aboriginal and treaty rights are not affected by the *Framework Agreement*. According to the Supreme Court, reserve lands are already subject to Aboriginal Title. First Nation rights to make Aboriginal Title claims to unceded or traditional lands are not changed.

### **The Framework Agreement/Land Code is a land surrender**

No. In fact, land surrenders are prohibited under the *Framework Agreement*. First Nations reassert control over their reserve lands and resources, and in no way surrender any rights or title.

As a matter of law, no document could possibly be construed as a surrender of reserve lands without express words and a clear intention to that effect. No such wording or intention appears or has ever appeared in the *Framework Agreement*.



### **The Framework Agreement/Land Code creates Fee Simple title out of Reserve Lands**

No. The *Framework Agreement* forbids the creation of such title. First Nation Lands continue to retain the same protections as “Lands Reserved for the Indians” under section 91(24) of the Constitution Act, 1867. The First Nations Lands Advisory Board and the First Nations which have signed the Framework Agreement are strongly opposed to turning reserve lands into fee simple lands and passed a resolution in 2010 stating that.

### **The Framework Agreement/Land Code is about getting rid of lands reserved for the Indians**

No. See above. No in fact the opposite occurs as follows:

- Surrender for sale of reserve land is prohibited
- Expropriation of land by the province is prohibited
- Expropriation of land by the federal Crown is very restricted to a national public purpose, for as short a time as possible, with a reversion to reserve status after the use is over. In addition, other land of equal size and value is given reserve status. This results in an overall larger reserve.

### **The Framework Agreement/Land Code is part of Canada’s Inherent Right/Self Government Policy**

No. The *Framework Agreement* was negotiated and completed before the creation of Canada’s Inherent Right Policy.

### **The Framework Agreement/Land Code will create taxation**

No, nothing in the *Framework Agreement* imposes any requirement for taxes

### **The Framework Agreement is an unstudied, unproven experiment with no statistics or tangible outcomes**

No, there are many First Nations that have been operating under their own land codes for more than 18 years now. 81 First Nations in Canada have developed, approved and implemented their own land codes. A wealth of information is freely available on the labrc.com website and the websites of most Operational First Nations.

A number of independent KPMG studies have documented and measured the benefits as experienced by operational First Nations to the *Framework Agreement*. These studies are also available on the labrc.com website.

### **The Framework Agreement is a federal government program**

No, it is a nation to nation agreement that is being implemented.

The *Framework Agreement* was a specific arrangement sought, developed and driven by First Nations as an alternative to the Indian Act lands provisions. The *Framework Agreement* cannot be changed without First Nations consent or support.

### **Once a First Nation approves and implements its own land code they can never go back to the Indian Act lands provisions**

Yes, this is true.

Despite governance challenges of Operational First Nations, none have indicated a willingness to go back. For some First Nations, the land code has become part of broader self-government arrangements.

### **First Nations must develop all their laws before becoming operational under a land code**

No. The main purpose of the land code is to establish mandatory community participation processes for the development and approval of laws over reserve lands and resources.

The land code and its proposed law-making approach as well as other proposed rules must be agreed to by eligible voters on and off reserve in a ratification vote before it can be implemented. There is no requirement that “all their laws” be developed in advance of a ratification vote and this would be an impossible task since the voters cannot know then what “all their laws” will ultimately be.

### **First Nations must participate in Reserve Lands and Environmental Training (RLEMP) and complete RLEMP Training before becoming a signatory to the Framework Agreement**

No. *Indian Act* training is not required or viewed as a prerequisite to a First Nation exerting its inherent right to govern its lands and resources according to their own laws, either before signing the *Framework Agreement* or before bringing a Land Code into force.

The First Nations Land Management Resource Centre does provide *Framework Agreement* specific training modules for land, resource and environmental governance by Operational First Nations, but these are also not mandatory.