

# Land Governance Authority, Committees, & Priority-based Workplans



BC Links to Learning Conference

February 1, 2023

# Introduction

A First Nations organization dedicated to serving and supporting First Nations communities who want to re-establish control over their lands, natural resources, and environment through the historic government-to-government *Framework Agreement on First Nation Land Management*.

RC was established by the LAB to undertake its technical responsibilities to FNs, through:



*"Supporting First Nations to exercise their Inherent Right to govern their Lands, Environment and Resources."*



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## Breakout Bingo - Blackout

### Rules:

- Ask people in the room if they have done \_\_\_\_\_(listed in each box)
- If they have done it, they can sign or initial the square
- Each person can only sign a maximum of 2 squares per sheet
- The first three people to complete the full sheet win!



# Workshop Outline

## Framework Agreement



## Land Governance Committees



## Land Governance Authorities



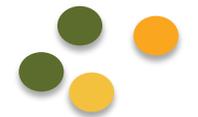
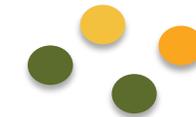
## Land Governance Workplans

	Tasks	\$	Time			
1	~~~~~	\$	■	■	■	■
2	~~~~~	\$	■	■	■	■
3	~~~~~	\$	■	■	■	■
4	~~~~~	\$	■	■	■	■

## Land Governance Priorities

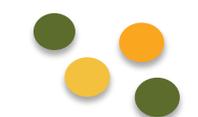
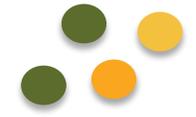
Land Laws

Training



Registry

Planning





## The Framework Agreement...

...is a government-to-government agreement between First Nations and Canada.



...gives First Nations the power to enact land laws, and grant interests and licences on First Nation land.

# Framework Agreement on First Nation Land Management

Dismantling of the *Indian Act* by replacing 44 land management related sections

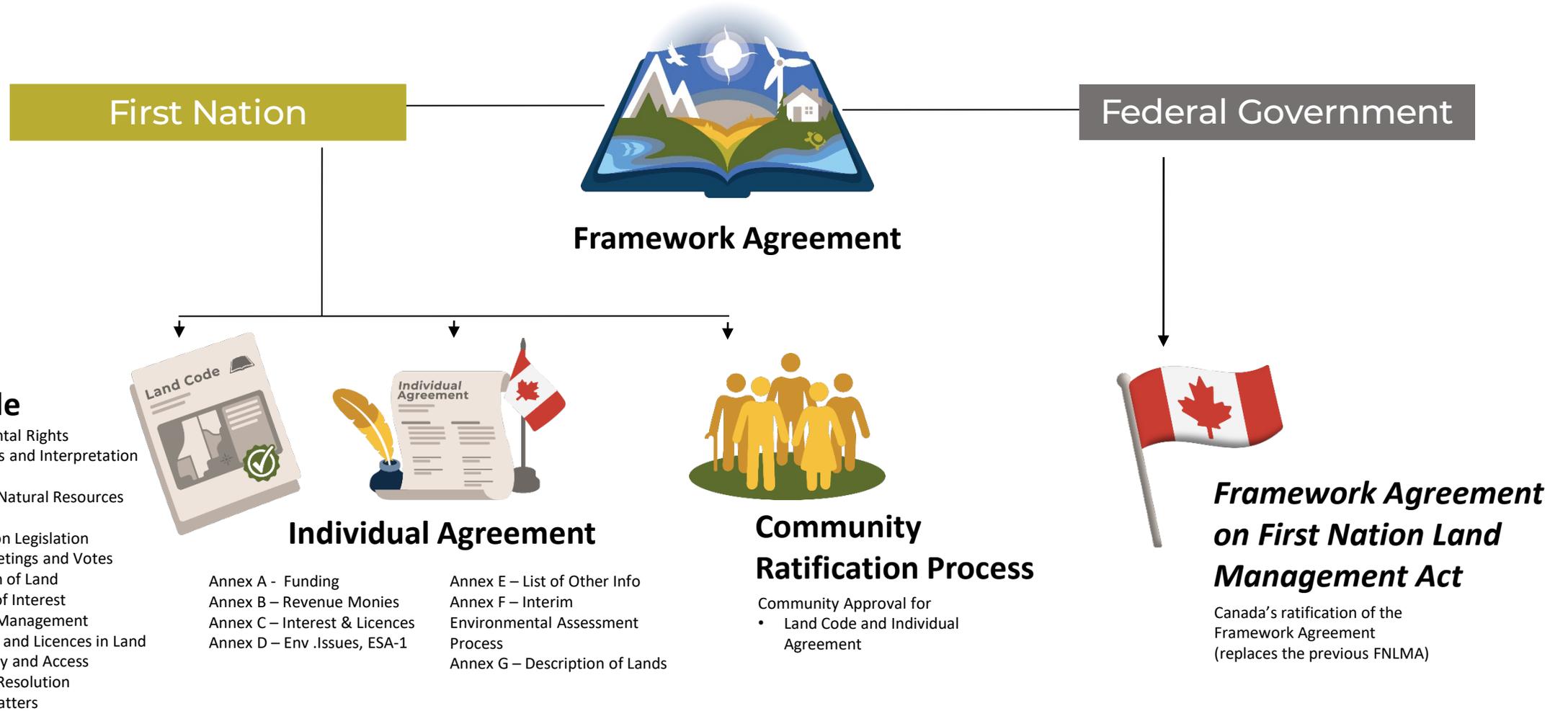
Recognizes the lands related governmental authority of First Nations

Reserves that become First Nation land continue to be lands reserved for FNs under s.91(24) of the *Constitution Act, 1867*

Re-establish First Nation land governance – Canada no longer has authority to manage or administer First Nation land once a land code comes into effect



# FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT



← — — — — — 2 to 3 Year Developmental Process — — — — — →

# Framework Agreement Authorities

Description of lands that are subject to the Land Code

Procedures for transfers of interest or land rights

Accountability to First Nation members for the management of monies and reserve lands

Revenues from natural resources from the reserve lands

Administrative authority to manage reserve lands

Use and occupancy under licenses, leases, interests or land rights.



Developing Land Laws

Conflict of Interest rules

Dispute Resolution process

Granting or Expropriating Interests or Land Rights

Land Code amendment

Procedure for exchange of reserve land

# Transition – When The Real Work Begins



Signing the Framework Agreement and Land Code Developmental Phase Funding Agreement



Land Code Development Process



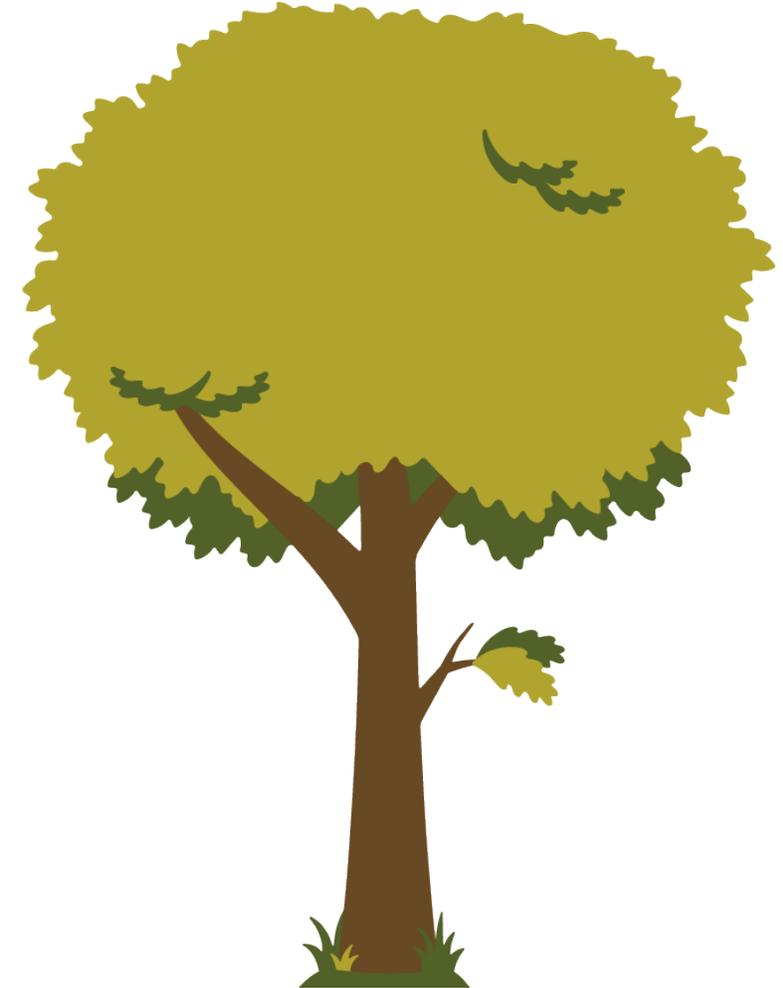
Land Code is approved and **transition to Land Governance begins**



Land Code implementation according to First Nation's priority-based workplans begins



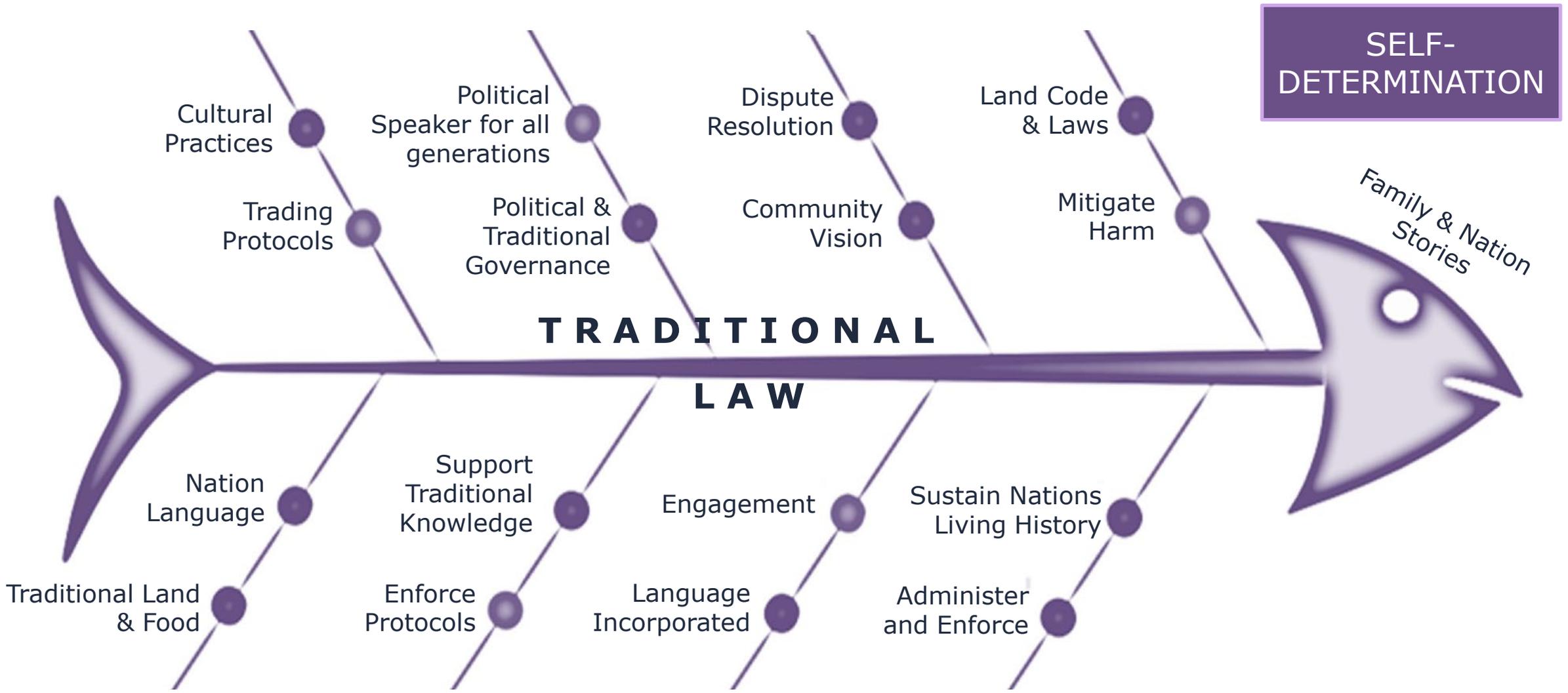
Amendments as necessary



# Identifying Land Code Authorities

Land Code	Section	Authority
PART 1 – PRELIMINARY MATTERS	3.2	The authority of the First Nation to govern its Land and resources flows from the Creator to the people of the First Nation, and from the people to Council according to the culture, traditions, customs and laws of the First Nation.
PART 2 – FIRST NATION LEGISLATION	6.1	Council may, in accordance with this <i>Land Code</i> , make Land laws respecting: <ul style="list-style-type: none"><li>• the development, conservation, protection, management, use and possession of Name First Nation Land;</li><li>• Interests and Licences in relation to Name First Nation Land; and</li><li>• any matter necessary or ancillary to the making of Land laws in relation to the Name First Nation Land.</li></ul>
PART 3 – LAND ADMINISTRATION	22.1	Council may delegate administrative authority to staff to carry out functions necessary for day to day administrative operations of Land and natural resources.

# Establishing Land Code Governance & Administration Process



# Land Administration Strategic Planning Process

## Development

- Vision
- Mission
- Goals and Objectives



## Discussion

- Gather information, views and input
- Regularly scheduled meetings with clear agenda
- Conduct SWOT/SCOT Analysis

## Review and Revise

- Review timeline
- Re-assess goals, if not on target

	Tasks	\$	Time			
1	~~~~~	\$	■	■	■	■
2	~~~~~	\$	■	■	■	■
3	~~~~~	\$	■	■	■	■
4	~~~~~	\$	■	■	■	■

# Considerations for Strategic Planning Process

When should we revise the Strategic, Operational and Annual Work Plans?

When should we revise the land code and laws?

Who is involved in the revision of laws, plans and annual work plans?

Who will administer the laws, plans and policies?



Who resolves law, plan and policy disputes?



**What is the most important issue a land code could address for your community?**

Economic development

Environmental protection

Infrastructure

Legacy issues (traditional holdings)



## Competing Priorities

- There will always be competing priorities
  - Groups
    - Chief and council
    - Administration
    - Committee
    - Membership
  - Issues
    - Environmental protection
    - Development
    - Conservation
    - Infrastructure
    - Legacy issues
    - Priorities that arise with emergencies
    - Time constrained funding opportunities
    - Regularization of unregistered interests vs status quo





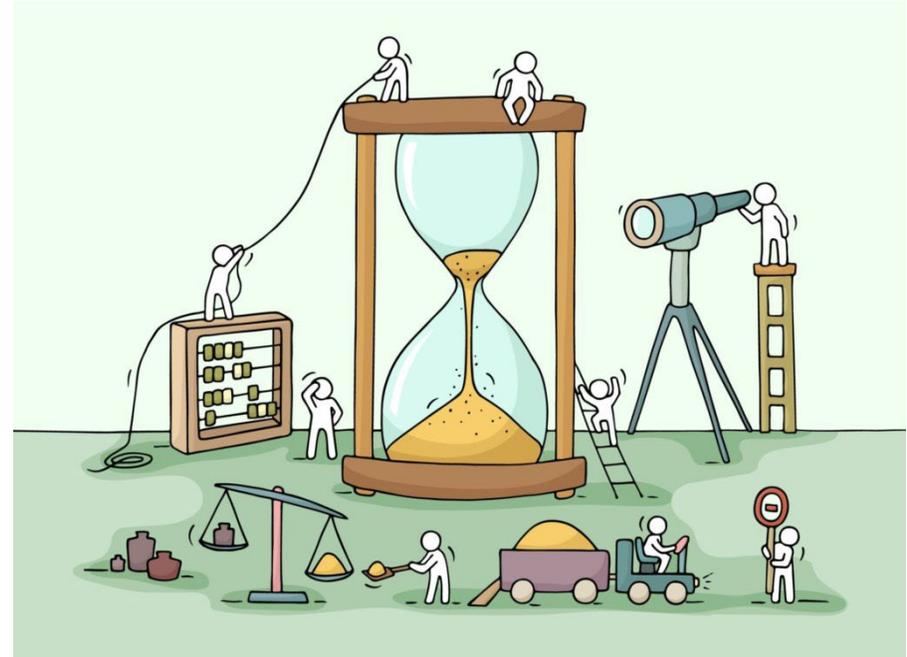
## Funding / Funding opportunities

- Resources are scarce which makes identifying priorities the most effective way to maximize those resources
- Building capacity in grant writing pays dividends
- Neighbouring relationship and pooled resources
  - Sharing enforcement officers
  - Sharing inspectors
  - Servicing agreements
  - Mapping resources

# Identifying Community Priorities – Strategies

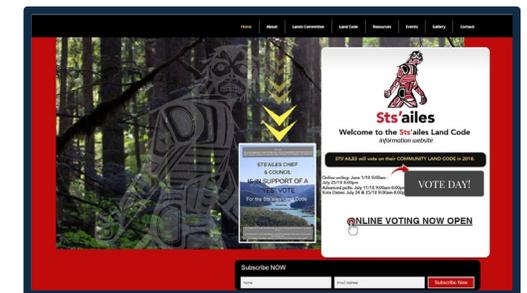
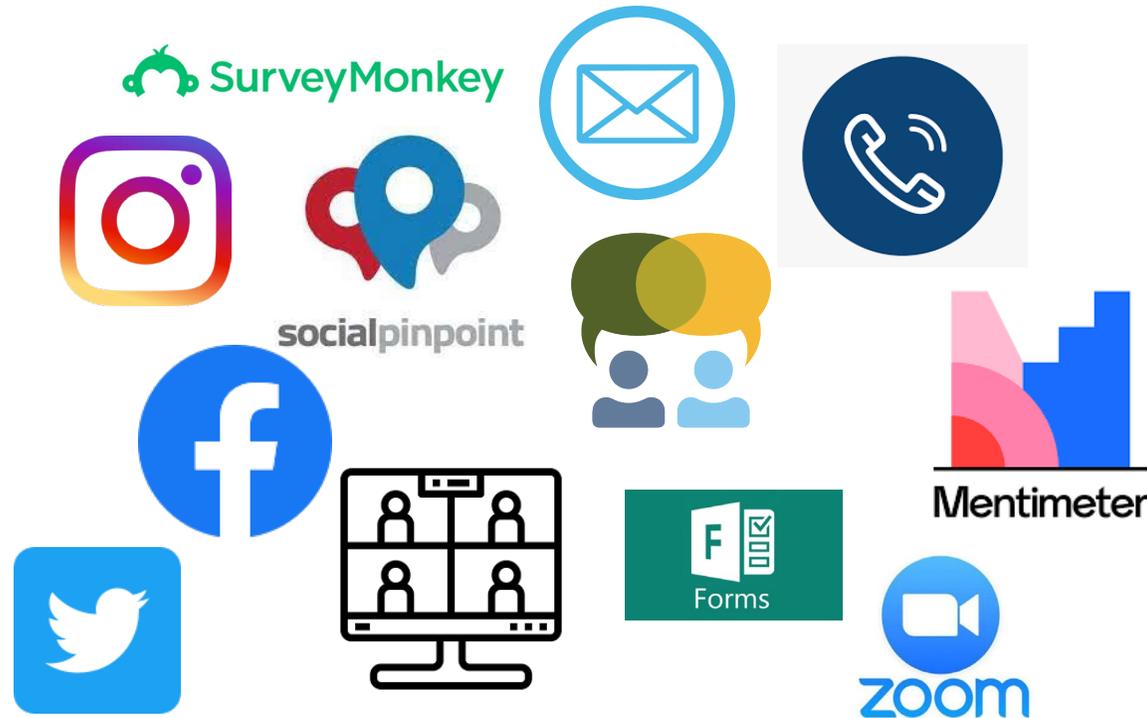
## Strategies for compiling/balancing those priorities

- Traditional methods
- Council independently
- Council in conjunction with:
  - Lands committee
  - Elders committee
  - Family recommendations
  - Clan recommendations
- Community engagement/membership surveys



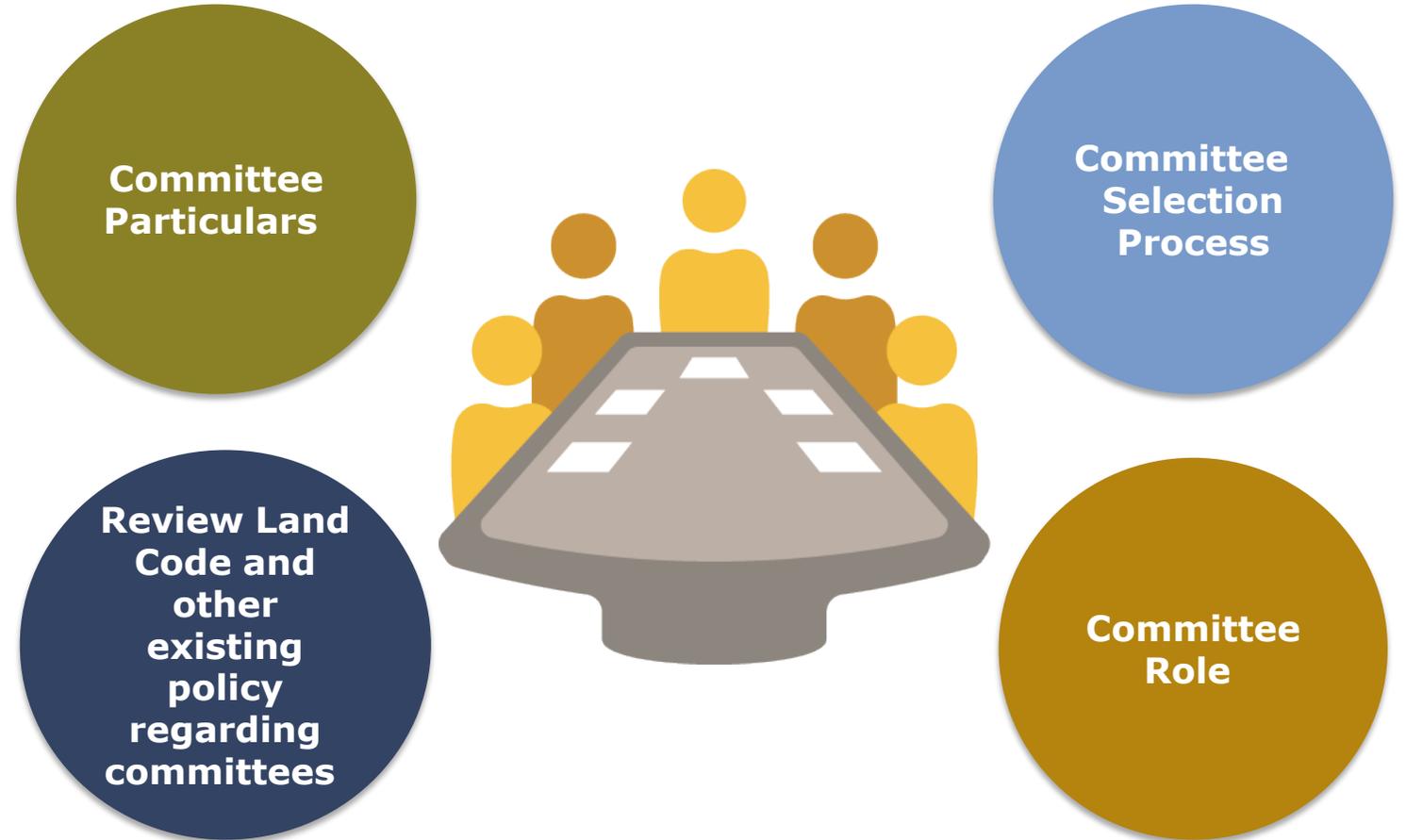
# Methods of Community Engagement

- Meetings:
  - Virtual
  - In-Person (Covid-19 Protocols)
  - Elders
  - Family
  - Youth
  - Staff
- Phone calls
- Emails
- Door-to-door
- Community Events – Info Booth
- Social Media
- Newsletter
- Surveys
- Website
- Video



# Establishment of Lands Advisory Committee (LAC)

- ❖ Terms of Reference
- ❖ Land Advisory Committee Composition, selection process and responsibilities
- ❖ Requirements/Existing Committee Policy
- ❖ Identify the relationship between:
  - Council
  - Lands Governance Office
  - Lands Advisory Committee



# Committee Role

The Land Code outlines the role and authority for the committee

Assist with the development of a First Nation Land administration system

Advise Council and First Nation staff on matters respecting First Nation Land

Recommend to Council Laws, Resolutions, policies and procedures respecting First Nation Land

Hold regular and special meetings of Members to discuss First Nation Land issues and make recommendations to Council on the resolution of such issues

Assist in the exchange of information regarding First Nation Land matters between Members

Oversee community consultations under your Land Code

Perform such other duties and functions as Council may direct



## Committee Particulars

- Terms of Reference (Chair, Agenda, meeting minutes, reporting structure)
- Confidentiality and Conflict of Interest
- Lands Advisory Committee Oath
- Meeting Schedule
- Committee Terms
- Workplan
- Budget
- Committee workshops and training
- Remuneration (Honorary set by Council, Honorary set by committee and approved by Council, gift cards, dinner)
- Committee operation during covid



**Location:** West Coast of Southern Vancouver Island

**Governance:**

Douglas Treaty Nation, governed by Chief and 2 Councilors

**Total Members:**

319

**Total Land Base:**

- 2 reserve lands of 67 hectares
- 1 fee simple parcel of 121 hectares in the CRD District, Broom Hill
- 3 Woodlots totaling 673 hectares
- [Video](#)





**T'Sou-ke Land Code Effective Date:** February 10<sup>th</sup>, 2006

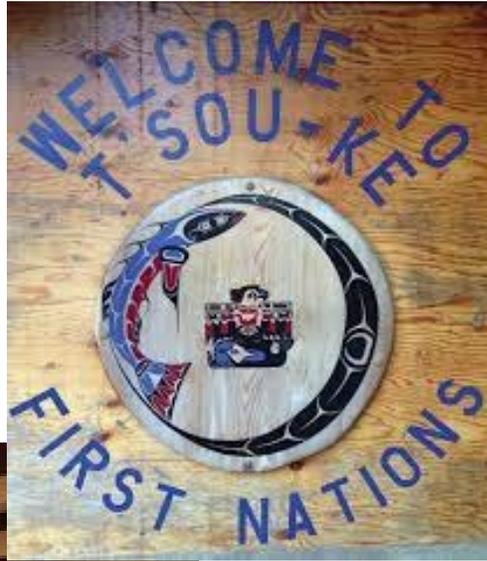
**Lands Committee (LC):**

- 11 eligible voters are elected to LC
- 1 member of Council appointed, 1 eligible voter appointed by Council and the Lands Manager
- 2-year terms

**Established under sec.25&26 of Land Code to:**

- Assist with development of land administration system;
- Advise Council & staff on matters respecting land;
- Recommend to Council Laws, Resolutions, policies, and procedures respecting land;
- Hold regular & special meetings of Members on land issues and make recommendations to Council on resolution of such issues;
- Assist in the exchange of information regarding land issues between Members and Council;
- Oversee community approvals under Land Code;
- Anything else that Council may direct.





1. Can you describe any of the benefits that T'Sou-ke has seen since establishing a lands committee?
2. What have been some of the challenges faced in creating the Lands Committee and in keeping it going for over a decade?
3. In the years since the Land Code came into effect, has the Lands Committee's role or duties changed any?
4. Do you think that having a Lands Committee has impacted the capacity or understanding of land management and governance within the community?

# Links of Interest

## **First Nation Land Management Resource Centre**

[www.labrc.com](http://www.labrc.com)

## **Framework Agreement on First Nation Land Management (FA)**

<https://labrc.com/framework-agreement/>

## **Interested in more information on the Framework Agreement (FA)**

<https://labrc.com/i-am/interested-first-nation/>

## **ISC – First Nations Land Management**

<https://www.sac-isc.gc.ca/eng/1327090675492/1611953585165>

# RESOURCE CENTRE SUPPORT TO FIRST NATIONS

## Land Code Governance Support



**First Nation  
Requests  
Support**



**RC Support  
Services**



**Environment**

**Surveys &  
Legacy Issues**

**Land Registry**

**Land Use  
Planning**

**Solid Waste  
Management**

**Law  
Development &  
Enforcement**

**LGM &  
Knowledge Path  
Tools**

**Communication  
& Public  
Relations**

**GIS & Traditional  
Knowledge**

# Meet The B.C. & F.V. Teams



**Patti Wight**

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June 6 - 8, 2023 - Hilton Lac-Leamy , Gatineau-Ottawa, QC

# 2023 NATIONAL CONFERENCE ON THE ENFORCEMENT OF FIRST NATION LAWS

ADVANCING ENFORCEMENT SOLUTIONS

Registration now open!



[www.2023firstnationenforcementconference.com](http://www.2023firstnationenforcementconference.com)

# Questions & Discussion



# Breakout Activity

Answer the following questions and report back to the group

1. What is the make-up of your Lands Committee or another committee in your community (housing or recreation for example) if you don't have a Lands Committee
2. What types of Community Engagement did you do in 2020 through 2022?
3. What were your biggest committee challenges in 2020 though 2022? What strategies were used to meet those challenges?