FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE

FIRST NATION LAND GOVERNANCE

The *Framework Agreement on First Nation Land Management*

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THE *FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT:* A HISTORY

FIRST NATION ESTABLISHED AND CONTROLLED

February 12, 1996: Chief William McCue welcomes First Nation leadership and Canada to the Chippewas of Georgina Island First Nation for the historic signing.

WHAT IS THE FRAMEWORK AGREEMENT?

The *Framework Agreement on First Nation Land Management* (Framework Agreement) is a historic, government-to-government agreement developed and advocated for by First Nations leaders to opt out of the 44 lands-related sections of the *Indian Act* and to recognize First Nations' inherent right to govern their reserve lands.

WHEN WAS IT SIGNED?

The agreement was signed on February 12, 1996, at the Chippewas of Georgina Island First Nation, between the original 13 First Nations who designed and negotiated it, and Canada's Minister of Indian Affairs and Northern Development.

HOW MANY FIRST NATIONS ARE SIGNATORIES?

As of January 2025, the Framework Agreement has expanded to include **213 First Nation signatories** working to replace the land management sections of the antiquated *Indian Act* with their own community-developed land code.

THE GOALS OF THE FRAMEWORK AGREEMENT

- First Nations awareness that the Framework Agreements assists them to exercise their inherent right to govern their reserve lands and natural resources.
- Framework Agreement First Nations will decide how to govern reserve lands and natural resources with their land code.
- Each First Nation will have the capacity to govern its reserve lands and resources effectively.
- Effective land and resource governance will become a cornerstone of First Nation community development.
- Strengthening the recognition of the status of First Nation Governments.

"The momentum behind the Framework Agreement was our desire to leave behind these paternalistic remnants of land administration under the Indian Act and resume governance over our lands and natural resources under a land code, designed and ratified by our own community members."

Chief Robert Louie, Lands Advisory Board Chairman

February 12, 1996: Chief Robert Louie (Westbank First Nation) and Chief William McCue (Chippewas of Georgina Island First Nation) watch as the Honourable Ron Irwin, Minister of Indian Affairs and Northern Development, signs the *Framework Agreement on First Nation Land Management*.

WHAT IS THE PURPOSE OF THE FRAMEWORK AGREEMENT?

To enable First Nations to resume and exercise governance over their reserve lands, natural resources and environment 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.

WHAT IS LAND GOVERNANCE?

Framework Agreement land governance consists of the rules, processes, and systems a First Nation implements for making decisions about its lands, natural resources and environment.

HOW DOES THE FRAMEWORK AGREEMENT PROCESS WORK?

First Nation communities develop a draft land code and a community ratification process and negotiate an Individual Agreement with Canada. After much consultation, the community votes on whether to approve the land code and Individual Agreement. If the land code is approved, the community begins governing its land, based on the priorities reflected in their governance systems, including law-making related to land management, environmental protection and resource management.

WHAT ARE THE BENEFITS OF

THE FRAMEWORK AGREEMENT?

First Nation signatories to the Framework Agreement are supported financially, politically and technically to develop and ratify their own community land code. Benefits for these First Nations include:

- First real recognition of First Nation right to manage their reserve lands and resources
- Removal of reserve lands from *Indian Act* restrictions
- Community control over First Nation land management and development
- Inclusion of both off-reserve and on-reserve members in important decisions
- Increased accountability to members of the First Nation
- More efficient management of First Nation land
- Recognition of First Nation legal capacity to acquire and hold property, to borrow, to contract, to expend and invest money, to be a party to legal proceedings, to exercise its powers and to perform its duties
- Transfer by Canada of previous land revenues to First Nations
- Recognition of the First Nation's right to receive revenue from interests in their land
- Protection against arbitrary expropriation of First Nation land
- Protection against loss of First Nation land through surrender for sale
- Ability of First Nation to directly protect their environment
- Ability of First Nation to create rules related to land during marriage breakdown
- Recognition of significant law-making powers respecting First Nation land
- Removal of the need to obtain ministerial approval for First Nation laws
- Recognition in Canadian courts of First Nation laws
- Recognition of right to create modern offences for breach of First Nation laws
- Ability to appoint Justices of the Peace
- Ability to create a local dispute resolution process
- Establishment of a regulation backed land registry system
- Establishment of a First Nation created and controlled Lands Advisory Board
- Resource Centre to provide professional technical and political assistance to First Nations

WHAT ARE SOME OF THE MAJOR SUCCESSES OF THE FRAMEWORK AGREEMENT?

The Framework Agreement **removes the 44 lands management sections of the *Indian Act,*** leading the way for First Nations to make their own rules under their own land code instead.

28 years +

of governing land, natural resources, and the environment under the Framework Agreement

122

First Nations have enacted land codes

213

First Nations are Signatories to the Framework Agreement

1/3

of First Nations across Canada are involved in the Framework Agreement

7

amendments to the Framework Agreement led by signatory First Nations

1.2M+

1,200,000+ acres of First Nation land have been removed from the *Indian Act* lands system

* As of January 2025

HOW TO BECOME A SIGNATORY TO THE *FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT*

STEP 1 - CONFIRMING INTEREST

An interested First Nation seeks out information on the Framework Agreement and, if interested in becoming a signatory, submits a Band Council Resolution (BCR) confirming this interest.

STEP 2 - WELCOMING

After the BCR is reviewed, a welcome letter and the *Framework Agreement on First Nation Land Management* adhesion document is sent to the First Nation.

STEP 3 - ADHESION SIGNED

If the First Nation decides to officially join the Framework Agreement, the First Nation signs the adhesion along with Canada.

STEP 4 - FUNDING ACQUIRED

The Developmental Phase Funding Agreement (DPFA) is signed by the First Nation, the First Nations Land Management Resource Centre, and Canada.

STEP 5 - WORK BEGINS!

Among many activities, the developmental phase involves the creation of a Land Code Committee, extensive community engagement, the drafting of a Community Ratification Plan and Land Code, as well as negotiating an Individual Agreement with Canada.

PRINCIPAL DIFFERENCES BETWEEN FRAMEWORK AGREEMENT LANDS-GOVERNANCE AND *INDIAN ACT* DELEGATED ADMINISTRATION

FRAMEWORK AGREEMENT ON FIRST NATIONS LAND MANAGEMENT **(SECTORAL SELF GOVERNMENT)**		***INDIAN ACT*** **DELEGATED AUTHORITY**
Government to government agreement signed in 1996, initiated and created by First Nations for First Nations		Enacted in 1876
Cannot be amended/changed without the consent of the First Nation Signatories		Can be amended /changed without consent of First Nations
First Nations are recognized as "governments" with real legislative authority. Laws enforceable in any court of competent jurisdiction. Canada has no authority to overrule or cancel duly made laws or decisions made by First Nations		First Nations are not governments, with no Law-making authority. First Nations may only make certain decisions or by-laws that Canada approves of or that fall within authority outlined in the *Indian Act*
According to their own authority First Nations may: - Make land laws - Administer land laws - Enforce land laws - Manage and protect Lands and Resources		First Nations may: - Make certain delegated decisions - Make certain bylaws
Laws, policies, procedures and legal instruments are all developed, approved and enacted by each First Nation according to its own Land Code, unique language, culture and values		One size fits all, *Indian Act*/Federal laws, policies, procedures, rules and legal instruments made by Canada and must be followed by First Nations
Many flexible, diverse and innovative legal land governance approaches developed by First Nations		One inflexible law/land management manual and set of legal instruments developed by Canada for all First Nations
First Nations can create, authorize and issue different types of legal land interests		Predetermined allowable range of land interests recognized by Canada. No Indian is in lawful possession of land unless the Minister approves. This includes land transfers
Ability to enact Environmental Assessment/Protection Laws		None, only those that may be entered into by contractual arrangement by Canada. Enforcement, monitoring, testing and compliance can be problematic
Accountability and reporting to membership		Accountability and reporting to Canada
Members have clear role in decision making and approvals, with the ability to access and share information		Members do not have a clear role in certain decisions nor do they have a right to receive or access information
Dispute Resolution		No dispute resolution
No expropriation by Provincial/Municipal agencies. Extremely limited Federal expropriation restricted to emergencies		Expropriation possible without First Nation consent by Federal or Provincial government for the purposes of crown corporations or municipalities
Regulation backed, paperless, electronic and instant land registry which is priority based and is recognized/supported by financial institutions and titles insurance providers		Policy based registry that does not guarantee land certainty. Overly bureaucratic and lengthy approval times
Recognized First Nation legal status/capacity to acquire and hold property, to borrow and contract, to expend and invest money and to be a party to legal proceedings		Legal status unclear and uncertain to hold property/enter into binding agreements. This discourages lenders and other financing partners

LAND CODE: WHAT IT IS, INCLUDES AND ACCOMPLISHES

WHAT IS A LAND CODE?

A land code is a First Nation-driven land law developed and approved by the First Nation to establish a land governance structure to manage and care for its reserve lands and natural resources. The Framework Agreement supports the flexibility for First Nations to develop their land code to reflect their unique laws, priorities, and traditions. Under the Framework Agreement, Land Code First Nations have full self-governing authority over reserve lands, natural resources, and the environment. **Unlike other land initiatives, this is true self-government, not delegated authority.**

WHAT DOES A LAND CODE INCLUDE?

A LAND CODE INCLUDES PROVISIONS FOR:

- Rules and procedures for land possession, exchange, and use
- Financial accountability to members for land revenues (such as leases)
- The process for developing and approving the First Nation's land laws
- A dispute resolution process

WHAT ARE SOME OF THE BENEFITS OF A LAND CODE?

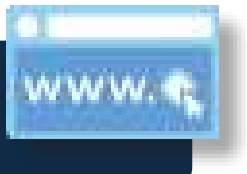
THE MAIN BENEFITS OF A LAND CODE INCLUDE:

- Recognition of a First Nation's right to manage its lands and resources
- Removal of 44 land-related sections of the *Indian Act*
- Protects First Nation land from ever being diminished in size
- Community control over First Nation land management and development
- Inclusion of on and off-reserve members in important decisions
- Increased transparency and accountability to members in all land matters
- Enhanced ability of the First Nation to protect its environment
- Ability to create a local dispute resolution process
- More efficient decision-making processes (and more)

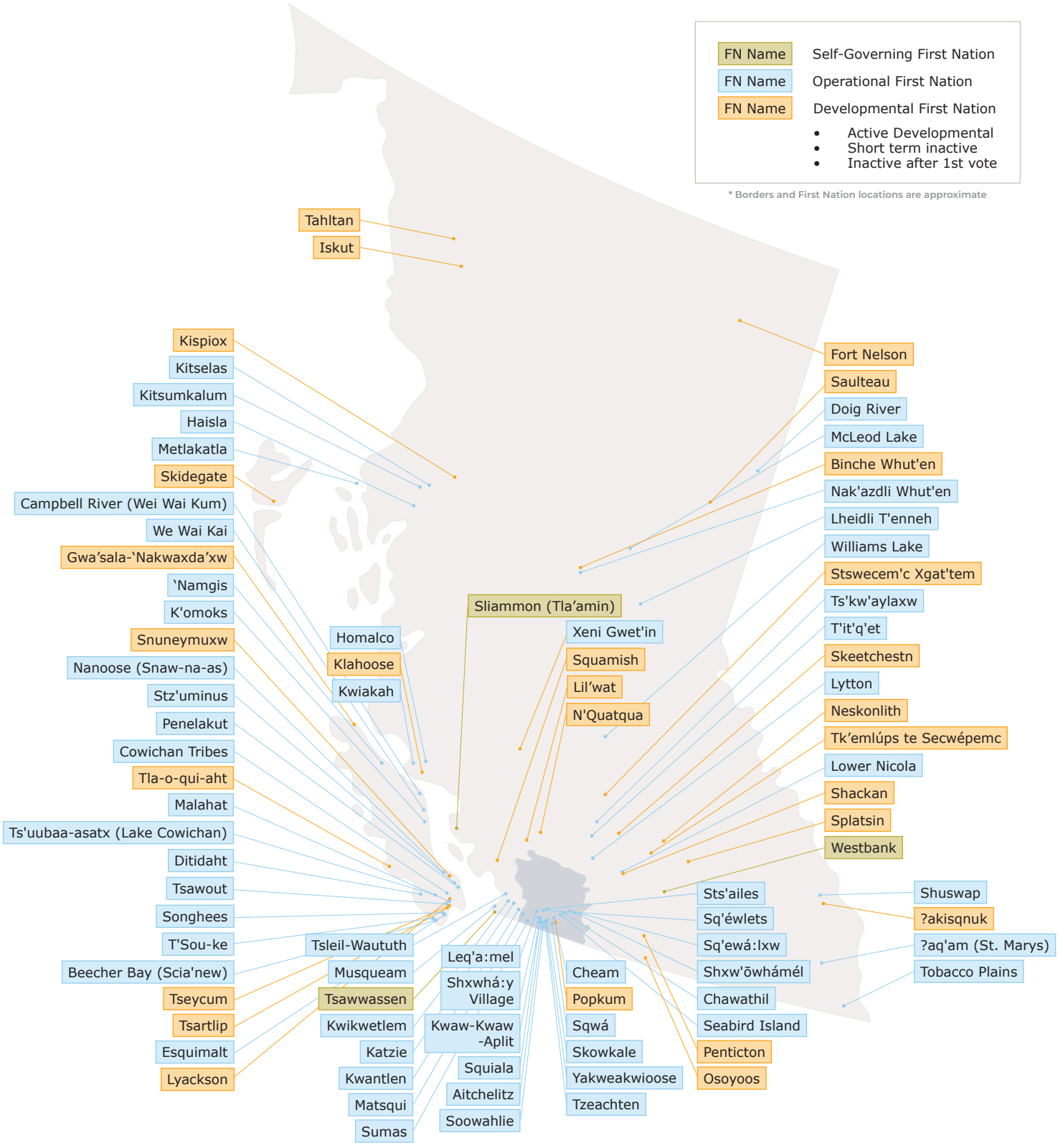
A LAND CODE **WILL NOT:**

- Affect Treaty/Indigenous rights
- Affect taxation or tax exemption
- Affect additions to reserves or land claims
- Increase provincial or municipal jurisdiction

For more information
www.labrc.com



B.C. REGION SIGNATORIES TO THE FRAMEWORK AGREEMENT



Signatories to the *Framework Agreement on First Nation Land Management*

British Columbia

Yukon

Alberta

Northwest Territories

Saskatchewan

Manitoba

Ontario

Aamjiwnaang First Nation
Alderville First Nation
Algonquins of Pikwakanagan
Animbiigoo Zaagi'igan Anishinaabek
Anishnaabeg of Naongashiing First Nation
Aroland First Nation
Attawapiskat First Nation
Batchewana First Nation
Bearskin Lake First Nation
Beausoleil First Nation
Big Grassy River First Nation
Biigtigong Nishnaabeg
Bingwi Neyaashi Anishinaabek
Brunswick House First Nation
Chapleau Cree First Nation
Chapleau Ojibwe First Nation
Chippewas of Georgina Island First Nation
Chippewas of Kettle & Stony Point First Nation
Chippewas of Rama First Nation
Chippewas of Saugeen First Nation
Chippewas of the Thames First Nation
Constance Lake First Nation
Couchiching First Nation
Curve Lake First Nation
Dokis First Nation
Eabametoong First Nation
Eagle Lake First Nation
Ebb and Flow First Nation
Fort Albany First Nation
Fort Severn First Nation
Garden River First Nation
Ginoogaming First Nation
Grassy Narrows First Nation
Henvey Inlet First Nation
Hiawatha First Nation
Kashechewan First Nation
Keewaywin First Nation
Kingfisher Lake First Nation
Lac Des Mille Lacs First Nation
Lac La Croix First Nation
Long Lake #58 First Nation
Magnetawan First Nation
Marten Falls First Nation
Matachewan First Nation
Mattagami First Nation
Mattawa-Nipissing First Nation
Mishkeegogamang First Nation
Missanabie Cree First Nation
Mississaugas First Nation
Mississaugas of Scugog Island First Nation
Moose Cree First Nation
Moose Deer Point First Nation
Munsee-Delaware First Nation
Naicatchewenin First Nation
Naotkamegwanning First Nation
Nibinamik First Nation
Nicickousemenecaning First Nation
Nipigon First Nation
Nipissing First Nation
North Caribou Lake First Nation
Northwest Angle #33 First Nation
Obashkaandagaang First Nation
Ojibways of Onigaming First Nation
Ojibways of Pic River First Nation
Oneida Nation of the Thames
Onigaming First Nation
Osnaburgh First Nation
Pays Plat First Nation
Pic Mobert First Nation
Pikangikum First Nation
Poplar Hill First Nation
Red Rock Indian Band
Rocky Bay First Nation
Sachigo Lake First Nation
Sagamok Anishnawbek
Saugeen First Nation
Seine River First Nation
Serpent River First Nation
Shawanaga First Nation
Six Nations of the Grand River
Slate Falls First Nation
Sucker Creek First Nation
Taykwa Tagamou Nation
Temagami First Nation
Thessalon First Nation
Wabaseemoong Independent Nations
Wabauskang First Nation
Wahgoshig First Nation
Wahnapitae First Nation
Washagamis Bay First Nation
Wasauksing First Nation
Webequie First Nation
Whitefish Lake First Nation
Whitefish River First Nation
Whitesand First Nation
Wikwemikong Unceded Territory
Wunnumin Lake First Nation

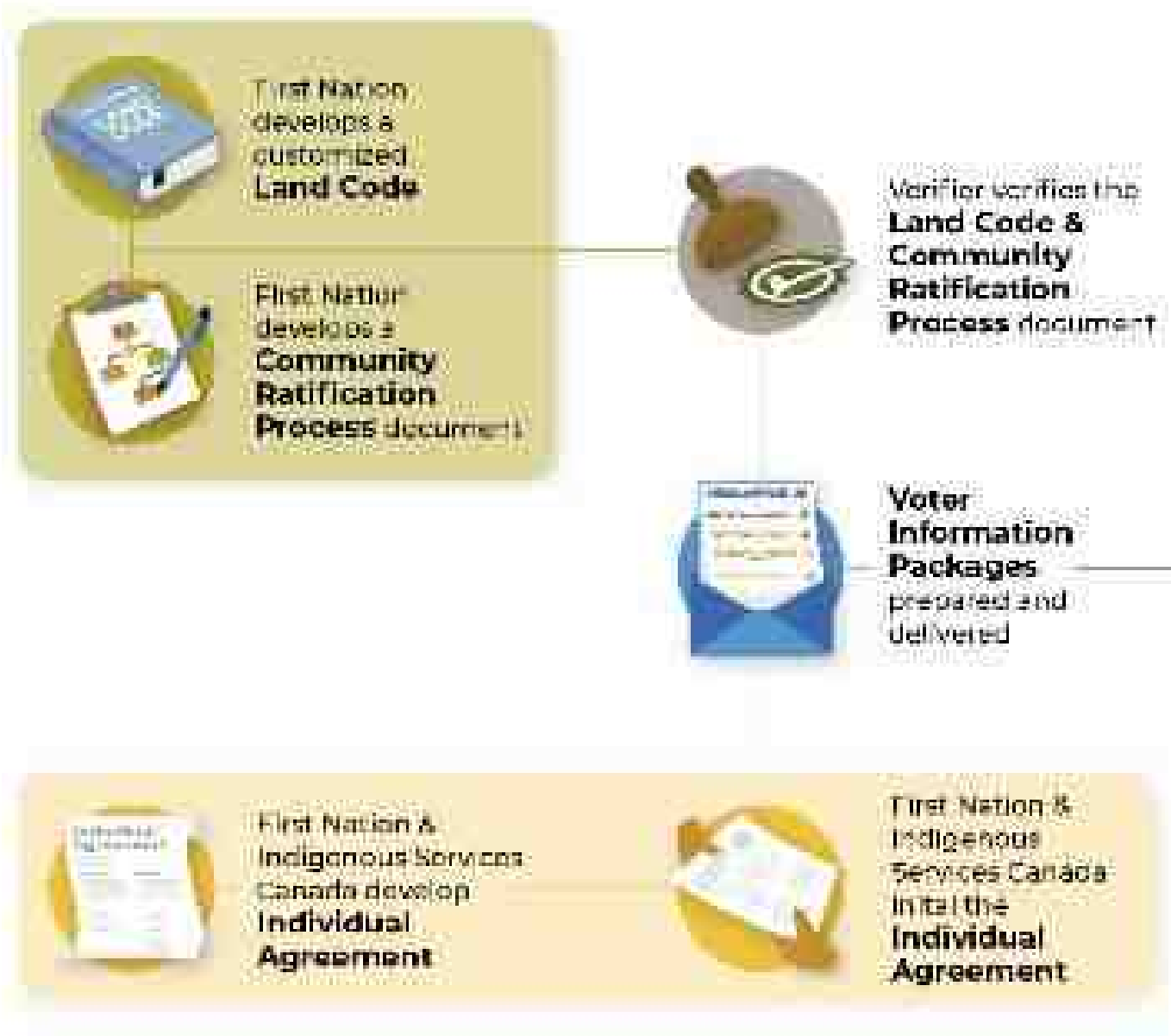
Quebec

Conseil des Atikamekw de Wôlinak
Conseil des Atikamekws d'Opitciwan
Conseil des Montagnais d'Essipit
Conseil des Montagnais de Mashteuiatsh
Conseil des Montagnais de Pakua Shipi
Conseil des Montagnais de Unamen Shipu
Conseil des Montagnais du Lac-Saint-Jean
Conseil des Montagnais du Lac-Saint-Jean
Conseil des Montagnais du Lac-Saint-Jean

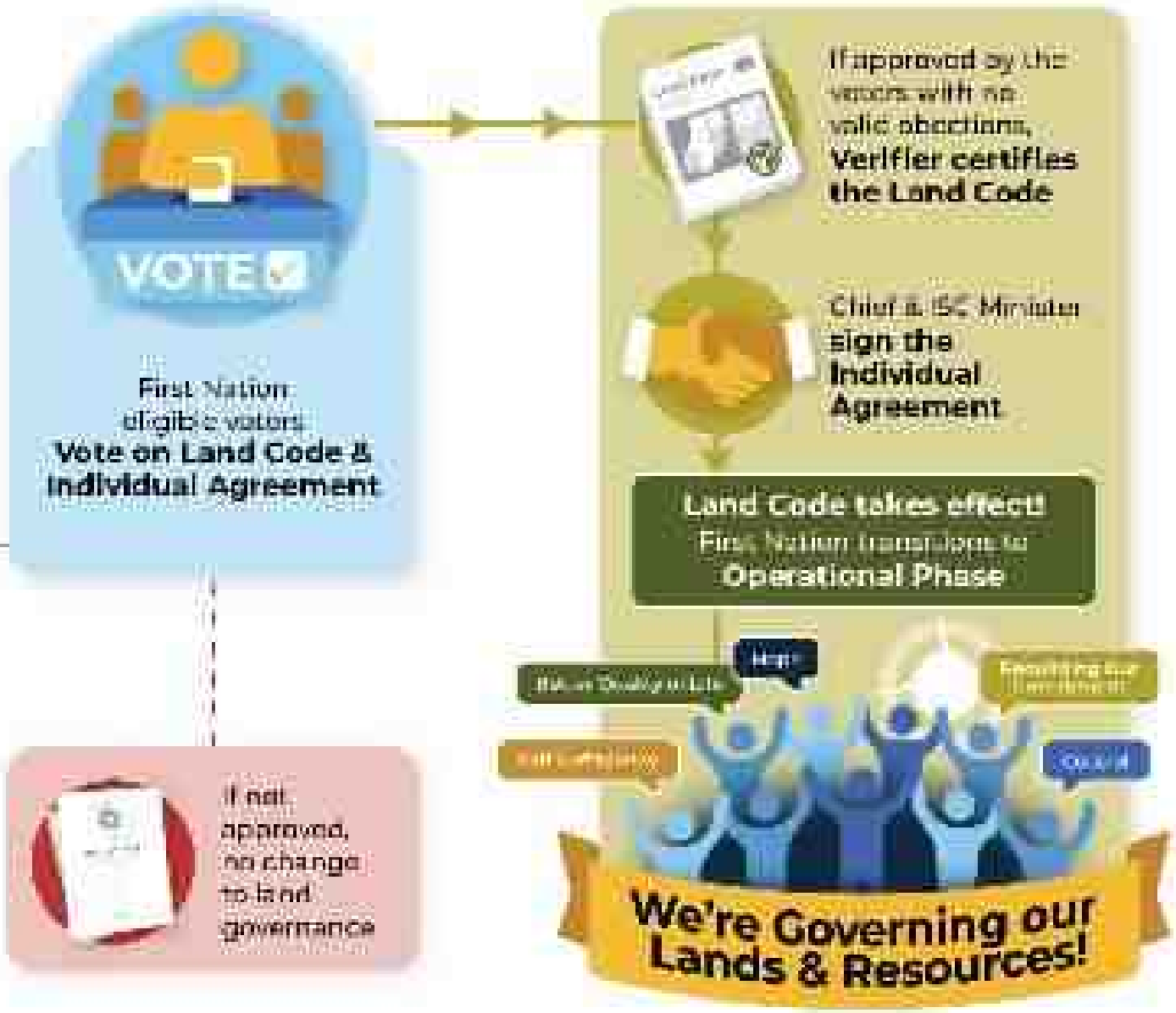
FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT
DEVELOPMENTAL PHASE

The developmental phase is typically completed within two years. This graphic gives an overview of the developmental phase of the Framework Agreement process.

Should the voting members of the First Nation **vote to approve** the land code and Individual Agreement, the First Nation moves into the transitional and operational phases of the Framework Agreement process.



Should the voting members of the First Nation **not approve** the land code and Individual Agreement, then there is no change - - the First Nation remains under *Indian Act* land management.



AUTHORITIES UNDER THE FRAMEWORK AGREEMENT

WHAT AUTHORITIES ARE PROVIDED UNDER THE FRAMEWORK AGREEMENT?

The Framework Agreement provides legal authorities that are central to the recognition of First Nation Self-Government. These include:

LEGAL STATUS AND POWERS

- Land Management
- Accountability
- Registration of Interests
- Third Party Interests
- Law-Making Powers
- First Nation Expropriation

PROTECTION OF FIRST NATION LAND

- Description of Land and Addition of Land
- Immunity from Seizure
- Environmental Protection
- Voluntary Exchange of Lands
- Enforcement and Dispute Resolution

CONTINUING FEDERAL RESPONSIBILITY

- Federal Acts (for example Indian Oil and Gas, Migratory Birds, Species at Risk, Emergencies, Atomic Energy Control, Fisheries, etc.)
- Wills and Estates
- Additions to Reserve

WHAT TYPES OF LAWS ARE DEVELOPED THROUGH A LAND CODE?

First Nations often choose to prioritize land law development based on the current or anticipated needs of their communities. Some areas of law development may include:

FUNDING FOR THE FRAMEWORK AGREEMENT PROCESS

WHAT TYPE OF FUNDING IS AVAILABLE TO FIRST NATIONS FOR THE FRAMEWORK AGREEMENT PROCESS?

DEVELOPMENTAL PHASE FUNDING

Is provided to First Nations to complete the milestones identified with the funding agreement.

- $250k total of grant-based funding available for the developmental phase
- Funding term is two years, but extensions can be granted by written request and acceptance by all funding agreement parties
- Funding supports hiring staff, developing a land code with a committee (if desired), conducting community engagement activities, hiring outside supports, and holding a ratification vote to seek membership approval of the key documents

TRANSITIONAL PHASE FUNDING

Is provided to First Nations after community approval of their land code.

- Total grant-based funding available is $200k, and is provided over two years
- Funding supports transitional types of activities related to establishing a Land Governance Office, including developing forms and templates, creating laws, policies and procedures, strategic planning, and purchasing software, equipment and other technological resources

OPERATIONAL PHASE FUNDING

This grant-based type of funding is provided to implement a land code.

- Begins when a First Nation votes to approve its land code
- Funding is described in Annex A of the Individual Agreement, completed with Canada during the Developmental Phase
- Funding can be used for hiring staff, ongoing community education and awareness, developing and enforcing land laws, land use planning, zoning, and development procedures, environmental management and establishing an environmental protection regime, building and conducting of a monitoring and compliance framework, and updating software and equipment

OTHER RESOURCE CENTRE FUNDING INITIATIVES

Application-based funding opportunities are available to First Nations for the following types of projects:

- Environmental management planning and implementation
- Land use planning and implementation
- Solid waste management
- Resolution of legacy issues stemming from *Indian Act* land management system
- Conducting of internal-boundary surveys related to outstanding legacy issues

SUPPORT TO FIRST NATION SIGNATORIES TO THE *FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT*

WHAT IS THE **LAB** AND WHAT DOES IT DO?

Established within the Framework Agreement, the Lands Advisory Board (LAB) assists First Nations in re-asserting land governance over their reserve lands and resources.

The LAB is comprised of an elected Chairman and 15 regionally elected Directors. The board is determined by the Councils of signatory First Nations with approved land codes. The LAB provides support to First Nations in accordance with the Framework Agreement.

THE ROLES AND RESPONSIBILITIES OF THE LAB INCLUDE:

- Strategic planning at the political level;
- Intergovernmental relations/meetings with Canada;
- Public awareness and promotion;
- Strategic advice to signatory communities;
- Advice to interested communities; and
- Political advocacy for the advancement of the Framework Agreement.

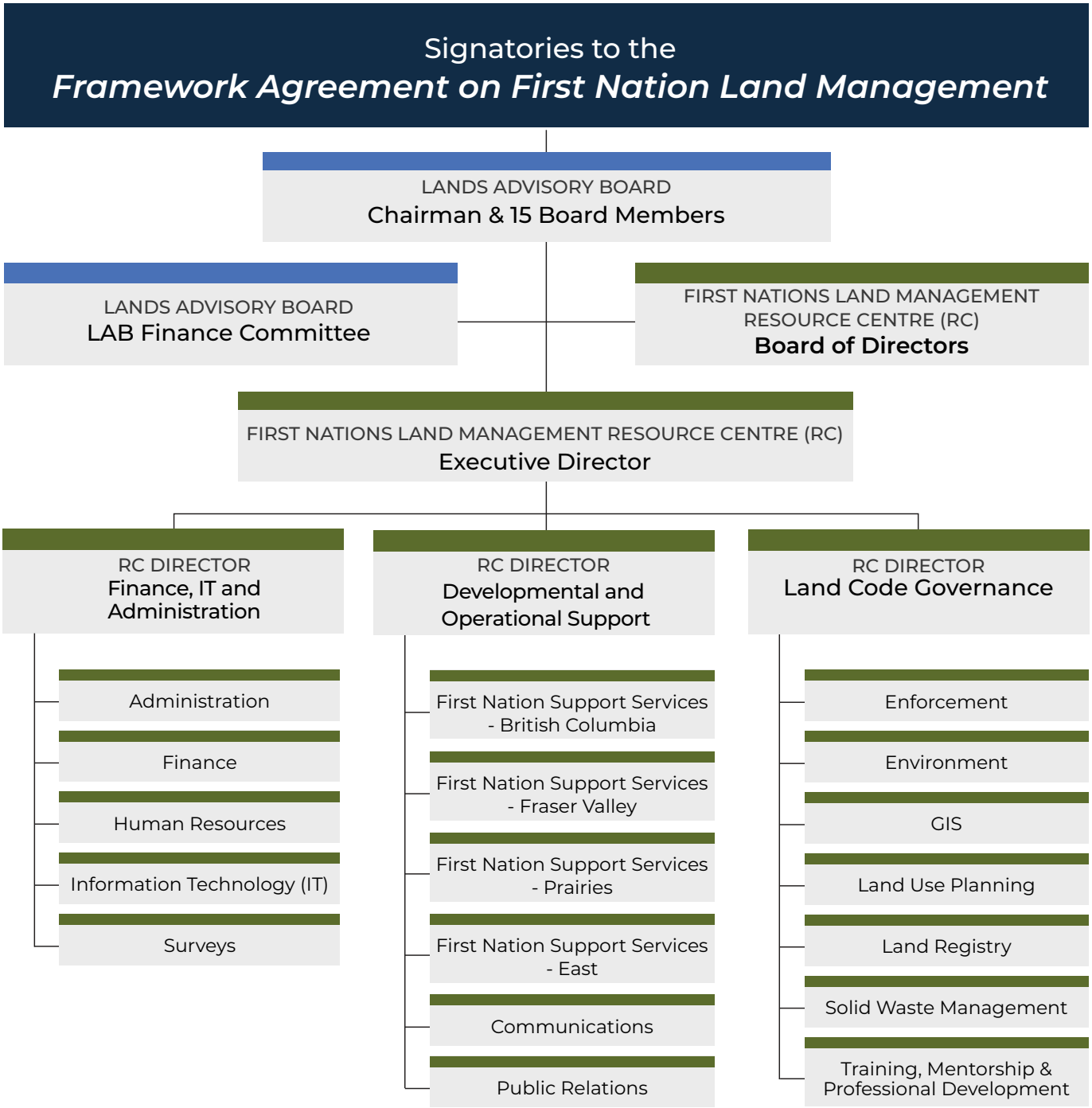
WHAT IS THE **RC** AND WHAT DOES IT DO?

The LAB established the RC to fulfill the LAB's technical responsibilities under the Framework Agreement. This includes arranging the terms of funding arrangements with Indigenous Services Canada (ISC.) The roles of the LAB and the RC occur concurrently.

THE RC ROLES INCLUDE:

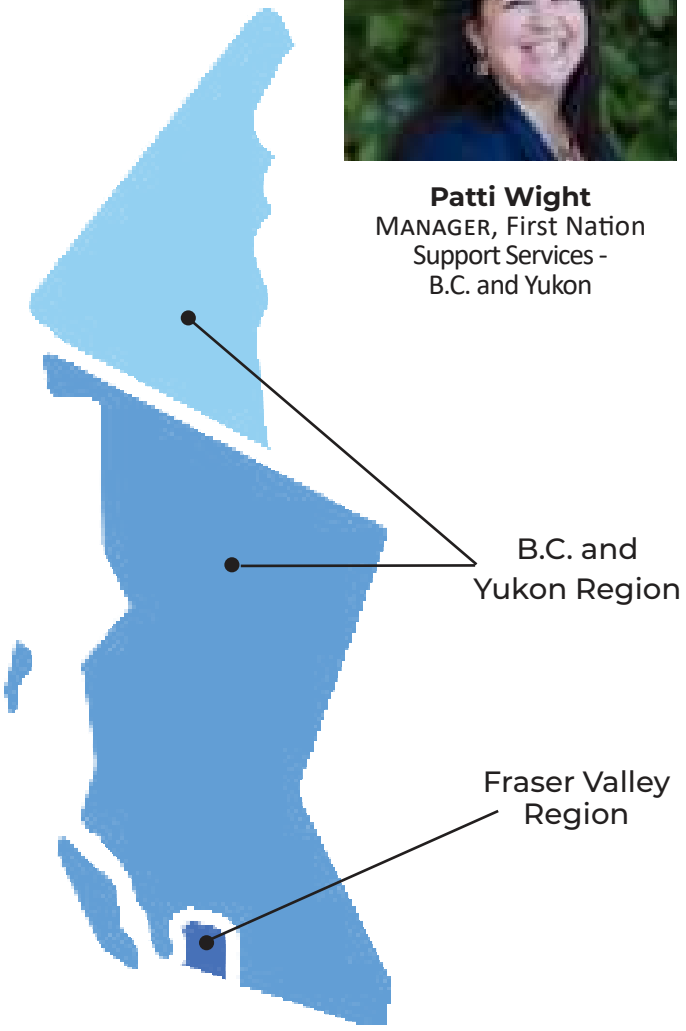
- Policy, planning & administration at the technical level;
- Intergovernmental relations with federal, provincial, regional and municipal government organizations to implement the technical aspects of the Framework Agreement;
- Operational support services (transition planning, capacity and training, law making and enforcement, surveys, land use planning and communications, etc.);
- Developmental support services (land code development, land description, environmental site assessment and ratification vote support, etc.); and
- Provide information to interested First Nations.

WHAT IS THE ORGANIZATIONAL STRUCTURE OF THE **LAB** AND **RC**?



HOW DO I ACCESS INTRODUCTORY, DEVELOPMENTAL , OR OPERATIONAL SUPPORT?

The RC First Nation Support Services Managers and Land Code Governance Advisors work directly with interested, developmental and operational First Nations from coast to coast to coast. They work closely with communities to assist as requested in all aspects of land code development and implementation. Additionally, they are responsible for coordinating specialized support services between First Nation signatories and the RC's land code governance topic experts.



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FIRST NATIONS
LAND MANAGEMENT
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