



YOUR TOP LAND CODE QUESTIONS ANSWERED!

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Here are the top questions we are hearing from members about the Land Code. Our team and the Committee have worked closely with experts from the First Nations Land Advisory Board Resource Centre and legal experts to learn about the process, develop our own draft Land Code and answer your questions.

IS LAND CODE A TREATY? OR CAN IT TURN INTO A TREATY?

No - developing a Land Code is not a Treaty and is not part of the BC Treaty process. A Land Code only deals with sections of the *Indian Act* relating to reserve land management. **A LAND CODE DOES NOT CHANGE THE STATUS OF RESERVE LANDS AND DOES NOT DEAL WITH ANY OTHER LANDS WITHIN A FIRST NATIONS TRADITIONAL TERRITORY OTHER THAN THE RESERVES.**

A Land Code does change who has the power to regulate land activity on reserve such as leasing and business permitting. It returns that power to the First Nation instead of having the Government of Canada make decisions about reserve lands.

This is very different from a treaty. **A TREATY DEALS WITH NEARLY ALL SECTIONS OF THE INDIAN ACT. A TREATY ALSO CHANGES THE STATUS OF RESERVE LANDS AND PARTS OF THE TRADITIONAL TERRITORY TO TREATY SETTLEMENT LANDS.**

The Framework Agreement on First Nation Land Management makes sure that the difference between Land Code and Treaty is clear. Section 91.24 of the Framework Agreement states: "The Framework Agreement is not a treaty and does not affect treaty rights or other constitutional rights of the First Nations".

We have also prepared a [document](#) to show the difference between Land Code, the *Indian Act* and the BC Treaty Process.

Many First Nations have a Land Code and are not in the treaty process. Some First Nations have a Land Code in place and have rejected treaty. An example is Lheidli T'enneh in northern BC. Lheidli T'enneh was one of the first First Nations in Canada to adopt a Land Code (1999). Their community has also voted twice to reject treaty.

What is the Framework Agreement on First Nation Land Management?

The Framework Agreement on First Nation Land Management was originally negotiated by 14 First Nations with Canada in the early 1990s. These original 14 First Nation signatories wanted to create a process for their communities to replace the land management sections of the *Indian Act* with their own law (a Land Code). In this process, the members of a First Nation must vote in favour of adopting a Land Code to replace the reserve land management sections of the *Indian Act*.

Since the *Indian Act* only deals with reserve land management, the Framework Agreement and Land Codes only deal with reserve land management. The process **DOES NOT** change the status of the reserve lands to Treaty Settlement Lands.

There are also First Nations in the prairies and across Canada that have historic treaties and also have a Land Code. These Nations will never negotiate a modern treaty like the ones in the BC.

Visit the LABRC for a [list](#) of each all the Nations across the country that have a Land Code.

SO WHAT ARE THE ECONOMIC BENEFITS OF A LAND CODE?

Economic development processes under the *Indian Act* are slow and all final decision-making power remains with the Government of Canada. 'Namgis has had potential business partners walk away because Canada is unable to move at the speed of business. We also do not have the ability to grant business licences to members who want to start tourism and other types of businesses on reserve. If we adopt the Land Code, 'Namgis will have the ability to keep up with the speed of business. This will allow us to create jobs and business opportunities for our members.

Watch our [video](#) about Land Code to hear about some of the economic development ideas for 'Namgis.

We Wai Kai has been able to develop businesses and create jobs for their members since accepting their Land Code in 2008. They have a [video](#) explaining how Land Code benefited their community.

DOES LAND CODE MEAN WE WILL HAVE TO PAY TAXES?

No - Land Code does not impact or effect personal taxation. The *Framework Agreement on First Nation Land Management* states that the sections of the *Indian Act* relating to taxation will continue to apply after a Land Code takes effect.

Section 15.4 of the Framework Agreement on First Nation Land Management states: "The Parties confirm that section 87 of the *Indian Act* continues to apply to First Nation land, so that: (a) the interest of an Indian or a First Nation in a reserve that is **FIRST NATION LAND REMAINS EXEMPT FROM TAXATION**, subject to section 83

of the *Indian Act*; and (b) the personal property or the movables of an Indian or a First Nation, situated on **A RESERVE THAT IS FIRST NATION LAND, REMAINS EXEMPT FROM TAXATION.**"

It is important to note that First Nations already have the power to create taxation bylaws under section 87 of the *Indian Act*, which would continue to apply after a Land Code takes effect. Some First Nations choose to exercise this power and others don't.

There are many First Nations who have tax laws that have not accepted a Land Code. As an example, the Tsartlip First Nation has been using property taxation to build their local economies since 2015. Non-member residential and commercial leaseholders on their reserves pay property taxes to the Tsartlip First Nation. Revenue generated by the property tax revenues contributes to a number of local programs including protection services, transportation, recreational and cultural services, community development, and more. The Tsartlip First Nation does not have a Land Code.

HOW IS THIS LAND CODE BEING FUNDED?

Every First Nation which signs onto the Framework Agreement receives \$150k in funding to go through the Land Code process. This funding covers costs such as developing the land code, holding community meetings, information sharing with 'Namgis members, and the ratification process. This funding is separate from the core funding that we receive.

If the Land Code is successful, 'Namgis will receive annual operational funding to support the implementation of the Land Code. The Nation would also receive transitional funding for the first 2 years to help set up the Lands Office. This will include hiring a team, such as a Lands Manager and support staff, and providing them with training. Further details about our operational funding can be found in [Annex A of our Individual Agreement](#).