

# Natural Resource Management under the Framework Agreement

## Key Cases

Natural Resources within the traditional territory of a First Nation, not found on First Nation or Reserve land, will be under provincial and/or federal laws, regulations, and processes. Some First Nations have co-management, collaboration, or joint management agreements with other governments such as the province, territory, or municipality to provide for First Nation participation or control of areas such as decision-making, issuing permits or licences, monitoring, etc. The evolution of Aboriginal Rights and confirmed Aboriginal Title, with the T̓silhqot'in Nation, has occurred through several key court cases, including:

### Key Cases in the Evolution of Aboriginal Rights

*Taken from Aboriginal Edge – The Canadian Chamber of Commerce*

#### **1973 - Calder v. Attorney General of British Columbia**

Supreme Court of Canada acknowledged the existence of Aboriginal title at the time of European settlement. This case paved the way for First Nations to establish rights to land and resources. Additionally, this case set the land claims process in motion.

*You can read more by clicking [here](#).*

#### **1982 - Section 35 Constitution Act**

This decision recognized and affirmed the “existing Aboriginal and treaty rights” of the Aboriginal people of Canada.

*You can read more by clicking [here](#).*

#### **1990 - Sparrow v. R**

This was the first Supreme Court of Canada case to test section 35 of the Constitution Act, 1982.

*You can read more by clicking [here](#).*

#### **1997 - Delgamuukw v. British Columbia**

In this case, the court clarified the concept of Aboriginal title as being a right to the land itself and not just the resources.

*You can read more by clicking [here](#).*

#### **2004 - Haida First Nation v. British Columbia**

This is a precedent-setting case on the Crown’s duty to consult First Nations in relation to their lands.

*You can read more by clicking [here](#).*

#### **2014 - T̓silhqot'in v. British Columbia**

This case is the first time the Supreme Court recognized Aboriginal title to a specific tract of land anywhere in Canada.

*You can read more by clicking [here](#).*

These significant cases and recognition have contributed to the current practice between industry and First Nations to conclude impact benefit agreements for development of natural resource projects in our traditional territories.