

THE FIRST NATIONS LAND MANAGEMENT ACT BILL C - 49

A federal government legislation providing for the ratification and bringing into effect of the Framework Agreement on First Nation Land Management

The Act was originally introduced in Parliament on December 10, 1996, but the federal election that year prevented it from being enacted. The Bill was re-introduced as Bill C- 49 in June of 1998. It was finally enacted and given royal assent on June 17, 1999. The *Framework Agreement* is the document that sets out the terms and conditions under which a First Nation can establish its own land management regime and remove its reserve lands from the Minister's control under the *Indian Act*.

MAGNETAWAN FIRST NATION'S BENEFIT OF THE FRAMEWORK AGREEMENT

First Nation Lands The Act states that title to First Nation Lands will not be affected by the Act and that these lands will continue to be reserves and to be constitutionally protected. First Nation lands are also protected against surrender for sale. If land is ever voluntarily exchanged by a First Nation for other land, the new land received by the First Nation would be protected in the same way.

Land Code The clauses of the *Framework Agreement* on the legal effect of the Land Code are implemented by the Act. The Land Code will have the effect of law and will be recognized by the courts.

First Nation Powers The powers of a First Nation to manage its reserve lands and resources, receive and use land revenues, and its legal capacity for land purposes are included in the Act. These powers are to be exercised for the use and benefit of the First Nation.

Transfer of Revenue The Act provides that revenue moneys of the First Nation previously collected and held by Canada will be transferred to the First Nation when its land code comes into effect.

First Nation Laws The law-making powers of a First Nation under its land code are set out in the Act. The laws may cover any matter related to First Nation land, including the granting of interests in land, land use, environment, and possession of matrimonial home. Provisions relating to the enforcement of First Nation laws, prosecutions and evidence are also included.

Register for First Nation Land The Act authorizes Canada to setup a separate register to record interests granted by First Nations under their Land Codes.

First Nation Expropriation The Act recognizes the right of a First Nation to expropriate interests in its own First Nation land for community works or other First Nation community purposes. The basic principles of this are included in the Act, e.g. fair compensation. The First Nation in its Land Code and laws would set out the details of how any expropriation would work.

No Provincial Expropriation First Nation land is immune from any expropriation by a provincial or municipal government or by provincial agencies.

Limited Federal Expropriation The protections against the expropriation of First Nation land by the federal government, which were negotiated in the *Framework Agreement*, are set out in the Act. These include provisions on limiting expropriation to cases where it is justifiable and necessary for a federal public purpose that serves the national interest. The Act also requires Canada to provide alternate land to the First Nation, which would become First Nation land, in order to protect the land base of the First Nation. The Legislation contains provisions on compensation and the resolution of disputes over expropriation.

Liability Protection Canada will remain liable for actions taken before the Land Code takes effect. The First Nation will assume responsibility for its land management actions after that date.

EFFECT ON OTHER FEDERAL LEGISLATION

Indian Act The Act ensures that the land management provisions of the *Indian Act* do not apply to any of the signatory First Nations that adopt a Land Code, their members or their First Nation lands.

Expropriation Act The Act makes it clear that the new rules for protection of First Nation land from expropriation over-ride other legislation like the *Expropriation Act*.

Environment The *Canadian Environmental Assessment Act* will no longer require a First Nation to follow possible future federal regulations for environmental assessments on reserves. The First Nation will proceed now to enact its own laws on this topic.

PURPOSE OF THE FRAMEWORK AGREEMENT

To enable first nations to resume control over their lands and resources for the use and benefit of their citizens without government interference, by replacing the 34 land provisions (Sections) of the *Indian Act* with first nation made laws.

MAGNETAWAN FIRST NATION'S EFFORT TO BECOME A SIGNATORY OF THE FRAMEWORK AGREEMENT

- **2009 - 2011**

Magnetawan First Nation provides a Band Council Resolution to the First Nation Lands Advisory Board and Aboriginal Affairs and Northern Development Canada, asserting our interest in becoming a signatory of the framework Agreement, as an initial step into the FNLM regime.

Chief William Diabo and Phil Goulais met with Minister Tony Clement, MP. Parry Sound-Muskoka to again assert MFN's interest in becoming a signatory and regarding renewal of the legislation and increase the opportunity for more first nations.

MFN Chief & Council follow up with a letter of thanks and a reminder of MFN's interest.
- **2011 - 2013**

On January 23, 2012, Minister John Duncan (AANDC) announced that 18 more First Nation's were approved to the initial phase of the Lands Framework Agreement out of the 80 First Nation's that have asserted interest. This left us on the outside looking in, once again.

Chief Joe Noganosh contacted Phil Goulais, Advisor, Lands Advisory Board to express our disappointment with the Minister's recent announcement. Mr. Goulais managed to pull some political strings in a very short time and set up a meeting in Ottawa with our local MP, Minister Tony Clement. Minister Clement is responsible for the Industry and Economic Development Portfolio for the Federal Government.

Chief Noganosh, on behalf of Councilor's Lloyd Mike and Lana Noganosh attended this meeting along with MFN lands staff where Chief Noganosh expressed our sincere disappointment. MFN provided AANDC and the Lands Advisory Board a second Band Council Resolution asserting our sincere interest in becoming a signatory of the Framework Agreement.
- **2013 - 2014**

Chief William Diabo, Councilor's Joanne Dominic and Lloyd Mike maintained the pressure on the Lands Advisory Board, AANDC and local MP. Minister Tony Clement as soon as they were elected in *April 2013*.

In preparation of another round of approvals to be invited into the FNLM regime from AANDC and the Lands Advisory Board, Chief & Council provided support to Lands staff, Anthony Laforge and completed an enhanced version of the *application*, which is a community assessment of MFN's capacity to become a signatory of the framework Agreement. This was completed with assistance from Christine Laino, AANDC, Sudbury.

This completed community assessment application, along with our 3rd Band Council Resolution, asserting our sincere interest in the FNLM regime was approved by Council and forwarded onto AANDC Regional office *July 28, 2013*.

On September 23, 2014, Magnetawan First Nation received a letter from the Honourable Bernard Valcourt, Minister of Aboriginal Affairs and Northern Development and Chief Robert Louie, Chairman of the Lands Advisory Board advising MFN that our application was **APPROVED** and that MFN would be invited to be a signatory of the framework Agreement on First Nation Lands.

PRESS RELEASE DATED MARCH 3, 2014



First Nations Poised to Take Control Over their Lands

Nineteen First Nations from across Canada sign onto the Framework Agreement on First Nation Land Management and begin development of their own land codes

March 3, 2014 – Ottawa, Ontario – Aboriginal Affairs and Northern Development Canada

Today the Honourable Bernard Valcourt, Minister of Aboriginal Affairs and Northern Development, accompanied by Chief Robert Louie of the First Nations Land Advisory Board and Chief Austin Bear of the First Nations Land Management Resource Centre Inc. welcomed 19 more First Nations into the First Nations Land Management Regime. By signing the Framework Agreement, these First Nation communities can now begin the process of opting out of 34 land-related sections of the *Indian Act* and assume greater control over their reserve land and resources.



[Economic Action Plan 2013](#) called for the expansion of the First Nations Land Management Regime to create opportunities for more First Nations to promote greater economic development on reserves. Following a Dec 2013 signing ceremony for [nine other First Nations](#), the adherence of these 19 communities ensures that all [28 new entrants to the Regime](#) announced in September 2013 can begin the process to develop their own land code.

Quick facts

- The FNLM regime enables First Nations to manage their own land, resources and environment according to their own land codes, laws and policies.
- The regime also helps First Nations get out from under 34 land-related limitations of the *Indian Act* in order to take control of their land and resources.
- The 19 First Nation communities that signed onto the Framework Agreement today are:
 - New Brunswick: [Madawaska Maliseet](#)
 - Quebec: [Abénakis de Wôlinak](#)
 - Ontario: [Long Lake](#), [M'Chigeeng](#), [Magnetawan](#)
 - Manitoba: [Nisichawayasihk](#) (Nelson House), [Norway House](#), [Sagkeeng](#) (Fort Alexander)
 - Saskatchewan: [English River](#), [Yellow Quill](#)
 - British Columbia: [?akisq'nuk](#), [Homalco](#), [K'omoks](#), [Lower Nicola](#), [Malahat](#), [Metlakatla](#), [Nak'azdli](#), [Tahltan](#), and [Soowahlie](#).
- Once these communities have developed their own land codes, they will need to get them approved by their membership through communities ratification votes in order to become operational under the FNLM Regime. Once approved, these communities will join the 36 other First Nation communities currently operating under their own land codes.

Quotes

"The First Nations Land Management Regime is a proven and successful tool of economic development and reconciliation. We will continue to work with interested First Nations like those represented here today to create jobs and economic opportunities, and also to achieve reconciliation between Canada and First Nations, through initiatives like the FNLM Regime."

- *Bernard Valcourt*
Minister of Aboriginal Affairs and Northern Development

"Taking control of land management is a vital step for the Akisqnuq First Nation to assert control over our reserve lands. Development and ratification of a land code will allow the First Nation and Akisqnuqniks that live on reserve to respond to opportunities on our own terms and at the speed of business. These important steps will further our progress toward self-government and allow us to get out from under Aboriginal Affairs' and the Indian Act's control of Akisqnuq First Nation Land.

It is hoped and expected that this radical change will enable prosperity on the Akisqnuq First Nation that is unprecedented since the reserve was created in 1886 -- almost 130 years ago."

- *Chief Lorne Shovar*,
Akisqnuq First Nation



"The Magnetawan First Nation is very pleased to be joining the First Nations Land Management Regime. The Magnetawan First Nation sees this as an important first step in the direction of self-government by providing self-determination to manage our lands more effectively and efficiently than under the *Indian Act*. This Regime provides greater opportunity to be more competitive on a number of important economic development projects in our community."

**- Chief William Diabo
Magnetawan First Nation**

"I am honoured to welcome the 19 signatory First Nations today. A very prosperous future awaits them. Just recently, the international firm KPMG completed a study on the benefits of the Framework Agreement for all the participating First Nations. Investments on reserve now are estimated at \$270 million and thousands of on-reserve jobs are being created for both members and non-members. Our First Nations are forging new partnerships with businesses, investors, bankers as well as with provincial and municipal governments. Land management activities are being completed at the speed of business, which is significantly faster than under the *Indian Act*. Business decisions are now governed by the First Nations themselves. We are on the verge of a new era of prosperity for our communities, and I am elated that 19 additional First Nations today will be able to participate."

**- Chief Robert Louie
Chair, First Nations Land Advisory Board**

"The Framework Agreement already has proven that it greatly improves the quality of life for our signatory communities. The Framework Agreement promotes self-sufficiency, Community pride, and protects our traditional values. First Nation leaders now are able to govern lands and resources to achieve the overall vision of their communities. The result is a strengthening of Aboriginal culture and a renewed respect for our role as stewards of the land. I am proud to see 19 new signatories today begin the journey to greater autonomy. I thank Canada and Minister Valcourt for their continued support. Chief Louie and I will continue to work diligently in order for all First Nations to be offered this opportunity to opt out of the *Indian Act* and resume jurisdiction over their reserve lands and resources."

- Chief Austin Bear

First Nations Land Management Resource Centre Inc.

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NEXT STEPS

1st Phase Developmental (2 year process)

- MFN hire land code coordinator to manage the development of the land code and liaise with AANDC, Lands Advisory Board Resource Center, Chief & Council, legal advisor and most importantly, the citizens of MFN
- Develop a successful communication strategy to include ALL citizens
- Facilitate interactive FNLM workshops to MFN citizens
- Develop Draft MFN Land Code and draft land laws
- Gain support from all citizens of MFN
- Ratify MFN Land Code

The most important feature of the entire 1st Phase is that it is entirely community driven

2nd Phase Operational

First Nation's clearly have the right to:

- self-determination,
- autonomy,
- self-government,
- strengthen our distinct political, legal, economic, social and cultural institutions

MFN citizens will make the decision to opt out of the land management sections of the *Indian Act* by ratifying the land code. MFN eligible voters, both on and off reserve, cast their ballot to accept or reject a land code and individual agreement.

Land codes are tailored by each first nation, according to our own beliefs, customs, traditions and expectations. A land code provides increased protection for reserve land. Through a land code, a first nation is unconditionally recognized with all the rights, powers and privileges of an owner of its lands.

Should you have any questions regarding the first nation lands management act or the framework agreement, Please feel free to contact Anthony Laforge, MFN land & resources at 705 383-2477 or at larc@magnetawanfirstnation.com.



IMPORTANT NOTICE

Land code coordinator job posting