

Land Governance under the Framework Agreement

TALSAA Informational Workshops
Grey Eagle Resort & Casino, Calgary, AB
March 15-16, 2023

— Introductions

- **Path to the Developmental Stage**
- Land Code Development
- Capacity Building & Land Governance Tools



CELEBRATING 27 YEARS!



The Framework Agreement...

...is a government-to-government agreement between First Nations and Canada.



...recognizes First Nation power to enact land laws, and grant interests and licences on First Nation land.

FRAMEWORK AGREEMENT on First Nation Land Management

Dismantling of the *Indian Act* by replacing 44 land management related sections

Recognizes the First Nations' governing power over their lands, resources and environment



Reserves that become First Nation land continue to be lands reserved for FNs under s.91(24) of the *Constitution Act*, 1867

Re-establish First Nation land governance – Canada no longer has authority to manage or administer First Nation land once a land code comes into effect

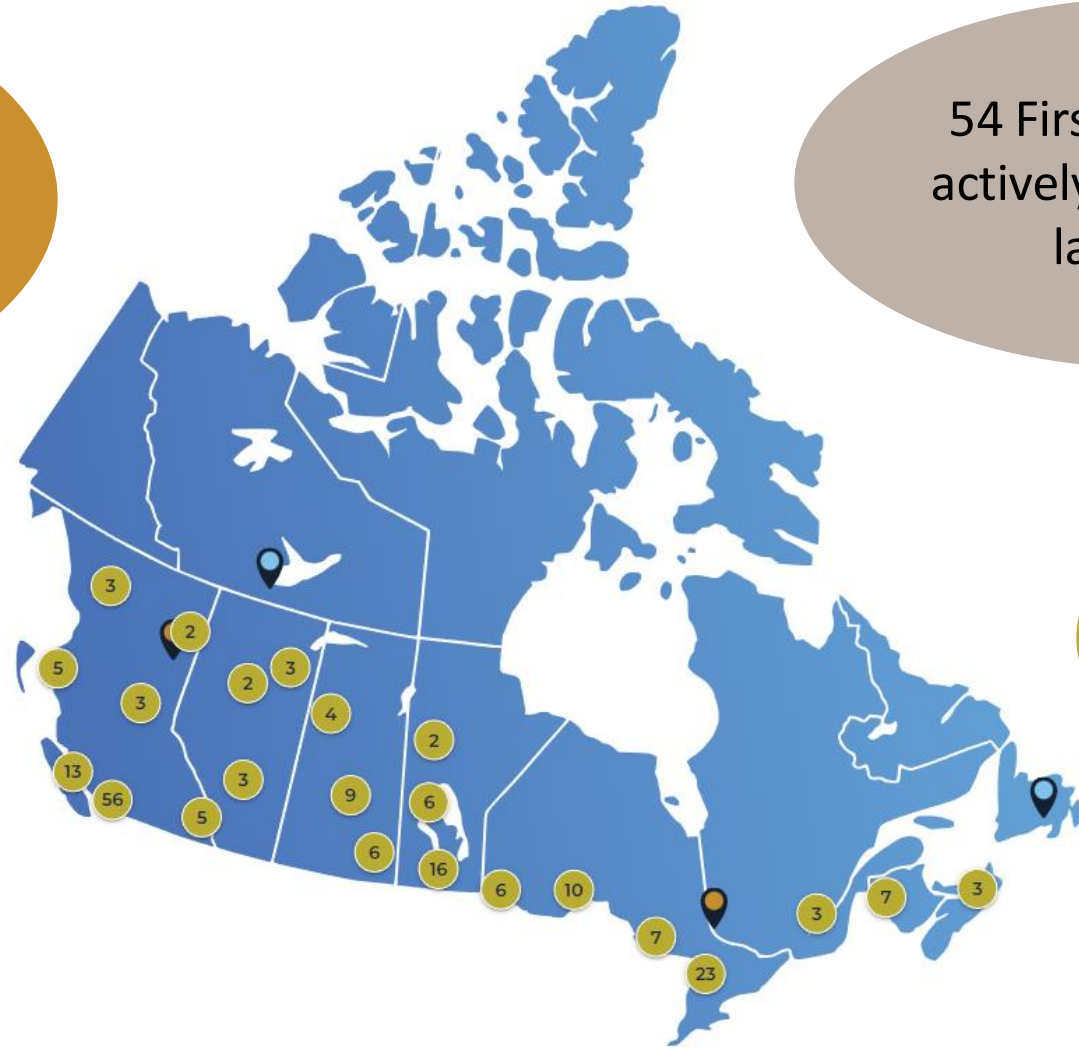
FRAMEWORK AGREEMENT SIGNATORY First Nations across Canada

204 First Nations have signed onto the Framework Agreement since 1996

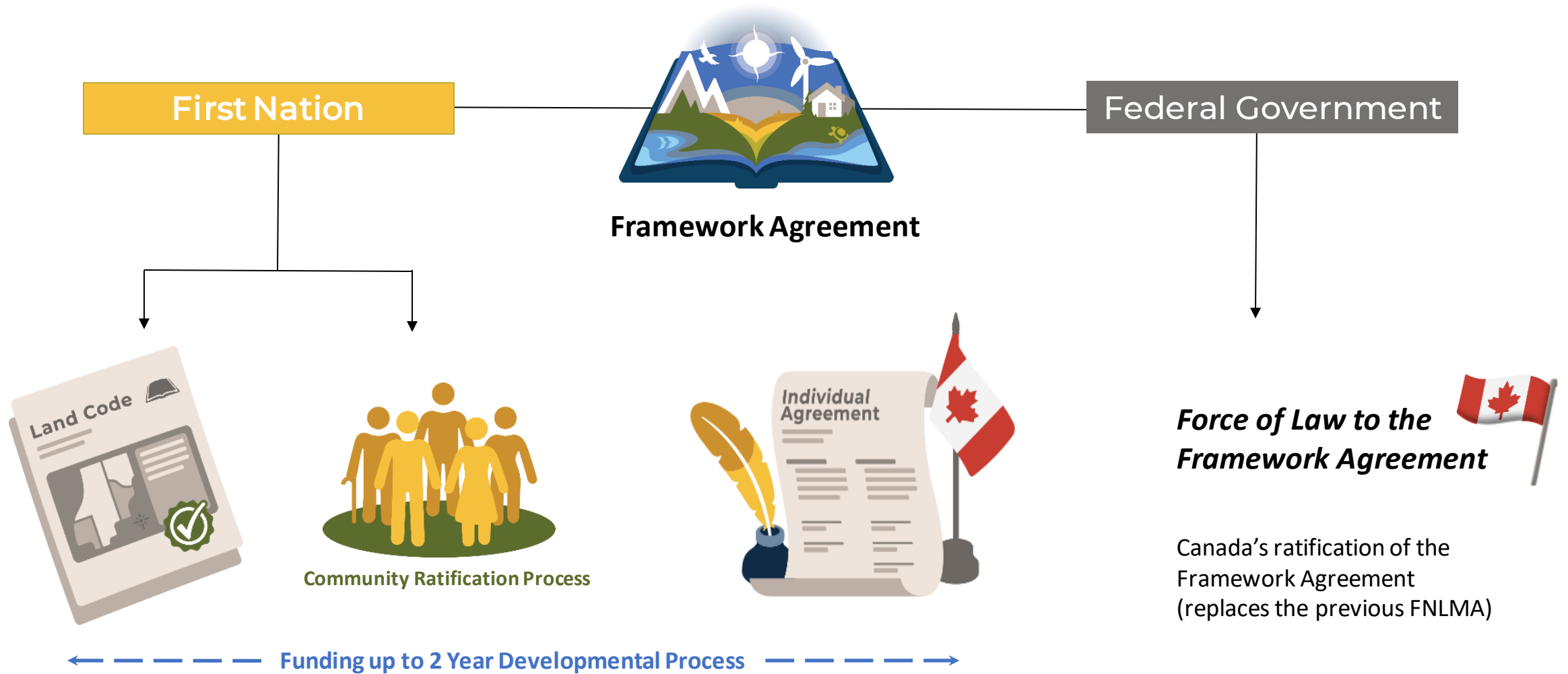
54 First Nations are actively developing a land code

105 First Nations are currently implementing a land code
3 have gone onto Self-Governing Agreements

1/3 of all First Nations in Canada are involved



FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT



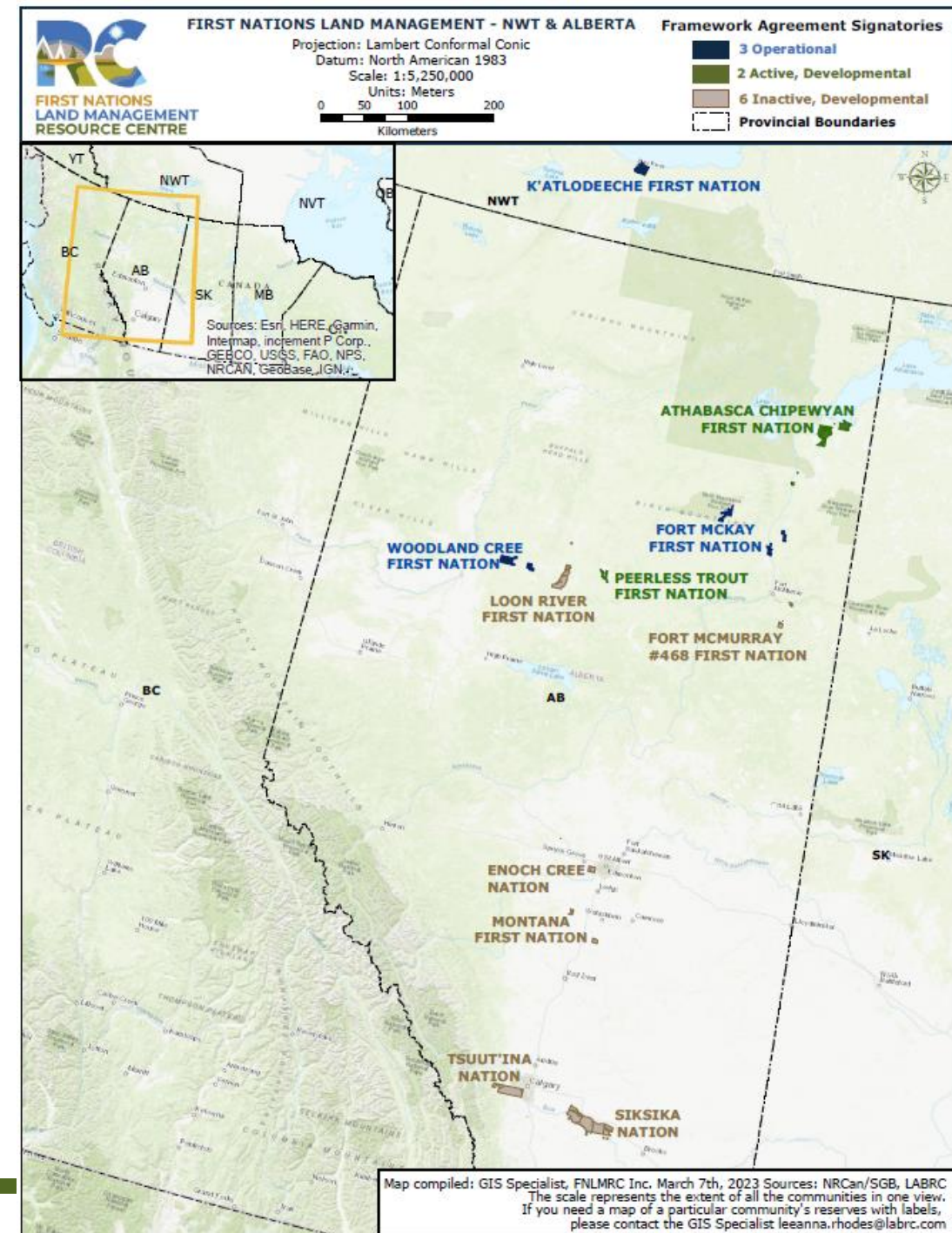
LAND GOVERNANCE

Readiness?

That is up to each First Nation and their members.

Typical growing pains of any government can include:

- Sufficient resources
- Staff
- Space
- Policy and procedural development
- Law making
- Lots of hard work will be required



Path to the DEVELOPMENTAL PROCESS

Band Council Resolution confirming interest to be added to *Framework Agreement on First Nation Land Management*

Welcome letter and Framework Agreement on First Nation Land Management Adhesion sent to First Nation

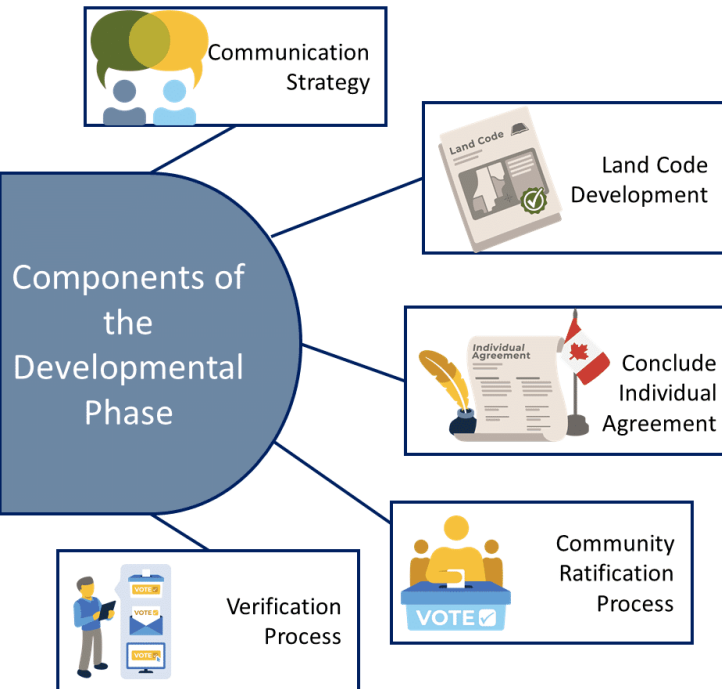
Framework Agreement on First Nation Land Management adhesion signed by Chief and Minister

Developmental Phase Funding Agreement signed by the First Nation, Indigenous Services Canada, and Resource Centre

Developmental Process begins



DEVELOPMENTAL PHASE FUNDING AGREEMENT (DPFA)



Sets out roles, responsibilities, milestones and funding for First Nations over 2 Years (may be extended) Amount is \$165,572 in developmental funding.

ANNEX A

Sets out the milestones which the First Nation must complete to proceed to a vote of their Land Code and Individual Agreement

ANNEX B

Outlines the roles and responsibilities of the parties

ANNEX C

Sets out the funding the Resource Centre will provide towards completing milestones

*Additional Funding may be available for items not funded under this agreement.

KEY ROLES & RESPONSIBILITIES Developmental Phase



First Nation



Canada



Surveyor General Branch (NRCan)



Verifier

Meet The Prairies Team



Eugene Peterson

Manager, First Nation
Support Services



Leah Bitternose

Land Code
Governance Advisor



Ed Vystrcil

Land Code
Governance Advisor



Joey Fulton

Land Code
Governance Advisor



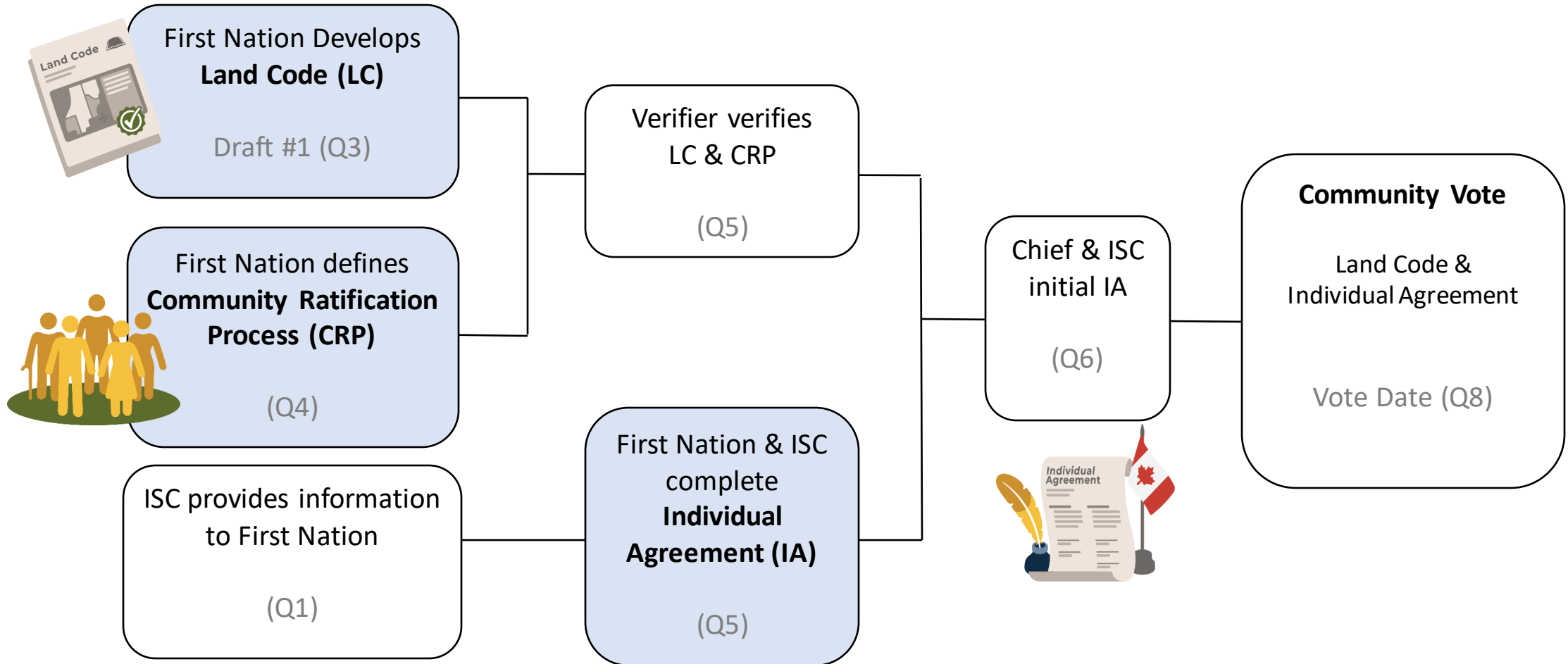
Dean Bear

Land Code
Governance Advisor

- Path to the Developmental Stage
- **Land Code Development**
- Capacity Building & Land Governance Tools

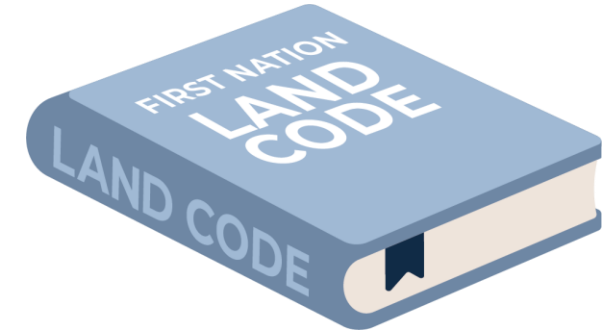


FRAMEWORK AGREEMENT DEVELOPMENTAL PROCESS



LAND CODE

ESTABLISHES A SYSTEM OF GOVERNANCE AND ADMINISTRATIVE RULES OF LAND MANAGEMENT FOR THE RESERVE LANDS

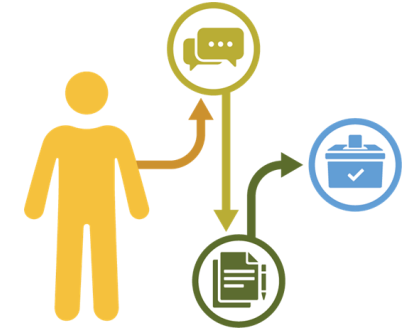


- Description of Lands
- Use and occupancy rules and procedures
- Rules and procedures for land revenues
- Requirements for accountability to members
- Law making procedures and publication
- Conflict of interest rules
- Dispute resolution process
- Rules for granting or expropriating interests
- Delegation of Council authority
- Procedures for amendments and land exchanges
- *Could include:*
 - Power of Council to make laws
 - Limitations to rights and interests
 - encumbering, seizing, or executing interest

COMMUNITY RATIFICATION PROCESS

THE COMMUNITY DECIDES THE VOTING METHODS AND DETERMINE THRESHOLDS FOR APPROVAL AND PARTICIPATION

- Developed by each First Nation
- Include established community voting procedures
- Does not require community approval but guides the community ratification process
- First Nation hires the ratification officer
- Every eligible voter 18 yrs + as of last voting day must have the opportunity to freely vote
- Inclusive of on/off reserve voters
- In person polling stations, mail in ballots or electronic voting



INDIVIDUAL AGREEMENT

Developed jointly by a First Nation and Canada and requires member approval by vote

- The Individual Agreement (IA) has advanced over the last 25+ years of implementation and legal review
- Specifies the transfer of the administration of land from Canada to a First Nation
- The individuality of a First Nation is represented in the Annexes of the Individual Agreement



Annexes

- A. Funding
- B. Revenue Monies
- C. Interest & Licences
- D. Environmental Issues, ESA-Phase 1
- E. List of Other Info
- F. Interim Env. Process
- G. Description of Lands

Operational Stage Funding/Support

Should the First Nation vote **yes** on the Land Code and Individual Agreement, the First Nation will become operational.

- **OPERATIONAL FUNDING** is provided by Canada and negotiated by the LAB in a MOU Category's 1-5 based on a number of factors (land transactions, land base, population etc.)
For Example: Category 1: \$280,508 for 2021-2022 with 1% inflation increases, 2022-2023 \$283,313
- **TRANSITIONAL FUNDING** is additional funding available for the first 2 years, in the total amount of \$150,000 (\$75,00 per year) for newly operational communities.
- **OPERATIONAL SUPPORT** is provided at no charge to the First Nation from the RC



COMMUNICATION Community Engagement



Plan of Action to communicate details

- Framework Agreement
- Land Code development process
- Individual Agreement



Inform Membership

- Mail-out, Bulletins, Flyers, Notices
- Newsletters
- Information Meetings
- Website



Mandate of Chief and Council

- To fully inform membership
- Obtain direction from membership



Community Ratification

- Nothing to be finalized without membership approval

- Path to the Developmental Stage
- Land Code Development
- **Capacity Building & Land Governance Tools**



RESOURCE CENTRE TMPD Strategy

“Supporting First Nations to exercise their Inherent Right to govern their Lands, Environment and Resources.”



CORE COMPETENCIES

Land Governance Functions



LEARNING TOOLS & SUPPORT

T M Training, Mentorship &
P D Professional Development

Workshops & Webinars

Online Courses

Knowledge Paths Tool

Land Governance Manual

Knowledge Repository

Direct Community Support (1:1)



RESOURCE CENTRE SUPPORT TO FIRST NATIONS



**First Nation
Requests
Support**



**RC Support
Services**



Environment

**Surveys &
Legacy Issues**

Land Registry

**Land Use
Planning**

**Solid Waste
Management**

**Law
Development &
Enforcement**

**LGM &
Knowledge Path
Tools**

**Communication
& Public
Relations**

**GIS & Traditional
Knowledge**

RESOURCE CENTRE Resources



LABRC.com



LandsAdvisoryBoard.ca



facebook.com/fnlmrc



vimeo.com/labrc



YouTube



linkedin.com/first-nation-land-management-resource-centre/



sac-isc.gc.ca



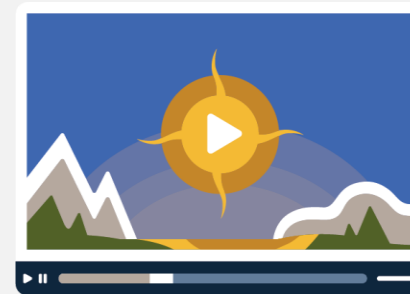
Land Decolonized Podcast

Elvis Thomas

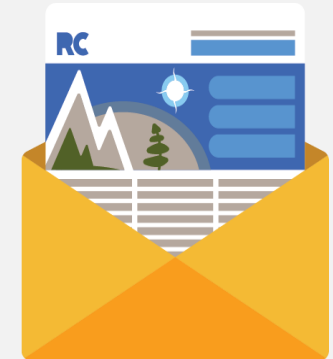


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www.buzzsprout.com/1515202



Videos



**Lands Advisor
Newsletter**



2023 EVENT SCHEDULE

Online Registration:
labrc.com/events

Mar
30

**FNNLR
Update**

*Virtual
Workshop*



Apr
18

**FNNLR
Chiefs Meeting**

*River Rock
Resort, BC*



Apr-
May

**FNLRS
Skills Training**

**T M
P D** *Regional
Workshops*



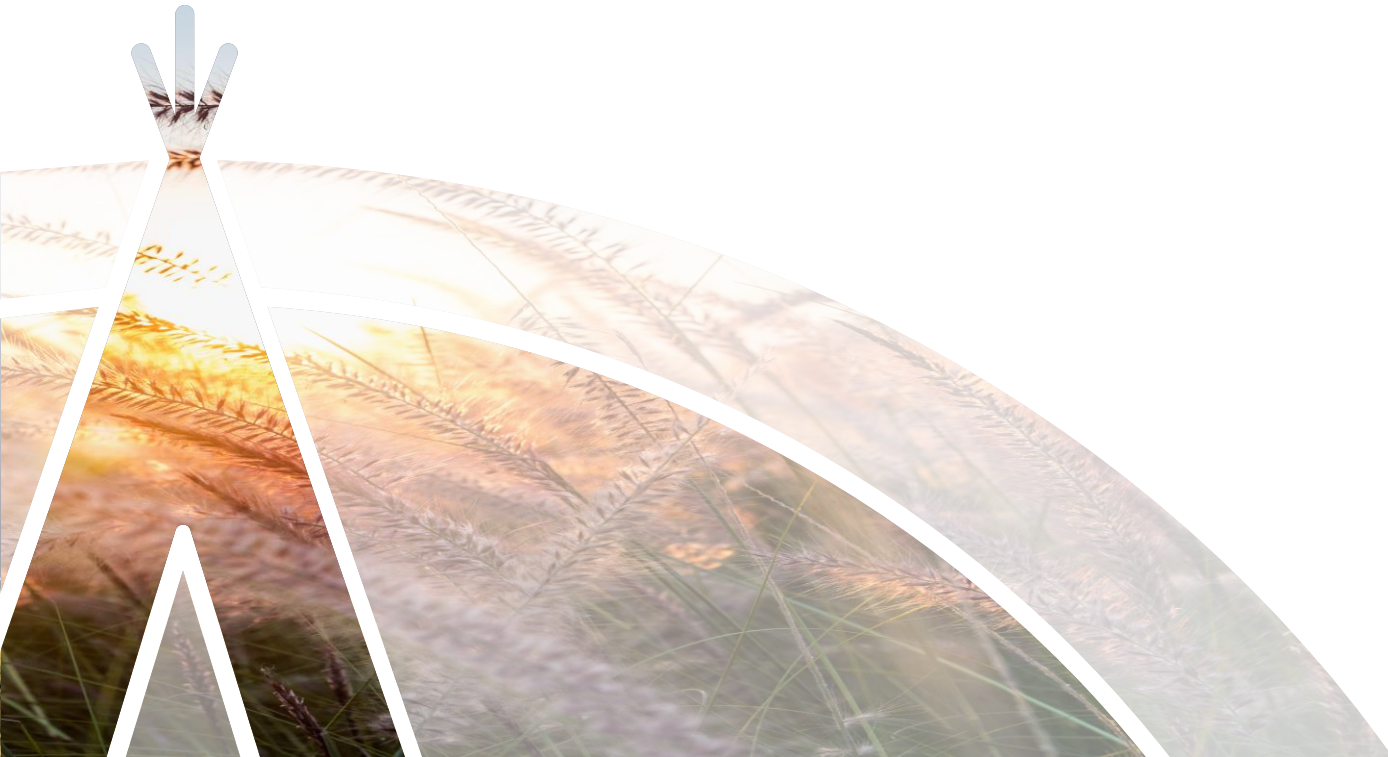
Jun
6-8

**LAB-RC
Enforcement
Conference**

*Gatineau-
Ottawa, QC*



Questions & Discussion



THANK YOU

For more information, please contact us!