



# **Introduction to the Framework Agreement on First Nation Land Management**

A TMPD Course Workbook

2022

# A Welcome Message

Welcome to the printed version of our online course, Introduction to the Framework Agreement. This course is intended for First Nations who are interested or signatories to the Framework Agreement.

The purpose of this course is to inform First Nations about the Framework Agreement on First Nation Land Management (Framework Agreement).

The course is developed specifically to mirror the online version, for communities having limited internet access, or for learners who prefer print over screen.

The course is brief, introducing key terms and concepts related to the subject. It also has “knowledge checks” so that you can check yourself along the way.

We hope that you will find it informative for your work.

In the meantime, should you require any assistance, please let us know.

# Course Learning Objectives

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This course will:

- Review the purpose of the Framework Agreement
- Summarize the history of the Framework Agreement amendments
- Highlighting the main components of the Developmental Process described in the Framework Agreement and illustrate the roles of both the Lands Advisory Board (LAB) and Resource Centre (RC)
- Identify First Nation challenges and successes

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# **MODULE**

# **1**

# Key Terms & Concepts

Listed below are some key terms and concepts that will be used throughout the course.

## Developmental

"Developmental First Nation" refers to a First Nation that is in the Developmental Phase of the Framework Agreement. The Developmental Phase includes the development of a First Nation land code, conclusion of an Individual Agreement with Canada and a community vote.

## Operational

"Operational First Nation" refers to a First Nation that is in the Transitional/Operational Phase of the Framework Agreement and has implemented their land code.

## Signatory

"Signatory First Nation" refers to a First Nation that is in the Entry Phase of the Framework Agreement. You can find further information on becoming a signatory to the Framework Agreement [here](#).

## Land Code

Drafted and approved by the community, the Land Code becomes the basic land law of the First Nation and replaces the land management provisions of the Indian Act. The Land Code sets out the basic mechanisms for:

- Administration
- Accountability
- Enforcement
- Governance
- Interests in lands and resources
- Laws that govern land

## **Individual Agreement**

The Individual Agreement is an agreement between Canada and the First Nation and requires member approval by vote. The Individual Agreement specifies the transfer of the jurisdiction and administration of land from Canada to a First Nation.

## **Community Approval & Verification**

In order for the First Nation to assume control over its lands, the Land Code and the Individual Agreement must be approved by the members of the First Nation who are at least 18 years of age, (living on and off reserve).

The procedure for the Community Ratification Process (CRP) is developed by the community in accordance with the Framework Agreement. If the community approves the Land Code and the Individual Agreement, control over First Nation land and resources is transferred from under the *Indian Act* to the First Nation's land laws and administration.

# What is the Framework Agreement?

The *Framework Agreement on First Nation Land Management* (*Framework Agreement*) is a government-to-government agreement that was initiated by 13 First Nations to opt out of the land management sections of the *Indian Act*. The *Framework Agreement* provides the option to govern reserve lands outside the confines of the *Indian Act*.

**NOTE: The option to regain control of reserve land can only be taken with the consent of the community.**

## Purpose of the Framework Agreement

The intent of the *Framework Agreement* is to recognize the governance authority of First Nations over their reserve lands, resources, and environment. The *Framework Agreement* not only includes administrative management responsibilities previously conducted by Canada as specified by the *Indian Act*, but also recognizes the ability of First Nations to make, administer and enforce law.

The *Framework Agreement* provides First Nations with all the legal status and powers needed to govern and manage their First Nation Land and natural resources.



A First Nation power includes:

all the rights, powers and privileges of an owner and; the authority to grant interests or land rights and licenses in relation to its First Nation Land and; to manage its natural resources. With this recognized law-making authority comes an enhanced ability to plan for the future and to achieve or work towards the vision and ambitions of a community.

**The *Framework Agreement* supports a First Nation to replace 44 sections of the *Indian Act* with their own community approved land code and land laws.**

The *Framework Agreement* recognizes the First Nation inherent right to govern its own reserve lands and resources. The original signatory Chiefs wanted to make it clear that the *Framework Agreement* does not define or prejudice treaty, aboriginal rights or preclude other negotiations.

**The *Framework Agreement* is not a treaty and does not affect existing treaty or other constitutional rights of the First Nations.**

View the videos below of Lands Advisory Board (LAB) Chairman, Robert Louie (4 mins), and Resource Centre & Finance Committee Chair, Austin Bear (3 mins), as they share their views on the significance of the Framework Agreement. Click on the "play" button below to be redirected to the video.

Chairman of the Land Advisory Board, Robert Louie speaking to the many benefits of First Nations who have the jurisdiction to manage their own lands.



Chair of the First Nations Land Management Resource Centre, former Chief Austin Bear speaks about the history and positive impact of Framework Agreement First Nations land management on his community of Muskoday First Nation in Saskatchewan. Click on the title of the video below to be redirected.



# What does the Framework Agreement do?

## The Framework Agreement on First Nation Land Management

### Phases of the Framework Agreement

Upon becoming a signatory to the *Framework Agreement*, a First Nation will go through 4 phases of the *Framework Agreement* Process. The first phase is the **Entry Phase**, where a First Nation becomes a **Signatory** to the *Framework Agreement*. The second phase is the **Developmental Phase**, where a First Nation develops their land code and concludes an Individual Agreement with Canada. The third phase is the **Ratification Phase**. During this phase, the First Nation engages the community to vote on the land code and Individual Agreement. The final phase is the **Transitional/Operational Phase**, where the First Nation will now transition to land code implementation.



## Who is Involved?

There are various parties involved in the implementation of the Framework Agreement; each with their own set of roles and responsibilities.



### First Nation

- Meet with Parties
- Complete necessary entry phase steps Determine funding
- Make appointments
- Develop a Land Code
- Develop an Individual Agreement Engage with community members Ratification vote

## Lands Advisory Board (LAB)

Elected political body comprised of 15 Directors and 1 Chair. 3+ regions in Canada (Fraser Valley, BC, Prairies, East) supporting First Nations in accordance with the Framework Agreement.

## Indigenous Services Canada (ISC)

- Appoint representatives for liaison with First Nation and Resource Centre
- Concludes Developmental Phase Funding Agreement (DPFA) with First Nation & First Nations
- Land Management Resource Centre
- Co-appoints Verifier with the First Nation
- Draft Individual Agreement (with First Nation)
- Concludes the Individual Agreement
- Determine Operational funding
- Sign Individual Agreement

*Aboriginal Affairs & Northern Development Canada (AANDC) and Indian and Northern Affairs Canada (INAC) are now represented by Crown-Indigenous Relations Canada (CIRC), Northern Affairs Canada (NA) and Indigenous Services Canada (ISC).*

## Surveyor General Branch of NRCan

The Surveyor Branch (SGB) of Natural Resources Canada carries out Canada's obligations, under the Framework Agreement, for First Nation lands. SGB ensures Canada has the boundary certainty required to support land management activities on First Nation lands especially under a Land Code.

## Verifier

Independent person, recommended by First Nations Land Management Resource Centre (RC). The Verifier is jointly appointed by the First Nation and Canada to monitor and confirm that the Community Ratification Process and Land Code are consistent with the *Framework Agreement*.

## FNLM Resource Centre (RC)

Technical body established by the Lands Advisory Board (LAB), providing support for LAB activities, financial administration, and technical advice. Also provides support to developmental and operational First Nations in day-to-day operations. The First Nations Land Management Resource Centre is also known as FNLRC.

## What Provisions Does the Framework Agreement Contain?

The Framework Agreement includes the following provisions:

- Opting In Procedure
- First Nation Land Management Rights and Power Protection of First Nation Land
- First Nation Law Making
- Enforcement of First Nation Laws
- Environmental Management and Assessment
- Developmental and Operational Funding
- Restrictions of Expropriation of First Nation Land by Canada
- Status of Lands
- Lands Advisory Board / Establishment of a Resource Centre
- Dispute Resolution
- Ratification and Enactments by the Parties
- Other Matters including Liability, First Nation Land Register and Coming into Force

## What Land will the First Nation have control over?

The First Nation will have jurisdiction and governance authority over "First Nation Land" and is defined in the *Framework Agreement* as:

"First Nation land", in respect of a First Nation, means all or part of a reserve that the First Nation describes in its land code." Therefore, First Nation Lands:

- Are lands reserved for Indians within the meaning of section 91 (24) of the *Constitution Act, 1867*
- Are listed in a First Nation Land Code and Individual Agreement and will be managed by a First Nation

First Nation Land, to the extent that these are under the jurisdiction of Canada and are part of that land, includes:

- All interests and rights
- All the land rights and other rights
- Resources that belong to the land

### ***Framework Agreement section 18.1 states:***

*The council of a First Nation with a land code in force will have the power to make laws, in accordance with its land code, respecting the development, conservation, protection, management, use and possession of First Nation land and interests or land rights and licences in relation to that land. This includes laws on any matter necessary or ancillary to the making of laws in relation to First Nation land.*

## What about other Federal Legislation?

Federal laws of general application continue to apply as well as the remainder of the *Act* sections that do not deal with lands and resources. Other laws that continue to apply are:

- *Indian Oil and Gas Act*
- *Migratory Birds Act*
- *Species at Risk Act*
- *Emergencies Act*
- *Atomic Energy Control Act*
- *Fisheries Act also applies (see section 18.10)*

In some cases, the *Expropriations Act (Canada)* (see section 37.1 of the FA) and the *Canadian Environmental Protection Act*.

## What Can the Framework Agreement Do?

In this 10 minute video below, Dr. Stephen Cornell speaks to relevance of First Nation lands management to the larger movement of self-governance in Canada and for Indigenous nations around the world. Click on the "play" button below to watch the video.





## Benefits of the Framework Agreement to First Nations

There are a number of major benefits to First Nation signatories who ratify and begin working under their Land Code, including:

- Recognition of the inherent right to govern reserve lands and resources
- Removal of reserve lands from the Indian Act
- Participation of both on and off members in decision and law-making processes
- Increased accountability to members of the First Nation
- More efficient governance of First Nation land
- Recognition of First Nation legal capacity to acquire and hold property, to borrow, to contract, to expend and invest money, to be a party to legal proceedings, to exercise its powers and to perform its duties
- Direct control of land revenue previously held in trust by Canada
- Recognition of the right to directly receive revenue from interests in First Nation land
- Protection for First Nation land against arbitrary expropriation and loss through surrender for sale
- Ability of a First Nation to pass environmental laws, and to develop environmental assessment and protection regimes
- Recognition of significant law-making powers respecting First Nation land
- Recognition in Canadian courts of First Nation laws
- Removal of the need to obtain Ministerial approval for First Nation decisions
- Recognition of right to create modern offences and enforcement for breach of First Nation laws
- Ability to appoint Justices of the Peace
- Ability to create local dispute resolution processes
- Establishment of land registry regulations and an electronic land registry system
- Establishment of a First Nation created and controlled Lands Advisory Board and Resource Centre to provide professional technical and political assistance to First Nations
- Time saved in getting business done



# KNOWLEDGE CHECK



Please answer the questions below.

The *Framework Agreement* contains provisions for an opting out procedure and enforcement of laws.

True

False

Under the Framework Agreement, NO federal laws apply.

True

False

The *Framework Agreement* empowers a First Nation to make, administer, and enforce environmental laws.

True

False



# **MODULE**

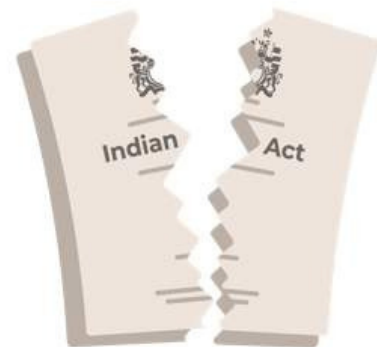
# **2**

# History of the Framework Agreement

## The History of the Framework Agreement: Taking Back Control

### ***The Framework Agreement and the Indian Act***

The original signatory Chiefs felt that the *Indian Act* was too limiting and restricting in regards to what a First Nation can do with its reserve lands. The *Indian Act* gives control over reserve lands to Canada and very little control to First Nation communities. Further, traditional methods of First Nation land governance are not recognized or considered legal by the *Indian Act*.



The *Indian Act* limitations make it difficult for the First Nation and their residents to preserve and protect their reserve land and resources from environmental degradation as well as to make timely decisions regarding the development of their lands.

The original signatory Chiefs felt that the *Indian Act* was too limiting and restricting in regards to what a First Nation can do with its reserve lands. The *Indian Act* gives control over reserve lands to Canada and very little control to First Nation communities. Further, traditional methods of First Nation land governance are not recognized or considered legal by the *Indian Act*.

The *Indian Act* limitations make it difficult for the First Nation and their residents to preserve and protect their reserve land and resources from environmental degradation as well as to make timely decisions regarding the development of their lands.

Under the *Indian Act*, the Minister is obligated to exercise decision-making authority over First Nation reserve lands and resources. The Minister's decision-making authority is not often exercised, which can have negative effects on First Nation efforts to achieve sustainable economic development.

By the early 1990s the Chiefs were exasperated with the ineffective stewardship of their reserve land, consequently, they designed the *Framework Agreement*.

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**The Framework Agreement was signed  
by 13 First Nations and Canada on  
February 12, 1996.**

When the *Framework Agreement* was signed, the parties agreed that at least 2 of the 13 communities would complete their ratification process before Canada would complete its ratification requirement with the passage of the *First Nations Land Management Act* (FNLMA). Muskoday First Nation, Mississaugas of Scugog Island First Nation, and Chippewas of Georgina Island First Nation all ratified their own Land Codes prior to Canada's passage of the FNLMA. To read more about the Ratifying Legislation, *First Nations Land Management Act* (FNLMA),



**Many first Nations across Canada  
have become signatories to the  
*Framework Agreement*. Click  
[here](#) to view the most updated  
signatory map.**

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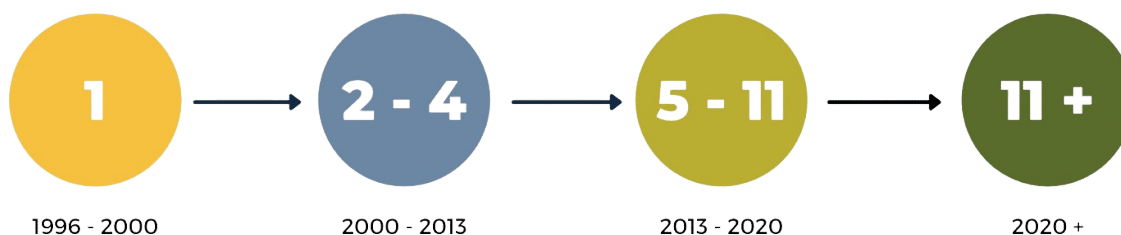
**1/3 of First Nations are implementing, developing, or have  
formally expressed interest to become a signatory to the  
*Framework Agreement*.**



# The Evolution of the Framework Agreement

## Phases of the Framework Agreement

There are currently 11 phases in the evolution of the *Framework Agreement* that highlight significant moments in time.



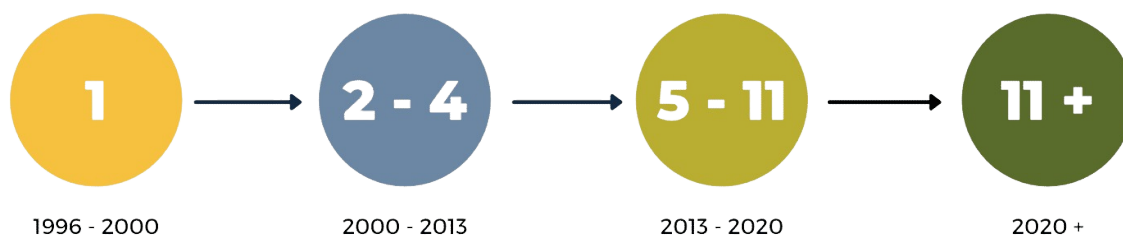
### Phase 1 - February 1996 to March 2000

During this four year period the groundwork for the recognition of the First Nation Inherent Right over reserve lands and resources is completed:

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- In February 1996 the group of 13 Chiefs signed the Framework Agreement with Canada providing those First Nations the option to resume responsibility for law making and land management on their own reserves. This historic signing was hosted by the Chippewas of Georgina Island in Ontario.
- May 1998 – Amendment #1 and #2
- By the end of January 1998, 3 First Nations had completed the ratification of their own Land Codes.
- In June of 1999 the Parliament of Canada passed the FNLMA thereby fulfilling Canada's commitment to the First Nation parties to ratify with legislation.

- On January 1, 2000 Muskoday First Nation, Mississaugas of Scugog Island First Nation, and Chippewas of Georgina Island First Nation officially became operational under their own governance authority. The millennium start date was chosen specifically by these Communities to honour their ancestors and mark a historic day in time when they regained control over their lands and resources
- By the year 2000, interest begins to grow, with 12 additional First Nations passing resolutions requesting to become a part of the Framework Agreement opportunity.



### **Phase 2 - April 2000 - March 2003**

- March 2002 – Amendment #3

At the end of this short two-year period:

- 21 new First Nation signatories are added to the Framework Agreement
- 7 First Nations become operational under their Land Codes
- 41 First Nations are on the interested list

### **Phase 3 - April 2003 - March 2008**

- June 2007 – Amendment #4

By the end of this five-year period:

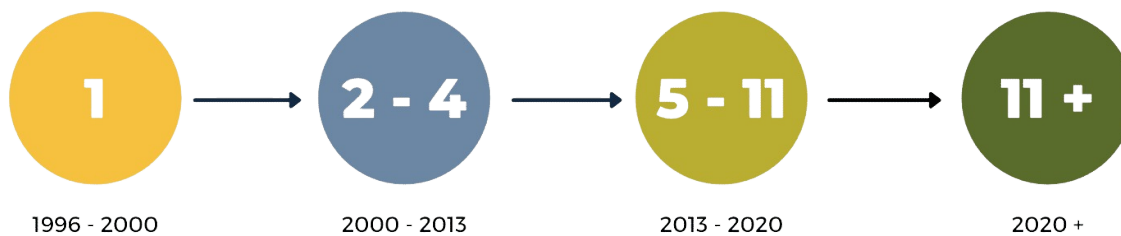
- 23 new First Nation signatories are added to the Framework Agreement
- 16 additional First Nations become operational under their Land Codes
- 63 First Nations now are on the interested list



## Phase 4 - April 2008 - March 2013

By the end of this four-year period:

- October 2011 – Amendment #5
- 15 more signatory First Nations become operational under their Land Codes
- 83 First Nations are on the interested list
- 8 additional First Nations are approved from the interested list to become signatories and begin developmental activities on April 1, 2012
- A Memorandum of Understanding was approved by the Lands Advisory Board Directors and Chiefs bringing into effect a new funding formula



## Phase 5

By the end of this one year period:

- 2 First Nations become operational
- 48 First Nations on the interested list
- 8 more First Nations approved to become signatories to the Framework Agreement
- Government of Canada commits \$9 million to support more First Nations to become signatories to the Framework Agreement.

The addition of these eight First Nations to the Framework Agreement means that a total of 69 First Nations are developing Land Codes under the Framework Agreement.

## Phase 6

April 2013 to September 2013

- 28 New First Nation signatories are added to the Framework Agreement

### **Phase 7**

2014-2015

- 28 new Signatories

### **Phase 8**

2015-2016

- 6 new Signatories

### **Phase 9**

2016-2017

- 9 new Signatories

### **Phase 10**

2017-2018

- November, 2018: Amendment #6
- 26 new signatories
- Budget 2018 Government of Canada committed \$143.5 million (over 5 years) starting in 2018-2019, and \$19 million per year ongoing to support 50 more First Nations to become signatories to the Framework Agreement

### **Phase 11**

2019-2020

- 13 new signatories
- May 10, 2019 New Operational Funding Formula Memorandum of Understanding (MOU) for Land & Environmental Governance – Core Contribution Categories over 5 years

### **Phase 11+**

2020, on-going

- August 2020 - 13 more First Nations are currently in the process of becoming signatories to the Framework Agreement

## **History of the Framework Agreement Amendments**

Since the *Framework Agreement* is a living document, like many other laws and legislation, amendments occur from time to time for various reasons. It is important to note that any amendment to the *Framework Agreement* may only take place with the consent of the parties to the *Framework Agreement*. Each time an amendment was made, the parties sought to streamline the transition from the Developmental Phase to Operational Phase under a land code. Other amendments were made to ensure that the original spirit and intent of the agreement was clear.

Since 1998, the Lands Advisory Board (LAB) has been continually focused on streamlining, improving, and adjusting the *Framework Agreement* to ensure maximum benefit for First Nation signatories. To date, and in partnership with the Government of Canada, 6 successful amendment efforts to both the *Framework Agreement* and the *First Nations Land Management Act* (FNLMA) have been completed.

### **Who Can Amend the Framework Agreement?**

The Framework Agreement may only be amended with the consent of Canada and 2/3 of the First Nations which have ratified the Framework Agreement. The Framework Agreement outlines the Lands Advisory Board's role for amendments in subsection 39.1 (h):

*In addition to any other functions specifically assigned to it by the Parties, the Lands Advisory Board will be responsible for the following functions:*

*(h) proposing to the Minister such amendments to this Agreement and the federal legislation as it considers necessary or advisable;*

The Chiefs of the First Nations operating under their land codes, with assistance from their elected LAB members, identify necessary changes. The LAB then approaches the Minister of Indigenous Services Canada (ISC) with these changes and the technical details are then completed.

The Chiefs then vote to officially approve these changes to the Framework Agreement. With the official approval of the Chiefs completed, the Minister of Crown-Indigenous Relations Canada (CIRC) presents to Parliament the necessary concurrent amendments to the First Nations Land Management Act.

**NOTE: Aboriginal Affairs & Northern Development Canada (AANDC) and Indian and Northern Affairs Canada (INAC) are now represented by Crown-Indigenous Relations Canada (CIRC), Northern Affairs Canada (NA) and Indigenous Services Canada (ISC).**

### **What are the Amendments?**

Below are highlights of the amendments. To learn about each amendment, click on the tabs.

#### **Amendment 1: Additional Signatory**

St. Mary's First Nation (New Brunswick) in 1998 was added as the 14th signatory party to the Framework Agreement.

#### **Amendment 2: MRP Law & FHRMIRA Legislation**

This amendment in 1998 clarified the authority for the First Nation to make laws in relation to Matrimonial Real Property (MRP) on reserve. This was the first time in Canada that First Nations were recognized as having this authority.

##### **2013 Federal Law on MRP Affect on the Framework Agreement.**

The Family Homes on Reserves and Matrimonial Interest or Rights Act (FHRMIRA) received Royal Assent on June 19, 2013 - which allows all First Nations to make laws on the division of on-reserve property on breakdown of a marriage or on death. If a First Nation does not make a MRP law under its Land Code then the rules in the new FHRMIRA will apply.

However, there are exemptions to the rules for Framework Agreement signatories that are listed in the Schedule to the FHRMIRA. A First Nation should seek independent legal advice regarding the interpretation of their exemption status.

If a First Nation already has enacted their own MRP law then the FHRMIRA will not supersede any existing MRP that the operational First Nations have implemented. The only outstanding issue to those First Nations with a MRP law is what happens to estates, as estates are not covered in the Framework Agreement. First Nations should seek independent legal advice on the estate matter as it applies to their MRP law enacted under a Land Code.

### **Amendment 3: Adhesions, Amendment Process, Lands Advisory Board (LAB), & Other Administrative Matters**

On March 20, 2002 The following was also agreed to:

- A formal adhesion process for additional First Nations to become signatory to the Framework Agreement
- A procedure for future amendments to the Framework Agreement
- The structure of the LAB
- Other administrative matters

### **Amendment 4: Bilingual Document & Reflecting Bijural Terms**

In 2005, the Conseil De La Premiere Nation des Innus Essipit (Quebec) became a Framework Agreement signatory. It is important to note, the LAB commitment to have a bilingual Framework Agreement with bijural terminology dates back to 2002. This amendment formalized the Framework Agreement as a bilingual document and reflecting bijural terms. Amendment number 4 occurred in 2006.

### **Amendment 5: Excluded Lands, Certificate of Land Code & Environmental Management Agreement (EMA) Removal**

In 2011-2012 the signatory First Nations and the Minister of Aboriginal Affairs & Northern Development Canada (AANDC) agreed on the 5th amendment to the Framework Agreement, and accordingly to the First Nations Land Management Act (FNLMA) as follows:

Excluding lands from the Land Code. This amendment makes it possible to exclude parcels of reserve land when uncertainties or unresolved issues exist and the parties to the Individual Agreement agree to the exclusion. This was previously not possible and contributed to significant delays to the developmental process.

Certification of a Land Code. This amendment clarified that an Individual Agreement must be signed by both AANDC and the First Nation before a First Nation can become operational under its Land Code.

Removal of the Environmental Management Agreement (EMA) obligation. Previously the Framework Agreement required operational First Nations and Canada to finalize an EMA before a First Nation could pass environmental laws. No EMAs were finalized by 2012 resulting in the inability of First Nations to pass environmental laws.

### **Amendment 6: 13 Highlights**

On Nov 6, 2018, the 6th amendment to the Framework Agreement was finalized between Operational First Nations and Minister Carolyn Bennett. Canada then brought the provisions of the First Nations Lands Management Act into alignment with the amended Framework Agreement through the passage of Bill C-86, Division 11. Royal Assent of Bill C-86 took place on December 13, 2018.

#### **1. Declaration on the Rights of Indigenous Peoples (UNDRIP) Clause**

Introductory clauses stating commitment of both Canada and First Nations to the principles of United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP). These are brief introductory provisions added because the Framework Agreement was finalized before UNDRIP.

## 2. Jointly Held Reserves (section 2 of FA)

New provision that clarifies the ability of multiple First Nations to collectively govern jointly held reserve lands.

## 3. Yukon lands (section 4A of FA)

Making the Framework Agreement available as an option to Yukon First Nations which have “lands set aside” rather than reserves.

## 4. Changes to Land Code Requirements and Options (section 5 of FA)

- Adding requirement that land codes will come into force within six months of an affirmative ratification vote
- Eliminating current obligation to provide for matrimonial real property in land codes
- In particular broader options regarding matrimonial real property (see also the new matrimonial real property law making power in section 18 of Framework Agreement described below)

## 5. Changes to Voting (section 7 and 8 of FA)

- Changes include the new “Simple Majority” option to ratification voting on land codes. The revisions to make it easier for new First Nations to opt out of the Indian Act include:
- Eliminating the current minimum 25% threshold of yes votes of all eligible voters. The majority of participating voters would decide, consistent with other important votes in Canada
- For Developmental First Nations, a Verifier is only required to confirm that the land code and voting process comply with the Framework Agreement , not to monitor the actual vote
- For Developmental First Nations, option to have their own Ratification Officer conduct and affirm votes (rather than the verifier)
- Option for Individual First Nations to set their own minimum threshold and use the Verifier for the whole voting process

## **6. First Nations rather than LAB to publish land codes and amendments (sections 11 and 40 of Framework Agreement )**

First Nations must make available to the public their land codes and laws and can chose to publish on their websites.

## **7. Additions to Reserve (ATR) (section 14A of the Framework Agreement )**

New provisions to speed up additions to reserve:

- Land can be added to reserve and come under land code authority in a single Ministerial Order instead of an order of council
- Options for First Nations to accept third party interests and provide for replacement interests before reserves are created
- An option to impose land use restrictions (eg zoning laws) in advance of reserve creation. There is no obligation to take these measures, but they may speed up reserve creation

## **8. Third Party Interests (section 16 of the Framework Agreement )**

A new provision that will clarify that First Nations and third parties can agree to leasing arrangements that differ from previous Indian Act designation terms and conditions.

## **9. Matrimonial Real Property Laws (section 18 of the Framework Agreement )**

The intention is to provide in the Framework Agreement for the full range of matrimonial real property authority currently available under Canada's Family Homes on Reserves and Matrimonial Rights or Interests Act (FHRMIRA).

- New provisions to expand upon the current authority to deal with "breakdown of marriage" to include "death of a spouse"
- Elimination of the current 12-month period for First Nations to make Matrimonial real property (MRP) rules and elimination of dispute resolution with Canada regarding land code provisions
- A new provision is established to require that provinces (or territories) be notified when proposing to make MRP laws. This is similar to a requirement in FHRMIRA and may possibly help First Nations seeking provincial assistance in enforcing MRP laws



## 10. Limitation of Liability & Intergovernmental Agreements (section 18 of the Framework Agreement)

Provisions to limit liability of employees and volunteers working for First Nations, within the limits typical under provincial law of the province within which a First Nation is located.

- Option for First Nations to enter into agreements with other governments regarding the performance of duties by professions such as building inspectors or firefighters

## 11. Environment Law Making Powers (section 23 of the Framework Agreement)

An updated list of examples of environmental law-making powers will be added such as contaminants, emergencies, nuisances, waste management and recycling.

## 12. Liability (section 50 of the Framework Agreement)

A new provision will be added to clarify that Canada is no longer responsible for the management of revenue and capital monies following their transfer to a First Nation.

## 13. First Nation Lands Register (section 51 of the Framework Agreement)

Elimination of the current requirement that a lands registry has to be operated by Canada. This would pave the way for an agreement to develop regulations for a First Nation Lands Register for those communities with land codes in effect.

**For further information  
see presentation and  
materials from the May  
24, 2019 [FA  
Amendments Webinar](#).**



# KNOWLEDGE CHECK



Please answer the questions below.

The purpose of the Framework Agreement is to recognize the governance authority of First Nations over their reserve lands, resources, and environment.

True

False

The Framework Agreement replaces the entirety of the Indian Act.

True

False

The Framework Agreement cannot be amended.

True

False

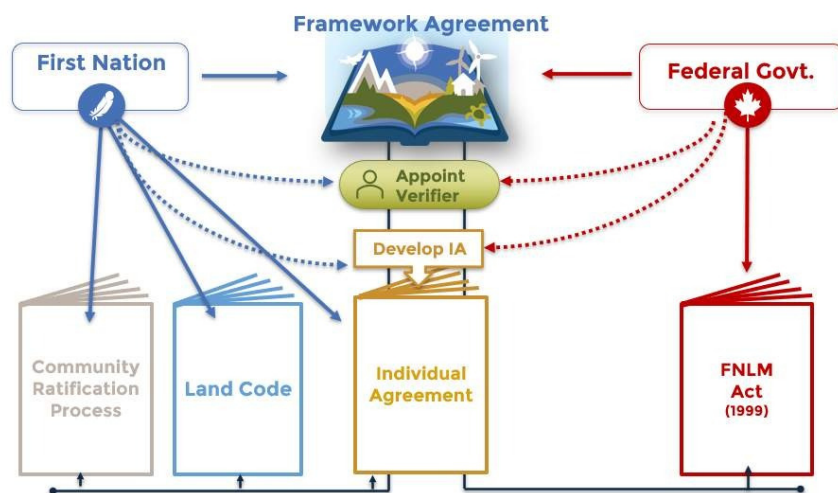


# **MODULE**

# **3**

# Opting out of the Indian Act and Into the Framework Agreement

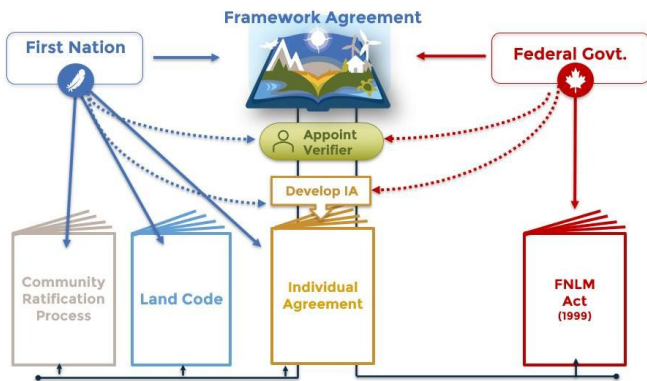
The *Framework Agreement* requires a First Nation to develop a Land Code, conclude an Individual Agreement with Canada and develop a Community Ratification Process. First Nations ratify the *Framework Agreement* by holding a vote to approve the Community's Land Code and Individual Agreement. Learn more about Land Code, Individual Agreement and the community approval through a First Nation designed Community Ratification Process by clicking on the graphic below.



## Community Ratification Process

In order for the First Nation to assume control over its lands, the Land Code and the Individual Agreement must be approved by the members of the First Nation who are at least 18 years of age, (living on and off reserve).

The procedure for the Community Ratification Process (CRP) is developed by the community in accordance with the Framework Agreement. If the community approves the Land Code and the Individual Agreement, control over First Nation land and resources is transferred from under the Indian Act to the First Nation's land laws and administration.



## First Nation Land Management Act

The FNLMA provides federal ratification of the Framework Agreement.

### Individual Agreement

The Individual Agreement is an agreement between Canada and the First Nation and requires member approval by vote. The Individual Agreement specifies the transfer of the jurisdiction and administration of land from Canada to a First Nation.



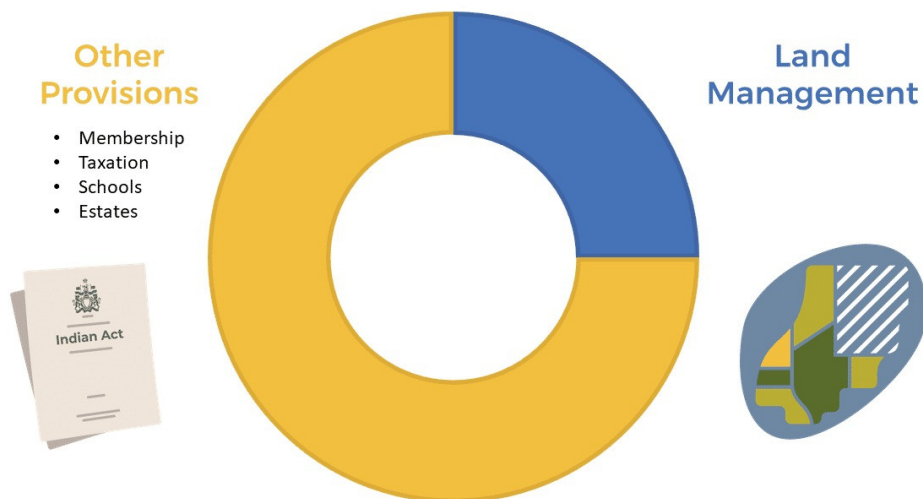
### Land Code

Drafted and approved by the community, the Land Code becomes the basic land law of the First Nation and replaces the land management provisions of the Indian Act. The Land Code sets out the basic mechanisms for:

- Administration
- Accountability
- Enforcement
- Governance
- Interests in lands and resources
- Laws that govern land



When a community ratifies their Land Code and Individual Agreement, the control of that First Nation's lands and resources are no longer under the authority of the *Indian Act's* 44 land provisions (approximately 25% of the *Indian Act* no longer applies).



**For further information on opting out of the *Indian Act* and into the *Framework Agreement*, please refer to the detailed support that is provided through the RC Support Services.**



# KNOWLEDGE CHECK





Please answer the questions below.

In order for a First Nation to assume control over its lands, the Land Code and Individual Agreement must be ratified by members of the community.

True

False

A Land Code is drafted by Canada.

True

False

The Individual Agreement outlines the specifics of the transfer of jurisdiction from Canada to a First Nation.

True

False



# **MODULE**

# **4**

# Role of LAB & RC

## The First Nations Land Management Resource Centre (RC)

The RC is 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.



The Resource Centre is dedicated to supporting First Nations communities, when invited, in the following ways:

- Intergovernmental Relations in support of the Framework Agreement on First Nation
- Land Management's ongoing implementation
- Training, resources, and support services for signatory First Nations as they develop and Implement their community land codes
- Providing information to interested First Nations

## Lands Advisory Board (LAB)

The Lands Advisory Board (LAB) is First Nations established and controlled. The LAB is comprised of an elected Chairman and regionally elected Directors, determined by the Councils of the signatory First Nations who have formally established their community land codes..

Among its roles, the Lands Advisory Board:

- provides strategic direction to the First Nations Land Management Resource Centre (RC) which was established to provide technical and professional support to First Nation signatories as they develop and implement their own land codes
- proposes legislative changes to the Framework Agreement and federal legislation as directed by the signatory Councils
- advocates for and negotiates funding with the Government of Canada on behalf of the First Nations signatory communities

### LAB Board Members

[OPEN IN WEB](#)

### RC Staff Directory

[OPEN IN WEB](#)

# Support Services & Funding

## DEVELOPMENTAL FUNDING

Section 29.1 of the *Framework Agreement* states that Canada and the Lands Advisory Board will enter into a funding arrangement to allow the First Nations to develop land codes and community approval processes for their land codes, to negotiate the individual agreements mentioned in clause 6 and to seek community approval under clause 7.

## OPERATIONAL FUNDING

Section 30.2 of the Framework Agreement states: A method for allocating such operating funds as may have been appropriated by Parliament will be developed by the Parties and the Lands Advisory Board.

Section 30.3 of the Framework Agreement states: Unless a First Nation and Canada agree otherwise, an individual agreement respecting the provision of funding under this clause will have a maximum term of five years and will include provisions for its amendment and renegotiation.

The Resource Centre offers Special Project Funding as approved. Please connect with your Support Services Technician to inquire about funding opportunities.



**The current funding negotiation will be in effect from April 1, 2018 - March 31, 2023.**

# Successes & Challenges of the Framework Agreement

## Taking First Nations Out of the Colonial Indian Act Lands System

The Framework Agreement has a proven track record, having taken roughly 12.5% of First Nations out of the colonial Indian Act lands system, while enhancing environmental protection and facilitating increased economic development through modern systems of governance, law-making and policies, and timely decision making. Unlike under the Indian Act, First Nations completing the Framework Agreement process enjoy a regulation-backed lands registry system that is priority based, paperless, and instant. This means greater land certainty, reduced or eliminated transaction costs and increased financing options for infrastructure, housing, capital and economic development projects. Feel free to read about some of the benefits or listen to interviews with First Nations.

## Framework Agreement Benefits Reports

### **FNLM Benefits Review 2010**

[OPEN IN WEB](#)

### **FNLM Benefits Review 2014**

[OPEN IN WEB](#)

### **FNLM Partial-Benefit Cost Study 2016**

[OPEN IN WEB](#)

## Framework Agreement Benefits - Land Decolonized Podcast

The Land Decolonized podcast explores the practical side of the Framework Agreement on First Nation Land Management. Here, you can listen to various First Nations talk about their experience with the *Framework Agreement on First Nation Land Management*.



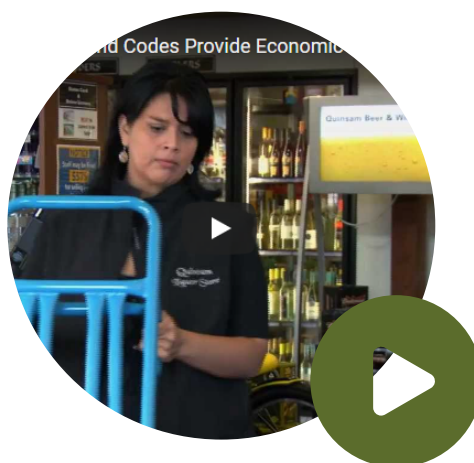
[LISTEN NOW](#)

## Land Code Benefits Videos

In this 7 minute video, produced by Paqtnkek, you will hear about the benefits of Land Code.



In this 4 minute video, we will hear the We Wai Kai Nation discuss economic opportunities that have resulted from the implementation of Land Code.





# Wrap Up: Summary



As we have discovered throughout this course, the Framework Agreement provides the option to govern reserve lands outside the confines of the Indian Act.

## Course Summary

- The Framework Agreement was signed in 1996 and has gone through 6 amendments
- The Framework Agreement requires a First Nation to enter into an Individual Agreement with Canada, develop a Land Code and hold a community vote
- The Lands Advisory Board proposes legislative changes to the Framework Agreement, advocates and negotiates funding with Canada on behalf of the signatory communities
- The Resource Centre provides training, resources and support services for First Nations





# KNOWLEDGE CHECK



Please answer the questions below.

The role of LABRC includes: (check all that apply)

- Establishing curricula and training programs
- Developing model laws and land management systems
- Assisting First Nations in implementing its land code, laws, land management systems, etc.
- Writing Land Code on behalf of the First Nation

The *Framework Agreement* states that Canada will provide First Nations with adequate operational funding.

- True
- False



# **ATTACHMENTS**

## Resources

**Framework Agreement on First Nation Land Management**

[OPEN IN WEB](#)

**FA Executive Summary (short)**

[OPEN IN WEB](#)

**FA Executive Summary (Full)**

[OPEN IN WEB](#)

**FAQ's**

[OPEN IN WEB](#)

**Glossary of Terms**

[OPEN IN WEB](#)

**Myths & Facts about the Framework Agreement**

[OPEN IN WEB](#)

**Process Chart: Becoming a Signatory to the Framework Agreement**

[OPEN IN WEB](#)

**Quick Facts about the Framework Agreement on First Nation Land Management**

[OPEN IN WEB](#)

## Knowledge Check Answers

### MODULE 1



True



False



True

### MODULE 2



True



False



1996

### MODULE 3



True



False



True

### MODULE 4



Establishing curricula and training programs



Developing model laws and land management systems



Assisting First Nations in implementing its land code, laws, land management systems, etc.



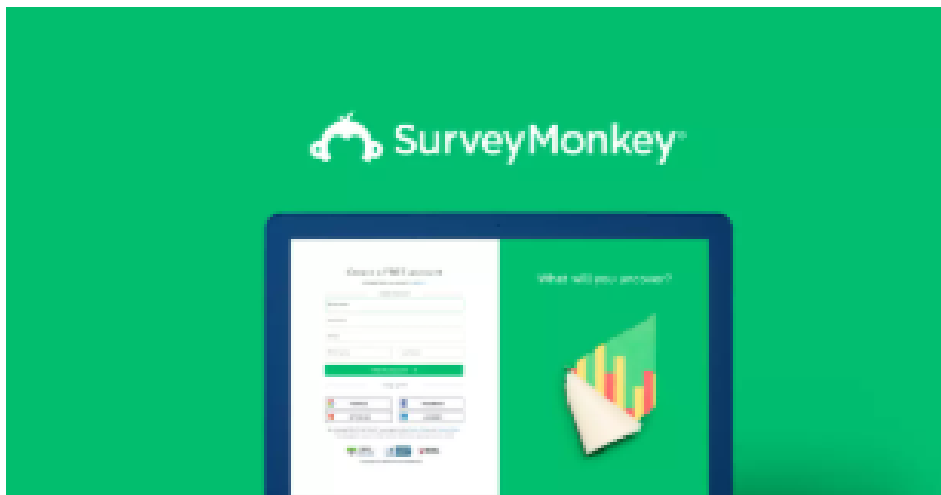
True

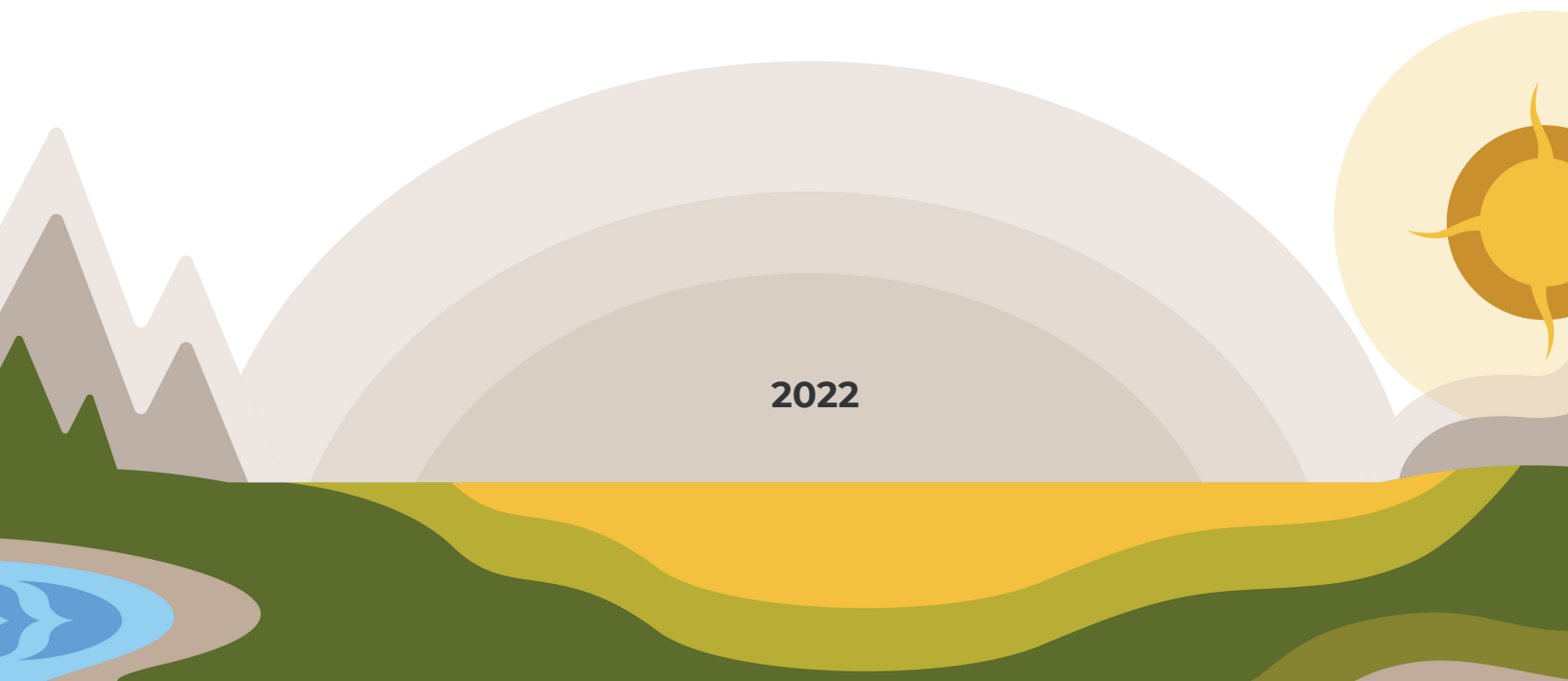
# Course Survey

Thank you for taking the time to complete the course. We really hope that you enjoyed it. Please take a moment to complete the course evaluation below. Your response is appreciated. The survey will also ask if you would like to add this course to your Knowledge Paths Tool to receive a certificate of completion.



You can take the survey by clicking on the image below:





2022