

# Implications of the new legislation – Framework Agreement on First Nation Land Management Act (FAFNLMA)



# Welcome





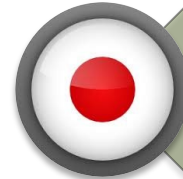
# Today's Webinar



Implications of the new legislation –  
Framework Agreement on First Nations  
Land Management Act (FAFNLMA)



Mute Devices



Recorded Session



Closed Caption



Presentation & Materials



Interactive Discussion

# Today's Speaker



**Andrew Beynon**  
**Director, Land Code Governance**

# THE NEW Framework Agreement on First Nation Land Management Act (FAFNLMA)

- The new FAFNLMA came into force on December 15, 2022
- The old FNLMA was also repealed on December 15, 2022
  - The emphasis is on the Framework Agreement.....even in the title of Canada's law
  - The FAFNLMA recognizes that the Framework Agreement signed by First Nations has the force of law
  - The Framework Agreement respects inherent and treaty rights to govern – self-government under land codes and First Nation laws
  - Eliminating the old FNLMA delivers a hammer blow to any argument that Parliament dictates or delegates lands governance
  - Canada has repealed the old text which did not correctly track the Framework Agreement
  - The FAFNLMA echoes Canada's treatment of all other self-government agreements – the agreement has the force of law

The new FAFNLMA states that the Framework Agreement has the force of law.

# IMPLEMENTATION: The New FAFNLMA is Already in Place

- The new FAFNLMA provides in part for the **continuation** of the Framework Agreement
- The FANLMA provides that all actions taken previously under the FNLMA and Framework Agreement continue in force
- First Nation land offices do not have to go back and amend land codes, existing First Nation laws, leases, licences and registered instruments to fix references to the old FNLMA
- Going forward, for legal documents, the FAFNLMA is referred to as “[Framework Agreement on First Nation Land Management Act](#), S.C. 2022, c.19, s.121” on the federal Justice Canada website
- The FAFNLMA was passed as part of a federal budget omnibus Bill – but now stands as a separate law

# Federal Justice Laws Website

## First Nation Land Management Act (Repealed)

Government of Canada / Gouvernement du Canada | Canada.ca | Services | Departments | Français

### Justice Laws Website

Family Law | Criminal Justice | Funding | Canada's System of Justice | Laws

Home → Laws Website Home → Consolidated Acts → S.C. 1999, c. 24 - Table of Contents

**First Nations Land Management Act (S.C. 1999, c. 24)**  
Full Document: [HTML](#) (Accessibility Buttons available) | [XML](#) [2 KB] | [PDF](#) [60 KB]  
Act current to 2023-01-25 and last amended on 2022-12-15. [Previous Versions](#)

Notes:

- See coming into force provision and notes, where applicable.
- Shaded provisions are not in force. [Help](#)

Search within this Act:  Search

### Table of Contents

- [First Nations Land Management Act \[Repealed, 2022, c. 19, s. 143\]](#)

### Amendments \*

Amendment Citation	Amendment date
<a href="#">2022, c. 19</a>	2022-12-15
SOR/2021-38	2021-03-18
SOR/2020-229	2020-10-19
<a href="#">2019, c. 29</a>	2019-07-15
<a href="#">2019, c. 29</a>	2019-06-21

\* List of amendments since 2019-01-01 (limited to last 10 amendments) [\[more details\]](#)

**Constitutional Documents**

- Canadian Charter of Rights and Freedoms
- Consolidation of Constitution Acts, 1867 to 1982
- Consolidation of Constitution Acts, 1867 to 1982 (1990 Report version)
- French Constitutional Drafting Committee (1990)

**Laws**

- Consolidated Acts
- Consolidated Regulations
- Annual Statutes
- Statutes Repeal Act: Reports, Deferrals and Repeals

<https://laws-lois.justice.gc.ca/eng/acts/F-11.8/>

## Framework Agreement on First Nation Land Management Act

Government of Canada / Gouvernement du Canada | Canada.ca | Services | Departments | Français

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**Framework Agreement on First Nation Land Management Act (S.C. 2022, c. 19, s. 121)**  
Full Document: [HTML](#) (Accessibility Buttons available) | [XML](#) [24 KB] | [PDF](#) [164 KB]  
Act current to 2023-01-25

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### Framework Agreement on First Nation Land Management Act

S.C. 2022, c. 19, s. 121  
Assented to 2022-12-15

An Act respecting the Framework Agreement on First Nation Land Management

[Enacted by section 121 of chapter 19 of the Statutes of Canada, 2022, in force on assent December 15, 2022.]

**Preamble**

Whereas Her Majesty in right of Canada and 13 First Nations signed the Framework Agreement on First Nation Land Management on February 12, 1996 in relation to the management by those First Nations of their lands, and other First Nations have signed the Framework Agreement after that date;

Whereas the *First Nations Land Management Act*, the purpose of which was to ratify and bring into effect the Framework Agreement, received royal assent on June 17, 1999;

And whereas it is appropriate to enact a new implementation Act to replace the *First Nations Land Management Act* and to reflect the primacy of the Framework Agreement, while also ensuring the continuity with the previous legal framework;

Now therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**Constitutional Documents**

- Canadian Charter of Rights and Freedoms
- Consolidation of Constitution Acts, 1867 to 1982
- Consolidation of Constitution Acts, 1867 to 1982 (1990 Report version)
- French Constitutional Drafting Committee (1990)

**Laws**

- Consolidated Acts
- Consolidated Regulations
- Annual Statutes
- Statutes Repeal Act: Reports, Deferrals and Repeals
- Miscellaneous Statute Law Amendment Program

<https://laws.justice.gc.ca/eng/acts/f-31.46/fulltext.html>



# **HISTORY OF FRAMEWORK AGREEMENT AMENDMENTS**



# History of Framework Agreement Amendments

- The Framework Agreement is flexible and has been improved through amendments over the past twenty-five years
- The Framework Agreement can only be amended with the agreement of land code First Nations.....at least 2/3rds of First Nations which have ratified the Agreement (operational First Nations)
- A summary of amendment history can be found in today's materials
- The consolidated text of the Framework Agreement with all amendments, including the most recent amendment 7 will soon published on our website
- The FAFNLMA gives the force of law to the Framework Agreement as amended over time

# History of Framework Agreement Amendments





# **FUTURE AMENDMENTS**

# Future Amendments to the Framework Agreement

- The July 2022 AGM of land code First Nations leadership (Saskatchewan) included a discussion of potential future improvements to the Framework Agreement
- The September 2023 AGM (Fraser Valley) will include a more detailed discussion of potential amendments
- The September 2023 AGM will likely include a discussion of timing and strategy (the next federal election is expected in 2025)

# Engagement on Future Amendments

- With more than 100 operational First Nations, it is becoming more difficult to obtain unanimous approval or even 2/3rds approval for amendments
- Our thinking at the RC is that we need to maintain the 2/3rds standard ... and try to improve the process for approval of amendments
- We hope to work more closely and earlier with lands managers on future amendments
- Amendments are often legalistic and technical... so we need to improve our briefing material for lands offices
- More time is needed to brief leadership before asking for signatures on amendments
- Our thinking is that we should assemble a big amendment 8 instead of a series of smaller amendments over the next few years
- There is a challenge, however, in managing timelines if we need any changes to federal legislation (e.g., *Species at Risk Act*)



## Future Amendments

Reducing delays in the developmental process

Strengthening governance powers of operational First Nations

A new First Nations led land registry

A new approach to additions to reserve

Broader self-government and treaties

# Questions & Discussion

## Implications of the new legislation – Framework Agreement on First Nations Land Management Act (FAFNLMA)

- Enactment of the FAFNLMA and repeal of the First Nations Land Management Act
- FAFNLMA Implementation – implications for Developmental First Nations & current Operational First Nations
- Next possible FA amendments and recommendations to the RC
- Leadership engagement on FA amendments and other innovations leading up to 2023 AGM in September





# 2023 EVENT SCHEDULE

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

**Feb 09**

Implications of the new legislation – FAFNLMA

Virtual Webinar

**Mar 8-9**

RC Support Services Workshop

Virtual Workshop

**Apr-May**

FNLRS Training Sessions

Regional Workshops

**Mar 30**

FNNLR Update

Virtual Workshop

SPECIAL INTEREST WORKSHOP SERIES

FIRST NATIONS NATIONAL LAND REGISTRY PROJECT

FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE

**Jun 6-8**

LAB-RC Enforcement Conference

Gatineau-Ottawa, QC

**2023 NATIONAL CONFERENCE ON THE ENFORCEMENT OF FIRST NATION LAWS**

ADVANCING ENFORCEMENT SOLUTIONS

Sharing strategies and solutions to close the gap on the enforcement of First Nation laws in Canada

# LEARNING TOOLS & SUPPORT

**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

---

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 January 31, 2023

<b>Total Signatories</b>	<b>204</b>
Operational	102
Developmental - Active	54
Developmental – Inactive	18
Self Governing	3



*Congratulations to Fort McKay First Nation*

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

## Employment Opportunities

# Job Opportunities (Internal and External)

 Remote positions only[SEARCH JOBS](#) Full Time Part Time Temporary

[AQAM: Forest Planner](#)  
Aqam

Ktunaxa Traditional Territory,  
Cranbrook, BC

Full Time



[Sumas First Nation's Lands Department: Environmental Compliance Officer](#)  
Sumas First Nation's Lands Department

Abbotsford, BC

Full Time

# THANK YOU



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