SUMMARY OF THE VERIFIERS ROLE

Background

The Framework Agreement on First Nation Land Management (Framework Agreement) and the First Nation Land Management Act (FNLMA) give First Nations the option to exercise control over their lands and resources. An independent verifier is required by the Framework Agreement and the FNLMA to monitor and verify the opting in process. The opting in process is the process that a First Nation (FN) uses to assume control of their land and resources.

The independent verifier is jointly appointed by the FN and Canada and will monitor and confirm that the Community Ratification Process (CRP) and Land Code (LC) are consistent with the Framework Agreement.

“Verifying” the Land Code

One of the verifier’s key roles is to verify that the First Nation’s LC (i.e. their law) is consistent with the requirements of the Framework Agreement and FNLMA. The verifier must confirm this in writing. Some of the key requirements for a LC are:

- An accurate description of the reserve land
- General rules for all land use and occupancy
- Procedures for testamentary disposition or succession of reserve land interests
- General rules for revenues from natural resources
- Accountability requirements to membership for the management of money and land
- A procedure for making and publishing laws
- Conflict of interest rules for land management
- A dispute resolution forum for persons whose land interests may be affected by FN decisions
- General rules for the expropriation of reserve land
- General authorities for delegation of land administrative authority
- A procedure for amending the LC

“Verifying” the Vote Process and “Certifying” the LC

In addition to “Verifying” the consistency of the LC, the verifier must also:

1) Confirm that the process the FN uses to acquire the consent of their eligible voters is consistent with the Framework Agreement and FNLMA, mainly.
   
   a) Each eligible voter must have the opportunity to vote freely.
   
   b) Each eligible voter must have the opportunity to be informed about the land code and the FN’s Individual Agreement with Canada.
2) Confirm in writing that the FN’s CRP is consistent with the *Framework Agreement* and *FNLMA*.

3) Monitor the voting process and confirm the results of the vote in writing.

4) If the verifier confirms that the ratification process meets the base requirements of the *Framework Agreement* and *FNLMA* and if the LC and Individual Agreement are approved by the FN’s eligible voters the verifier must “certify” the LC. The LC will then become an official law of the FN.

**Other Duties**

Another role of the verifier is to make the final decision on any objections that either Canada or eligible voters may lodge about the CRP. The *Framework Agreement* and *FNLMA* include a procedure for dealing with objections. The verifier also must make the final decision if there are certain disputes between the FN and Canada while the Individual Agreement is being negotiated. The *Framework Agreement* and *FNLMA* also provide guidance in this regard.

Throughout the opting in process the FN and Canada keep the verifier fully informed. The verifier participates in meetings and other related events as required and will be present on voting day/days to monitor the voting procedure.