



The Framework Agreement on First Nation Land Management

Wahnapiatae First Nation

Community Meeting

February 18, 2023





Signed by the Minister of Indian Affairs and Northern Development and 13 First Nations on February 12, 1996.



The Framework Agreement was ratified by Canada through the enactment of the First Nations Land Management Act on June 17, 1999.

THE *FRAMEWORK AGREEMENT* ON FIRST NATION LAND MANAGEMENT

The road to the Framework Agreement began in the late 1980's, launched by a small group of First Nations Chiefs, looking for a way for First Nation communities to leave the paternalistic constraints of the Indian Act behind.

The purpose is to recognize the inherent right of First Nations to resume control over their lands and resources for the use and benefit of their members without Government interference, by replacing the land provisions of the *Indian Act* with First Nation made laws.

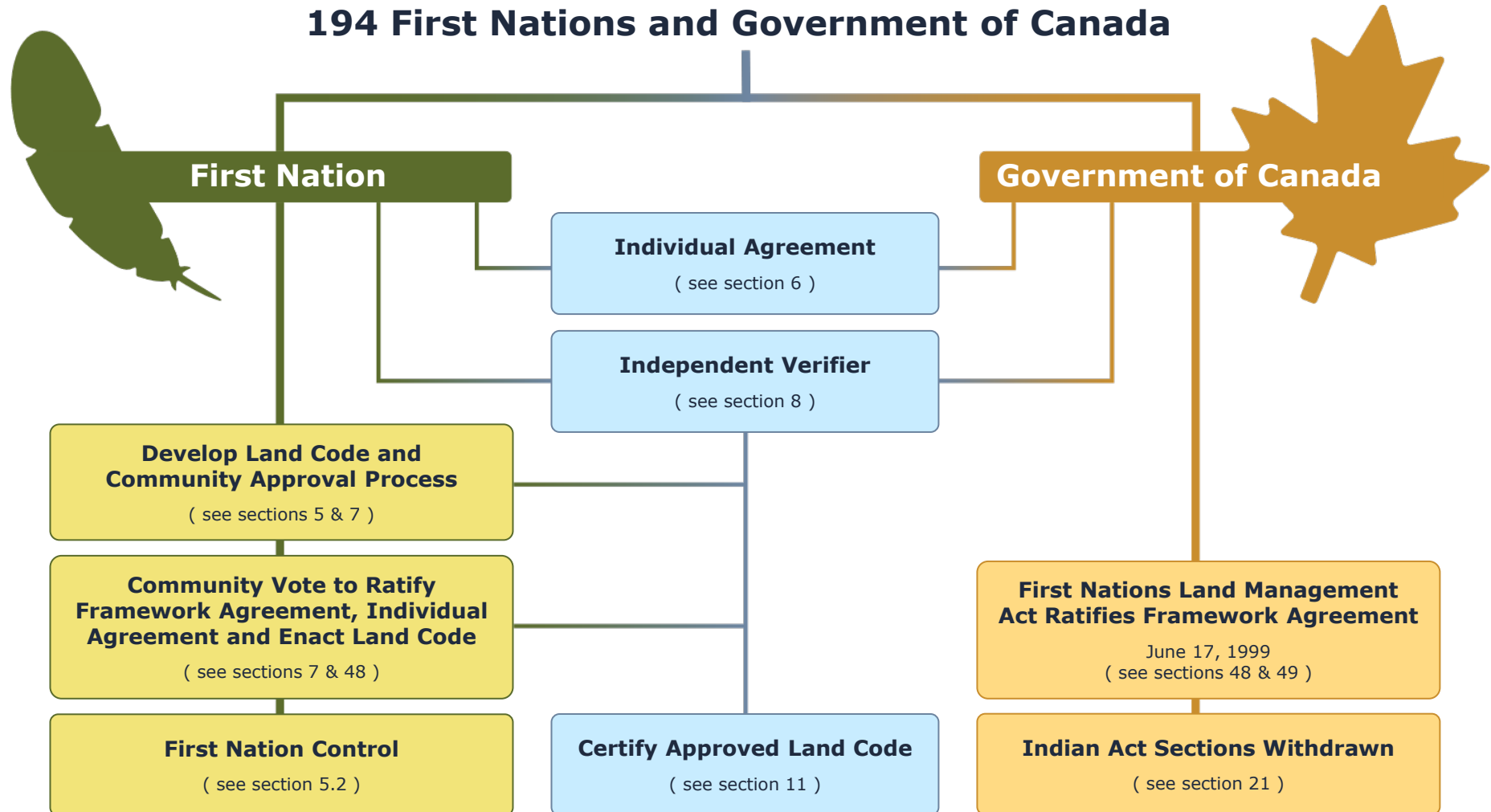
FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT



Framework Agreement on First Nation Land Management

February 12, 1996 (As amended in 1998, 1998, 2002, 2007 and 2018)

194 First Nations and Government of Canada



EXPANSION of the FRAMEWORK AGREEMENT

1996 to 2023

➤ **194** Signatory First Nations to the Framework Agreement on First Nation Land Management

➤ **105** First Nations have ratified their Land Code & Individual Agreement across Canada (3 of those have moved on to broader self-government/ Treaty agreements)

➤ **29** First Nations in the East (ON, QC, NB, NS, PEI & NFLD) are operating under their own Land Codes:

- | | | |
|----------------------------------|--------------------------------|--|
| 1. Chippewas of Georgina Island | 11. Magnetawan First Nation | 21. Sheshegwaning First Nation |
| 2. Mississaugas of Scugog Island | 12. Long Lake #58 First Nation | 22. Beausoleil First Nation |
| 3. Nipissing First Nation | 13. Wasauksing First Nation | 23. Brunswick House First Nation |
| 4. Atikameksheng Anishnawbek | 14. Abenakis de Wolinak | 24. Moose Deer Point First Nation |
| 5. Henvey Inlet First Nation | 15. Temagami First Nation | 25. Rainy River First Nations |
| 6. Mississauga First Nation | 16. Miawpukek | 26. Pekuakamiulnuatsh |
| 7. Anishinaabeg of Naongashiing | 17. Madawaska Maliseet | 27. Hiawatha First Nation |
| 8. Dokis First Nation | 18. Chippewas of Rama | 28. Animbiigoo Zaagi'igan Anishinaabek |
| 9. Bingwi Neyaashi Anishinaabek | 19. Algonquins of Pikwakanagan | 29. Paqtnkek Mi'kmaw Nation |
| 10. Shawanaga First Nation | 20. Membertou | |

OPERATIONAL AND DEVELOPMENTAL COMMUNITIES OF THE FRAMEWORK AGREEMENT





WHY IS THE FRAMEWORK AGREEMENT SO IMPORTANT?

- The first real recognition of inherent right to manage our reserve lands and resources.
- Identifies the jurisdiction assumed by the First Nations, which includes decision-making authority, as well as the power to design and enforce our laws over our reserve lands and resources.
- Once it is ratified (Land Code and Individual Agreement approved by the community), the land management provisions of the Indian Act no longer apply. The Minister will no longer be involved in the day-to-day management of the First Nation's reserve lands.



THE FRAMEWORK AGREEMENT

- Is not a treaty and does not affect treaty rights;
- It is not intended to define or prejudice inherent rights, or any other rights of First Nations to control their lands or resources or to preclude other negotiations in respect of those rights;
- The lands maintain reserve status and retain the protection of section 91(24) constitutional jurisdiction.
- All reserve lands must be protected for the benefit of future generations.

The Framework Agreement provides increased protection for reserve land.

Reserve land cannot be:

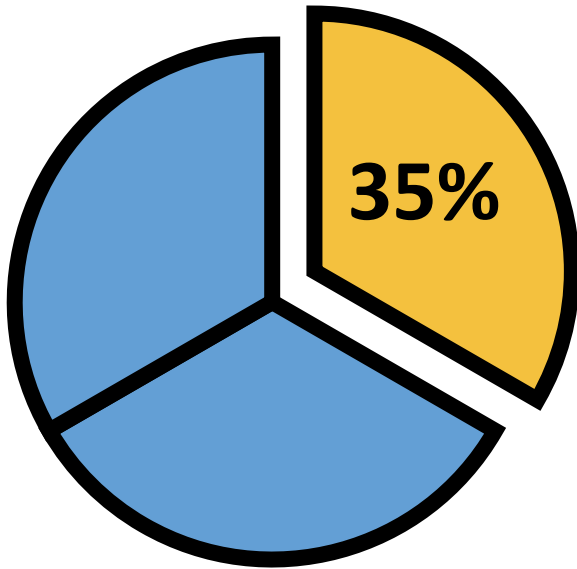
- surrendered for sale; or
- expropriated by the province;
- expropriation by Canada is restricted;
- the reserve land base can never be diminished.
- maintaining reserve status lands is mandatory, fee simple title is not allowed.

» *The Framework Agreement is First Nation led and cannot be amended without the consent of the Land Code First Nations* «



OPTING OUT OF THE INDIAN ACT

Under the *Framework Agreement*, 44 land related provisions of the *Indian Act* no longer apply to operational First Nations.



35% of the *Indian Act* no longer applies!

- Reserves (ss. 18-19)
- Possession of Lands in Reserves (ss. 20, 22-28)
- Trespass on Reserve (ss. 30-31)
- Sale or Barter of Produce (ss. 32-33)
- Roads and Bridges (s. 34)
- Lands Taken for Public Purposes (s. 35)
- Surrenders and Designations (ss. 37-41)
- Distribution of Real Property but not personal property on intestacy (ss. 49 and 50(4))
- Management of Reserves and Surrendered and Designated Lands (ss. 53-60)
- Management of Indian Moneys (ss. 61-69)
- Farms (s. 71)
- Removal of Materials from Reserves (s. 93)
- Regulations made under section 57 of the Indian Act; and
- Regulations under sections 42 and 73 of the Indian Act to the extent that they are inconsistent with the *Framework Agreement* or the land code or the laws of the First Nation.



First Nations working together to resume jurisdiction over reserve lands, environment and natural resources.

LAB Mission Statement

Primary Responsibilities:

- provide strategic direction to the Resource Centre
- proposes legislative changes to the Framework Agreement and federal legislation as directed by the signatory Councils
- advocates for and negotiates funding with the Government of Canada on behalf of the First Nation signatory communities
- other functions as agreed to between the First Nations and the LAB



A First Nations organization dedicated to supporting First Nations to exercise their Inherent Right to govern their Lands, Resources, Environment and Resources.

RC Mission Statement

Primary Responsibilities:

- intergovernmental Relations in support of the Framework Agreement on First Nation Land Management's ongoing implementation;
- training, resources and support services for signatory First Nations as they develop and implement their community land codes;
- providing information to interested First Nations



**FIRST NATIONS
LAND MANAGEMENT
RESOURCE CENTRE**

**Miigwetch
Thank you**

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