

FIRST NATION CENTERED LAWS

FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE CAPACITY BUILDING: LAW ENFORCEMENT

**CHIPPEWAS OF RAMA FIRST NATION, ONTARIO
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OVERVIEW

- **Different approaches to law making**
- **Determining what approach is best for your First Nation**
- **One First Nation's approach to law making**
- **Best practices and lessons learned**

DIFFERENT APPROACHES TO LAW MAKING

- **Not a one size fits all approach to law making**
- **Western law making**
- **First Nation law making**
- **Hybrid of western and First Nation law making**
- **Different laws may require different approaches**

WHICH APPROACH IS BEST?

- **Understanding the First Nation's:**
 - **Values**
 - **Priorities**
 - **Processes**
 - **Capacity**
- **Understanding the law:**
 - **What is the purpose?**
 - **Who will it apply to?**
 - **How will it be enforced?**

DOKIS FIRST NATION'S APPROACH

- **Land Code came into effect in 2013**
- **Used elements of the Land Code in other areas:**
 - **Draft Constitution**
 - **Policy for Chief and Council**
 - **Policy for consultations within the First Nation**
 - **Policy on dispute resolution**
 - **Administration policies (personnel, financial, housing, education, etc.)**

DOKIS FIRST NATION'S APPROACH

- **Currently developing laws under the Land Code:**
 - **Business Licence Law**
 - **Zoning Law**
 - **Property Maintenance Law**
 - **Matrimonial Real Property Law**

DOKIS FIRST NATION'S APPROACH

- **Process in developing the policies and laws ensures:**
 - **Community involvement**
 - **Community understanding**
 - **Community acceptance**
 - **Consistency in format, flow, and appearance**

DOKIS FIRST NATION'S APPROACH

- **Consultation is key:**
 - **Community meetings, survey, feedback**
 - **Meetings with staff**
 - **Meetings with Chief and Council**
 - **Presentations at Council meetings**
 - **Approval by the community**

DOKIS FIRST NATION'S APPROACH

- **Wording is clear and easy to understand**
 - **Ex: Dokis First Nation charges a licence fee for all applications for and renewals of a licence. The licence fees are set out in the Schedule of Licence Fees (Schedule B), which Council may amend from time to time. The full fee is payable at the time of the application and a licence will not be issued until the applicable fee is paid in full.**
- **Terms are defined in the laws and are the same in the Land Code and other laws and policies**
 - **Ex: Unless otherwise provided in this Law, the terms used in this Law have the same meaning as defined in the *Land Code*.**

DOKIS FIRST NATION'S APPROACH

- **Draft laws include:**
 - **Enforcement provisions**
 - **Appeal provisions**
- **Different laws may require different approaches:**
 - **Ex: Matrimonial Real Property Law may require use of the courts**

BEST PRACTICES

- **The First Nation must be part of the entire process in developing their laws**
- **Laws must reflect the First Nation**
- **Laws must be understood by those who develop it, use it, and those that it applies to**
- **Laws may be less subject to challenge when they are understood and supported by the First Nation**

LESSONS LEARNED

- **Templates may be useful but don't just copy and paste**
- **How would I explain this to my Grandpa?**
- **Plain language is better**
- **More input and feedback means better laws**
- **Developing laws takes time!**

MIIGWETCH!



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