

FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT

Law Development and Enforcement

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Training, Mentorship &
Professional Development



The Framework Agreement on First Nation Land Management



- Historic, government-to-government agreement signed on February 12, 1996 between the original 13 First Nations and the Minister of Indian Affairs and Northern Development
- Today, has expanded to include an ever-growing number of First Nations across Canada who are interested in replacing the land-related sections of the *Indian Act* (35%) with the legal framework developed in their land code
- Each First Nation signatory to the Framework Agreement re-assumes land management jurisdiction over their reserve lands, environment, and natural resources, including law-making authority, when they ratify their land code

The First Nations Land Management Resource Centre



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."



Law making authority under the Framework Agreement

- The Framework Agreement **is a First Nation-led exercise** in self-government
- First Nations under a Land Code have the **authority to develop laws** “respecting the development, conservation, protection, management, use and possession of First Nation land”
- A **First Nation Law is not a Bylaw**
- First Nations under the Framework Agreement **exercise law making authority independently** of any other government



Examples of Framework Agreement Law Making Authority



Trespass, Enforcement and Ticketing



Land Use, Zoning, and Development



Residential Tenancy



Allotments, Interests and Licences



Business Permitting and Licensing



Environmental Assessment and Protection



Emergency Laws



Natural Resource Management



Recycling, Solid Waste Management and Garbage Disposal



Environmental Emergencies and Natural Disasters

Enforcement of First Nation Laws

Establish comprehensive enforcement procedures

Appoint Justices of the Peace

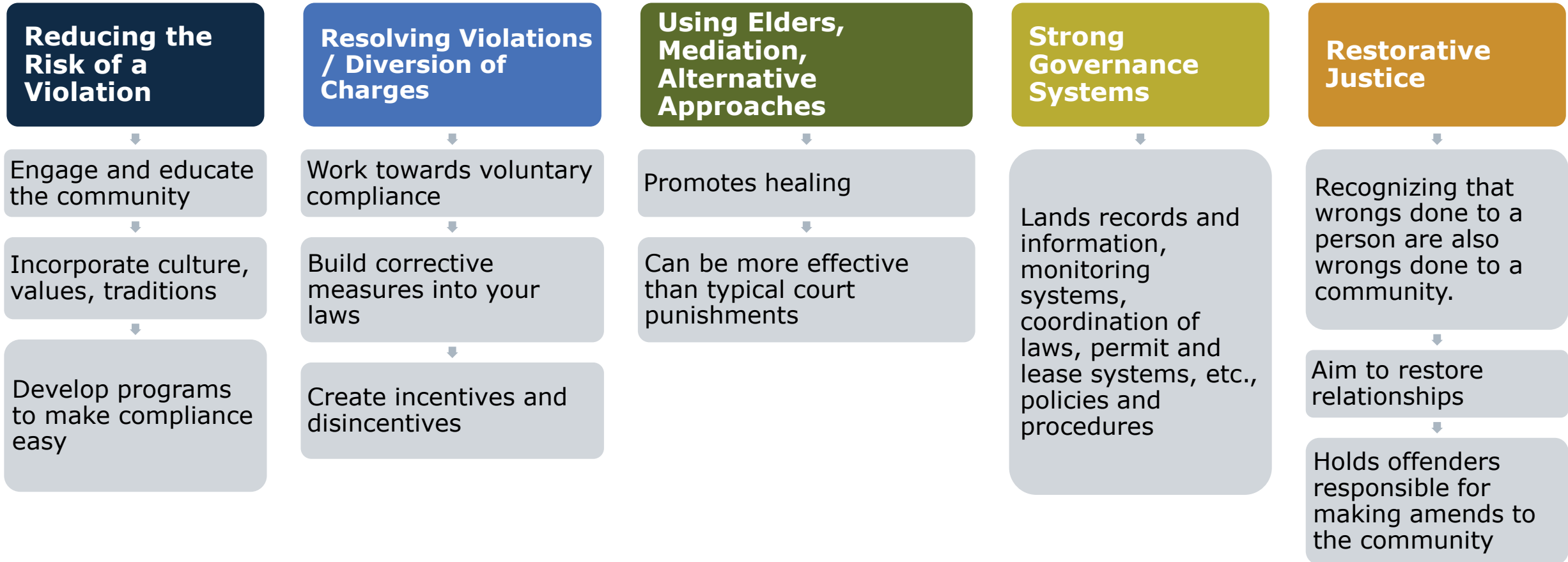
Establish Offences

Provide for fines, imprisonment, restitution, community services and alternative means to achieve compliance

Carry out inspections, searches, seizures, sampling, testing, production of information

Provide for collection of non-tax debts, fees/charges owed to the First Nation

Reducing the Need for Enforcement



Policing and Enforcement

Cost Effectiveness

Cooperative
Agreements

**The Right
Enforcement
Staff**

Must Develop and
Maintain Community
Support and Confidence

Community Peace
Officers/Community
Safety Officers

Enforcement and Adjudication under the Land Code

Should Prosecution be Necessary...

Private Prosecution

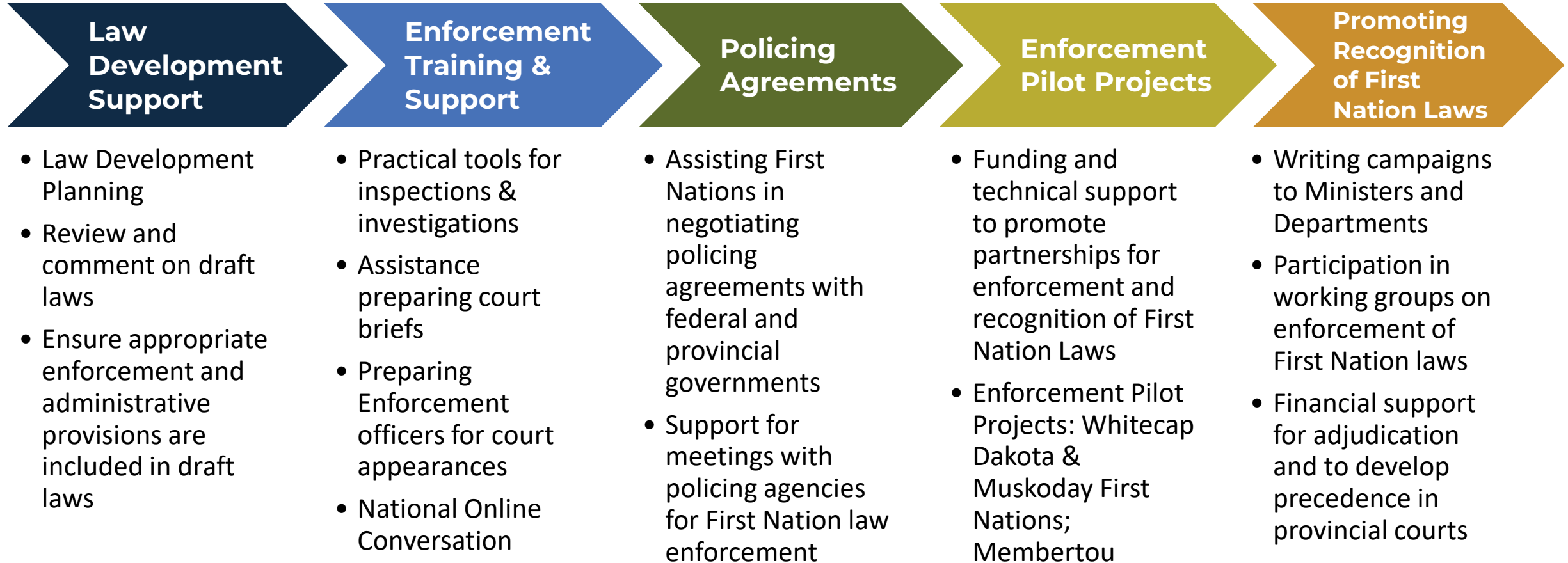
- Proven success
- Can be costly

Agreement for Provincial/Territorial Prosecutor

- Has not been done yet



RC Support for the Enforcement and Adjudication of First Nation Laws



Enforcement Progress

- Manitoba and Saskatchewan have amended their provincial offences acts
- British Columbia and others are willing to engage
- Individual First Nations responding to enforcement issues
- First Nation Enforcement Pilot Projects
- Senator McCallum's Private Member's Bills for changes to federal policing and prosecution legislation

Looking Ahead

- **Don't Wait** for government to fix enforcement issues
- No overnight solutions but **practical steps** are happening
- Less discussion and concept and **more action**





Thank You

Questions?

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