



Summary

First Nations Land Management Act

Together, the Framework Agreement on First Nations Land Management and the First Nations Land Management Act make up the First Nations Land Management Initiative.

The First Nations Land Management Initiative is a First Nations driven initiative developed in full partnership between the Government of Canada and the signatory First Nations.

In February 1996, the Government of Canada and a group of First Nations' chiefs signed the Framework Agreement on First Nations Land Management. The Framework Agreement provides the 14 signatory First Nations with the opportunity to opt out of the land administration sections of the Indian Act and establish their own regimes to manage their lands and resources, providing for more decision making at the local level. The Framework Agreement promotes community management initiatives that will result in greater land protection, improved economic development and self-sufficiency on reserves.

The First Nations Land Management Act (FNLMA) is the formal legislation which ratifies and brings into effect the Framework Agreement. The FNLMA, which was introduced as Bill C-49 in June 1998, received Royal Assent on June 17, 1999.

Five of the 14 signatory First Nations are now operating under their own land codes, they are: Mississaugas of Scugog Island First Nation (Ontario), Chippewas of Georgina Island First Nation (Ontario), Muskoday First Nation (Saskatchewan), Lheidli T'enneh First Nation (British Columbia), and Opaskwayak Cree Nation (Manitoba). The remaining nine signatory First Nations are in various stages of their community process.

The First Nations Land Management Initiative offers First Nations the ability to create modern tools of governance over their lands and resources, specifically with respect to:

- developing land codes;
- passing laws (in areas such as the environment and matrimonial real property);
- enforcing laws;
- establishing intergovernmental relationships with provincial and municipal governments; and
- clarifying the legal status of Bands and Band Councils.

Since the signing of the Framework Agreement and the passage of the FNLMA there has been significant interest by other First Nations across Canada.

In March 2002, the First Nations Land Management Initiative was opened up to other First Nations in addition to the 14 signatories. This Initiative has proven to be successful in building First Nations' capacity in the area of land management and increasing economic development opportunities on reserve. The Initiative is a tool First Nations have said they need to provide the freedom and responsibility to manage their own reserve lands, natural resources, and revenues in a way that works best for them. It allows First Nations to make timely business and administrative decisions without having to get approval by the Minister of Indian Affairs and Northern Development.

In the transition process of coming under the Initiative, a participating First Nation will develop a land code setting out the basic rules for the new land regime. The land code is developed with the full involvement of the community and must be ratified by voting members living both on and off-reserve. The First Nation also enters into an individual agreement with the Government of Canada to determine the level of operational funding for land management and to set out the specifics

of their transition to the new regime. Once the land code and the agreement are adopted by the First Nation membership and are in effect, the land administration provisions of the Indian Act no longer apply to that community.

Through this Initiative, First Nations also have the ability to enact and enforce sound environmental management and protection laws. First Nations will negotiate an environmental management agreement and assessment agreement with the Government of Canada. The provinces are also invited to participate in these agreements, in an effort to harmonize environmental standards.

This Initiative also makes it possible for a participating First Nation to address the issue of matrimonial real property in their community in a way that does not discriminate on the basis of gender. Participating First Nations must establish a community process to develop rules and procedures to deal with matrimonial property within 12 months from the date the land code takes effect. Under the Initiative, First Nations develop laws that are applicable on the breakdown of a marriage with respect to the use, occupancy and possession of First Nation land, the division of interests in that land.

This Initiative is an important building block to First Nations self-governance. The First Nations Land Management Initiative is a key component of the Government of Canada's commitment to strengthening governance practices, as was outlined in the Speech from the Throne. Through this Initiative, First Nations are improving the quality of life in their communities by building capacity and increasing economic development opportunities.

For more information on the First Nations Land Management Initiative visit www.fafnlm.com

Source: http://www.ainc-inac.gc.ca/nr/prs/j-a2003/02282bk_e.html

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