



# Land Governance Authorities under Framework Agreement and Land Codes

# Welcome



## Today we will cover:



Overview of the legal status and governance authorities under the Framework Agreement on First Nation Land Management



Review and identification of Land Code authorities and responsibilities



Options – connecting implementation of your Land Code with other First Nation governance and administration



Mute Devices



Recorded Session



Closed Caption



Presentation & Materials



Questions & Comments

# Legal Status & Governance Authorities under the Framework Agreement



**Andrew Beynon**

Director, Land Code Governance

# FRAMEWORK AGREEMENT

The First Nations have a profound relationship with the land that is rooted in respect for the Spiritual value of the Earth and the gifts of the Creator and have a deep desire to preserve their relationship with the land

Canada recognizes that First Nations have a unique connection to and constitutionally protected interest in their lands, including decision-making, governance, jurisdiction, legal traditions, and fiscal relations associated with those lands

Canada has committed to implementing the United Nations Declaration on the Rights of Indigenous Peoples in a manner consistent with the Canadian Constitution

The First Nations should have the option of withdrawing their lands from the land management provisions of the Indian Act in order to exercise control over their lands and resources for the use and benefit of their members

The Parties wish to enter into a government to government agreement, within the framework of the constitution of Canada, to deal with the issues of land management

## PART III - FIRST NATION LAND MANAGEMENT RIGHTS AND POWER

- Land Management Powers
- Protection of First Nation Land
- Voluntary Exchange of First Nation Land
- Addition of Land to First Nation Land
- Immunity From Seizure, etc.
- Third Party Interests
- Expropriation by First Nations

## PART IV - FIRST NATION LAW MAKING

- Law Making Powers
- Enforcement of First Nation Laws
- Application of Federal Laws
- Inapplicable Sections of Indian Act and Regulations
- Existing First Nation By-laws

## PART V - ENVIRONMENT

- General Principles
- Environmental Management
- Environmental Assessment
- Other Agreements
- Resources

## PART VII - EXPROPRIATION OF FIRST NATION LAND BY CANADA

- Restrictions
- Compensation by Canada
- Status of Lands
- Reversion or Return of Interest or Land Right in First Nation Land
- Return of Full Interest or Entire Land Right in First Nation Land
- Application of Expropriation Act



## TITLE TO FIRST NATION LAND

- First Nation Land Code replaces 44 sections of the Indian Act
- Lands continue to be Lands reserved for the Indians under section 91(24) of the Constitution Act, 1867



## LEGAL STATUS & POWERS OF FIRST NATIONS

- Land Management
- Accountability
- Registration of Interests
- Third Party Interests
- Law-Making Powers
- First Nation Expropriation



## PROTECTION OF FIRST NATION LAND

- Description of Land and Addition of Land
- Taxation and Seizure under Legal Process
- Environmental Protection
- Voluntary Exchange of Lands
- Enforcement & Dispute Resolution

## CONTINUING FEDERAL RESPONSIBILITY

- Federal Acts (for example Indian Oil & Gas, Migratory Birds, Species at Risk, Emergencies, Atomic Energy Control, Fisheries, etc.)
- Wills & Estates
- Additions to Reserve

# Land Code Authorities and Responsibilities



**Andrew Beynon**

Director, Land Code Governance

# LAND AUTHORITIES & RESPONSIBILITIES

## Model Land Code



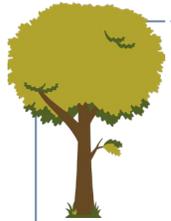
First Nation Land  
Governance



First Nation Legislation



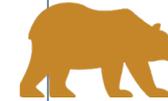
Community Meetings and  
Approvals



Protection of Land



Accountability – Conflict  
of Interest & Finance



Land and Natural  
Resources Administration



Interests and Licences in  
Land



Dispute Resolution



Other Matters



## Preamble

- Explains the purpose of the Land Code and a brief history
- Refers to the Framework Agreement on First Nation Land Management and the First Nation Land Management Act
- First Nations special relationship with Canada



## Preliminary Matters

- Title & Interpretation
- Authority to govern
- Purpose of the Land Code
- Lands the Land Code applies to (the reserve land description)

## First Nation Legislation

- Law-Making Powers
- Law-Making Procedure
- Publication of Land Laws
- Commencement of Land Laws
- Enforcement of Land Laws



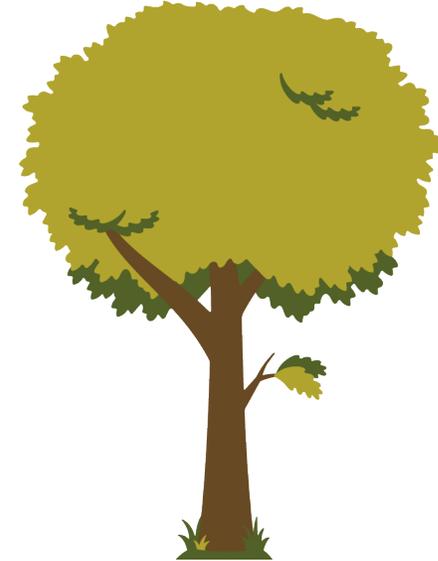
## Community Meetings & Approval

- Participation of Members
- Rights of Eligible Voters
- Community Input
- Community Approval
- Procedure at a Meeting of Members
- Ratification Votes



## Protection of Land

- Expropriation
- Cultural & Historical Sites and other protected lands
- Voluntary Land Exchanges and Protections



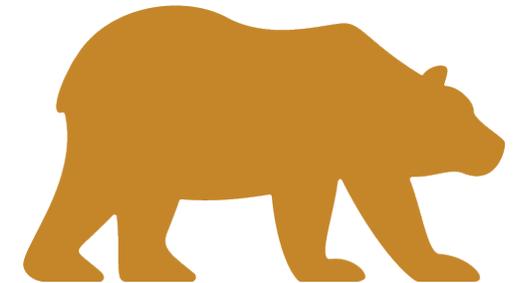
## Accountability – Conflict of Interest & Finance

- Conflict of Interest
- Financial Management
- Financial Records
- Audit
- Annual Report
- Access to Information



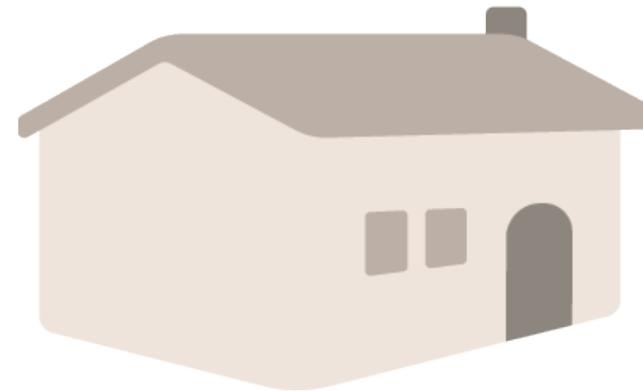
## Land and Natural Resource Administration

- Lands Staff
- Lands Committee



## Interests and Licences in Land

- Revenue from Land and Resources
- Registration of Interests and Licences
- Limits on Interests and Licences
- Existing Interests
- New Interests and Licences
- Interests of Non-Members
- Certificates of Possession or Member Interests
- Allocation of Land to Members
- Transfer and Assignment of Interests
- Limits on Mortgages and Seizures
- Residency and Access Rights
- Transfers on Death
- Family Homes and Matrimonial Interests



## Dispute Resolution

- Authority to establish Dispute Process



## Other Matters

- Liability
- Offences
- Land Code Amendments
- Commencement



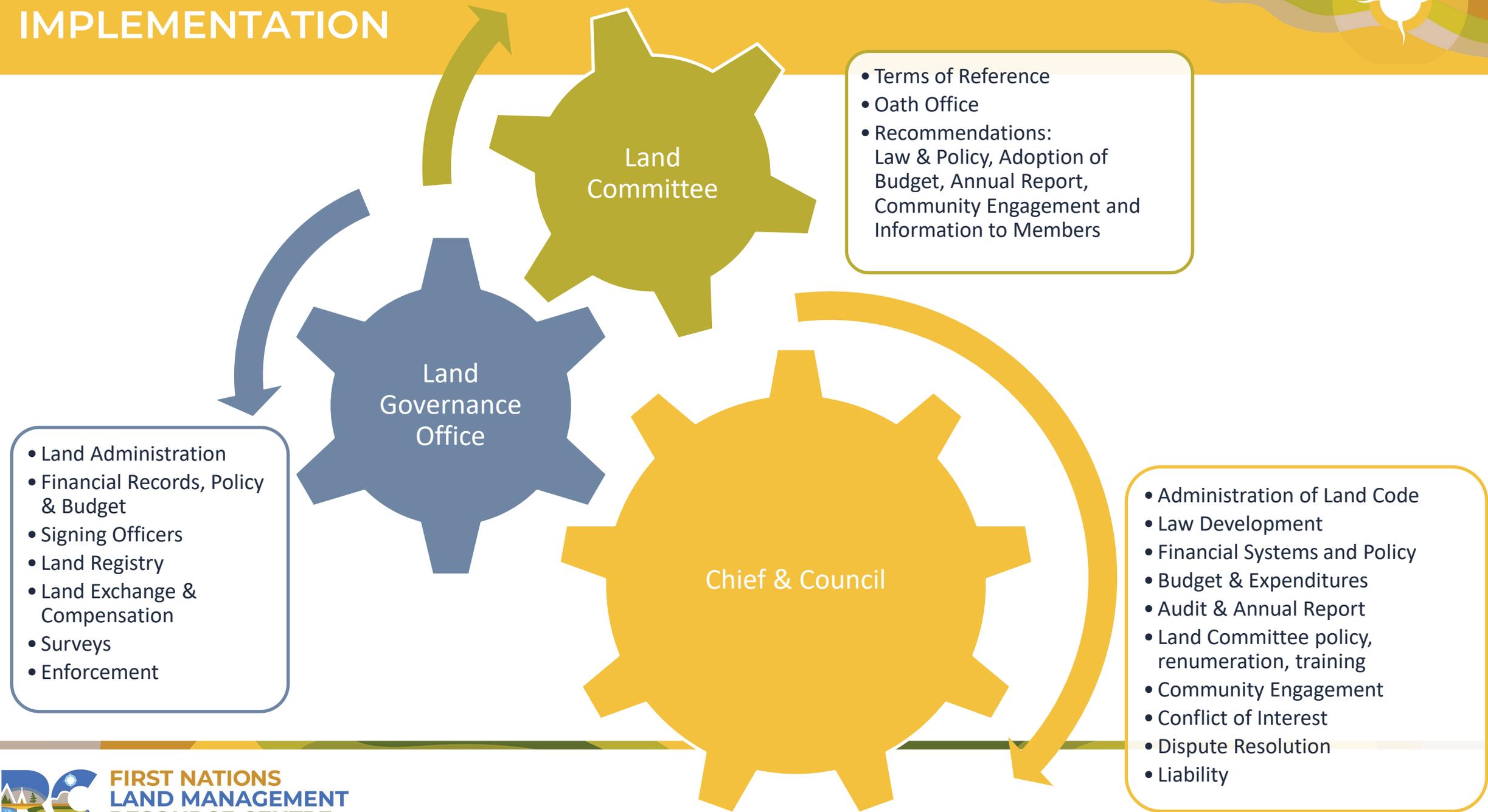
# Options – connecting implementation of your Land Code with other First Nation governance and administration



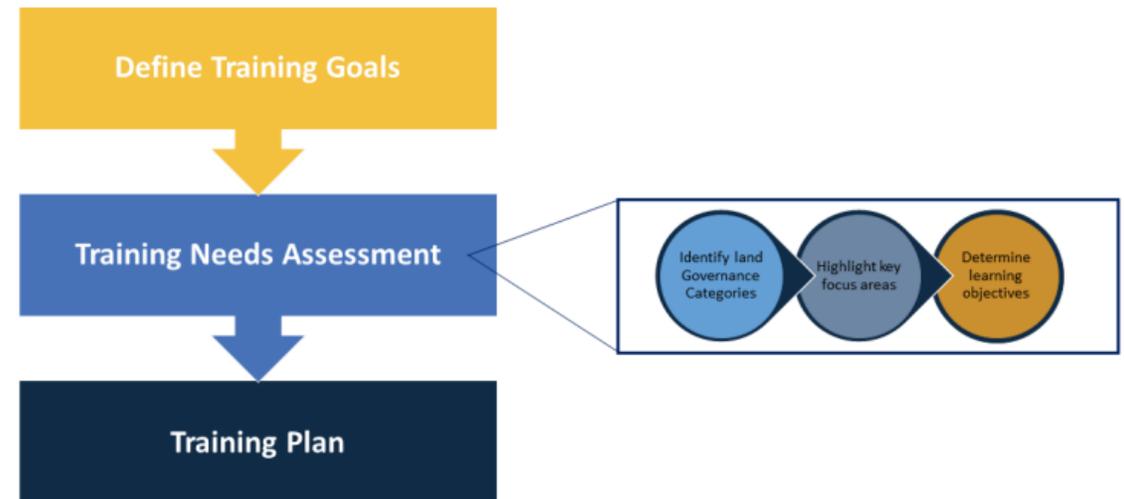
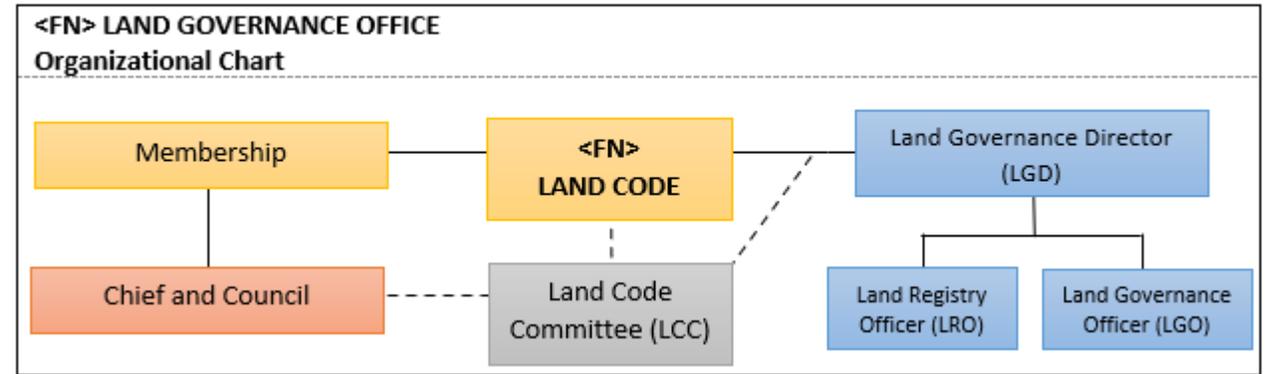
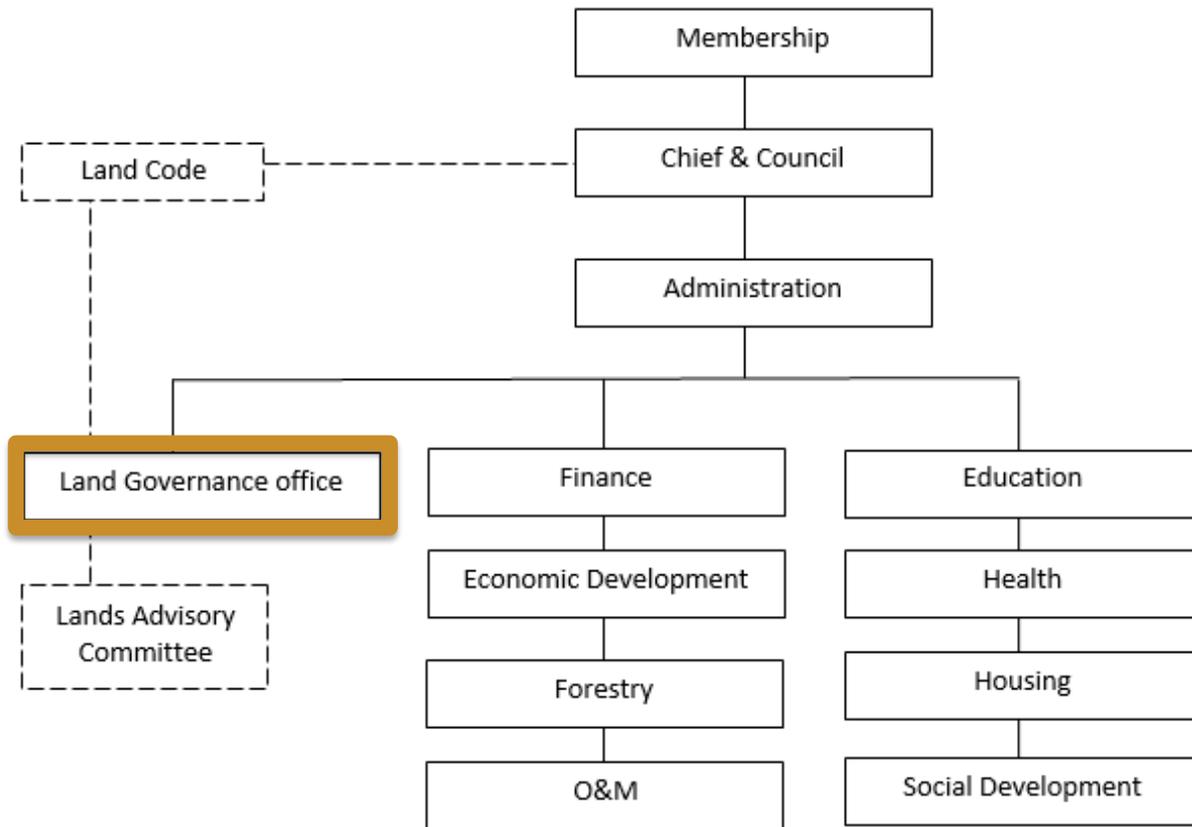
**Angie Derrickson**

Manager: Training, Mentorship & Professional Development

# IMPLEMENTATION



# ORGANIZATION CHART



# LAND GOVERNANCE COMPETENCIES



# Questions & Discussion





**Legal status and  
governance  
authorities under FA**

**Land Code  
authorities and  
responsibilities**

**Implementation of  
Land Code  
throughout the  
organization**



# 2022 TMPD EVENT SCHEDULE

<ul style="list-style-type: none"><li>• First Nation Land Registry Fundamentals for the CITRIX User</li></ul>	<ul style="list-style-type: none"><li>• Records Management &amp; Data Governance Considerations under Land Code</li></ul>	<ul style="list-style-type: none"><li>• Considerations for Commercial &amp; Residential Leasing (A to A Leasing) under Land Code</li></ul>	<ul style="list-style-type: none"><li>• Approaches to Managing Legacy Issues under the Framework Agreement</li></ul>	<ul style="list-style-type: none"><li>• Land Governance Office – Considerations for Operational Start Up &amp; Implementation of Land Code</li></ul>	<ul style="list-style-type: none"><li>• Developing a Climate Change Strategy for Resilient Communities under the Framework Agreement</li></ul>
Jan 13	Feb 10	Mar 9-10	Apr 7	May 12	Jun 8-9
<ul style="list-style-type: none"><li>• Dispute Resolution under the Framework Agreement and Land Code</li></ul>	<ul style="list-style-type: none"><li>• Land Governance Authorities under Framework Agreement &amp; Land Code</li></ul>	<ul style="list-style-type: none"><li>• Natural Resource Management under the Framework Agreement</li></ul>	<ul style="list-style-type: none"><li>• Update on the new model Land Codes</li></ul>	<ul style="list-style-type: none"><li>• Land Development Approaches under Land Code</li></ul>	<ul style="list-style-type: none"><li>• Environmental Management under Land Code</li></ul>
Jul 14	Aug 11	Sep 7-8	Oct 13	Nov 10	Dec 7-8



[labrc.com/events](https://labrc.com/events)



**Webinars**      1 Hour Sessions      11:00 – 12:00 PT / 2:00 – 3:00 ET

**Workshops**      2 Day Sessions      9:00 – 12:00 PT / 12:00 – 3:00 ET



**T M** Training, Mentorship &  
**P D** Professional Development

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Workshops & Webinars

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Online Courses

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Knowledge Paths Tool

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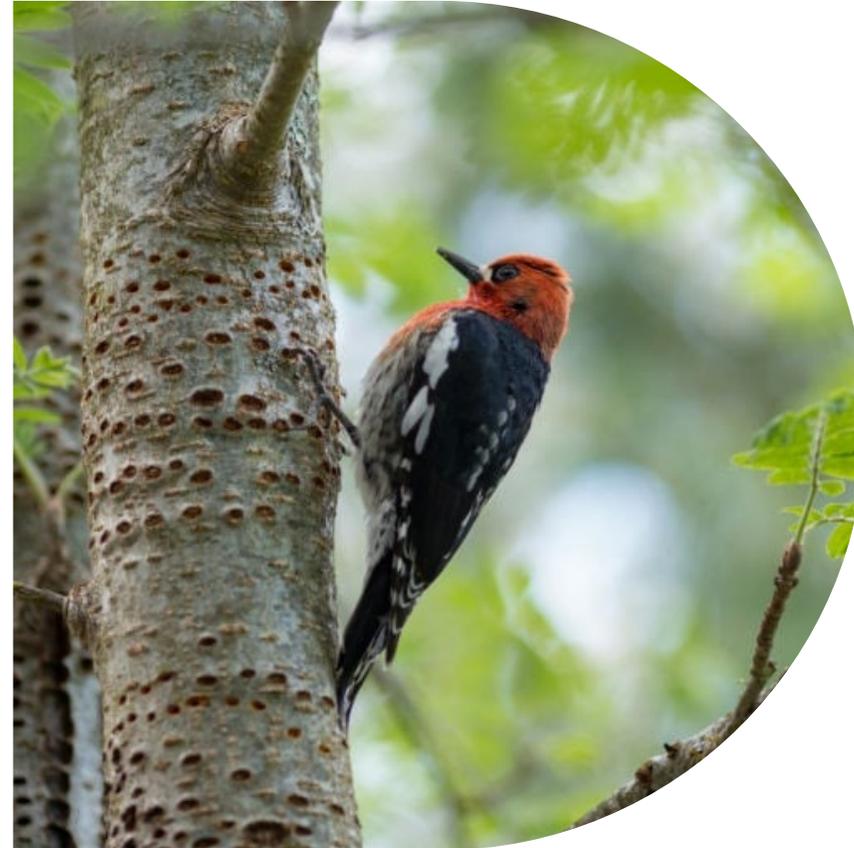
Land Governance Manual

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Knowledge Repository

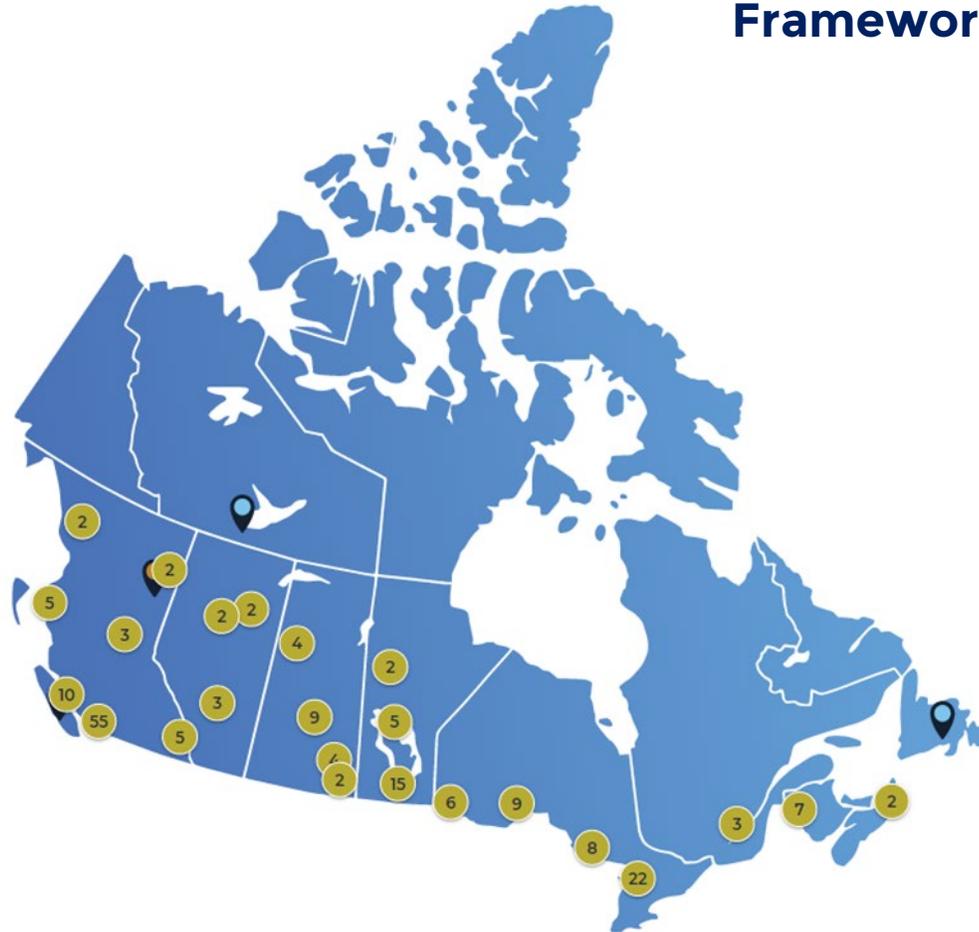
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Direct Community Support (1:1)





## Framework Agreement Signatory First Nations across Canada



As of Aug 8, 2022

<b>Total Signatories</b>	<b>194</b>
Operational	100
Developmental - Active	57
Developmental – Inactive	34
Self Governing	3

[Lands Advisory Board](#) >[Resource Centre \(RC\)](#) >[Our History](#)[RC Board](#)[RC Staff](#)[Employment Opportunities](#)[RC Reports](#)

## Employment Opportunities

 Full Time Part Time Temporary

**Nen Ch'eh (Land Code) Coordinator – Xenii Gwet'in First Nation Government**

Xeni Gwet'in First Nation Government

Nemiah Valley, BC

Full Time



**Lands Worker – Wei Wai Kum First Nation**

Wei Wai Kum First Nation

Campbell River, BC, Canada

Full Time



**Lands Manager – Wei Wai Kum First Nation**

Wei Wai Kum First Nation

Campbell River, BC, Canada

Full Time

# THANK YOU



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