



## LAND CODE 101

### OVERVIEW

A Land Code is created by a First Nation to replace the sections of the *Indian Act* that deal with land management on reserve. If a First Nation has accepted a Land Code, the Government of Canada no longer has a say in how its reserve lands are managed.

### HOW DID THE LAND CODE PROCESS GET STARTED?

The Land Code process was started in the early 1990s by a group of 14 First Nations Chiefs from across Canada. It was their vision to make it possible for First Nations to manage their reserve lands without interference from government.

These First Nation leaders created a proposal for their communities to be exempt from the parts of the *Indian Act* that apply to reserve land management. In 1996, the Government of Canada agreed to the proposal and worked with the Chiefs to negotiate the *Framework Agreement on First Nations Land Management*. The communities of the 14 Chiefs then became the first to sign on to the Framework Agreement and began the work of developing their own Land Codes to replace the 33 sections of the *Indian Act* relating to land management.

To bring the Framework Agreement into effect, the federal government passed the *First Nations Land Management Act*. Together, the Framework Agreement and the Act give the

### TIMELINE

- 1996 Framework Agreement on First Nations Land Management is signed by 14 First Nations
- 1999 First Nations Land Management Act sets out Land Code process
- 2000 First Land Code takes effect
- 2016 'Namgis signs the Framework Agreement

federal government and First Nations the ability to transfer the authority to make laws on reserve back to communities.

The first Land Code was passed by Muskoday First Nation, and it came into effect in 2000. Today, there are 76 First Nations that have accepted Land Codes for their communities, and 59 more First Nations that are currently in the process of developing their own Land Codes.

## WHAT ARE WE DOING HERE? 'NAMGIS AND LAND CODE

In May 2016, 'Namgis became a signatory to the *Framework Agreement on First Nations Land Management*. By signing onto the Agreement, 'Namgis has begun the process of developing our own Land Code.

The decision to enter into the Land Code process has been a long-time in the making. For years we have explored different paths to becoming more independent from government.

When we developed our Comprehensive Community Plan and asked members about their vision of governance, we heard that more work needs to be done before a treaty or a far-reaching self-government arrangement can be negotiated. But we also heard that it is important for us to be decision-makers on our land. The Land Code is a stepping-stone in this direction, starting with our reserve lands and resources.

Some of the other important reasons we have decided to explore this option include:

- Taking the power away from the Government of Canada on 'Namgis reserve lands
- Accessing more funding for land management
- Removing the need for the land designation process
- Giving our members certainty on the rules of property ownership, use and development on-reserve
- Creating more possibilities to develop businesses and generate money for our community
- Providing more opportunities for the 'Namgis members to be involved in reserve land management
- Protecting our cultural heritage sites on reserve, some of which are 1000s of years old
- Making it possible for 'Namgis to develop and enforce laws on reserve – a Land Code can be used in court!

The process is just getting started and there will be many ways for community members to participate.

## NEED MORE INFO?

**VISIT OUR WEBSITE: [WWW.NAMGIS.BC.CA/LANDCODE](http://WWW.NAMGIS.BC.CA/LANDCODE) EMAIL US: [LANDCODE@NAMGIS.BC.CA](mailto:LANDCODE@NAMGIS.BC.CA)**