



# 'NAMGIS

## LAND CODE

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	Indian Act	BC Treaties	Land Code
<b>What is it?</b>	Legislation created in 1876 by the federal government that controls most aspects of life on reserve such as band administration, wills and estates, land management and more.	Constitution-based agreements between Canada, the province, and First Nations that create new governments, settle land claims and define rights and obligations.	A First Nation law that replaces 32 sections of the Indian Act, and sets the rules for future community law making and enforcement regarding its reserve lands and resources.
<b>Process for development</b>	Forced on Indigenous people without their consent or consultation.	First Nations choose to enter the BC treaty process which is a six-stage process that can take many years.	A First Nations driven process where a First Nation chooses to start the process by signing the Framework Agreement on First Nation Land Management.
<b>Who does it affect?</b>	All First Nations in Canada who have not negotiated a treaty or self-government agreement.	There have been 3 treaties implemented under the BC treaty process (Maa-nulth, Tla'amin, Tsawwassen)  The Nisga'a Final Agreement came into effect in 2000 (separate from the BC treaty process).	80 First Nations have Land Codes, and 59 others are developing their Codes.  In BC, 46 First Nations have Land Codes, 19 are in the process of developing their codes.
<b>Status of reserve lands</b>	Reserves are Crown land "held by her Majesty for the use and benefit of the respective bands for which they are set apart".	Reserve lands become treaty settlement lands along with any additional lands agreed to and set out in the treaty.	Reserve lands still held by the Crown, but the law-making authority and day-to-day management of reserve lands is returned to the First Nation.
<b>Decision-making about lands</b>	Members have a limited role in decision-making.  Most decisions are made by Chief and Council and need the permission of the Minister to be implemented.	First Nations govern their own treaty settlements lands and resources with restrictions outlined in their treaty.	Members and Council have clear roles in decision-making and approvals in relation to reserve lands.  The Minister has no authority to make decisions regarding reserve lands and resources.
<b>Rights and Title</b>	Rights and title are not affected.	Treaty affects rights and title.	Rights and title are not affected.
<b>Accountability and Reporting</b>	Chief and Council are ultimately accountable to and report to the federal government.	The First Nation Government created by the treaty is accountable to and reports to its citizens.	Chief and Council are accountable to and report to members.