

The Framework Agreement on First Nation Land Management

What is the Framework Agreement?

- A government-to-government agreement signed in 1996
- Negotiated between 14 First Nations and the Department of Indian Affairs
- Gives First Nations the option to withdraw their reserve lands from the *Indian Act* to exercise control over their lands, environment and natural resources
- Sets out the powers to be transferred to the First Nation and is the source of First Nation land management authorities



Principles of the Framework Agreement

- Inclusion of on and off reserve First Nations members
- Once a Land Code is ratified by the community, the land management provisions of the Indian Act (approx. 35% 44 sections) no longer apply.
- First Nation lands continue to be lands reserved for Indians within the meaning of section 91(24) of the Constitution Act, 1867 (not fee simple lands).
- Law making power over lands and resources
- Special relationship with the crown is retained
- Legal status and capacity clearly defined
- No expropriation of reserve lands by government
- Protection of treaty rights or aboriginal rights
- Canada continues to be liable for previous acts and omissions (e.g., settlement of land claims).
- A third-party interest on reserve is protected – until that interest has expired (e.g., valid leases continue)
- An individual band member's interest is protected on reserve (e.g., valid CP and other legal interests continue)
- Local dispute resolution mechanisms are to be developed to the satisfaction of the First Nation community
- Matrimonial Real Property provisions are to be developed by the community
- Conflict of Interest provisions are mandatory, ensuring fair land practices

Framework Agreement

Land Code

- Law-making powers
- Law-making processes
- Community consultation
- Land Protection
- Administration & Accountability
- Land Interests
- Dispute Resolution

Individual Agreement (IA)

- Sets out specifics of the transfer of federal authority from the *Indian Act* to the First Nation
- Environmental Assessments attached as schedules
- Sets out the First Nation funding levels that accompany the transfer

Community Ratification Process Membership Votes



We have grown from a small group of 14 First Nations in 1996 to 207 signatory First Nations stretching from Vancouver Island to Newfoundland.