

INVITATIONAL SPEAKER SERIES

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**INDIGENOUS**

**SELF-DETERMINATION**

**THROUGH LAND GOVERNANCE**

## Events Calendar 2020

### Indigenous Economic Development & Reconciliation Speakers Series

Dates	Speakers	Topics
January 22	Tulo Centre of Indigenous Economics	Indigenous Self-Determination through Governance & Economic Renewal
March 4	First Nations Lands Advisory Board	Indigenous Self-Determination through Land Governance
April 8	First Nations Financial Management Board	Indigenous Self-Determination through Fiscal Governance – Financial Management
May 13	First Nations Tax Commission	Indigenous Self-Determination through Fiscal Governance – Taxation
June 18	First Nations Finance Authority	Indigenous Self-Determination through Fiscal Governance – Lending
Sept 23	First Nations Communities	Indigenous Self-Determination through Governance & Economic Renewal – Community Examples



## **Robert Louie**

Chairman, Lands Advisory Board

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**First Nations Land Management  
Presentation to Indigenous Economic  
Development & Reconciliation Speaker  
Series**

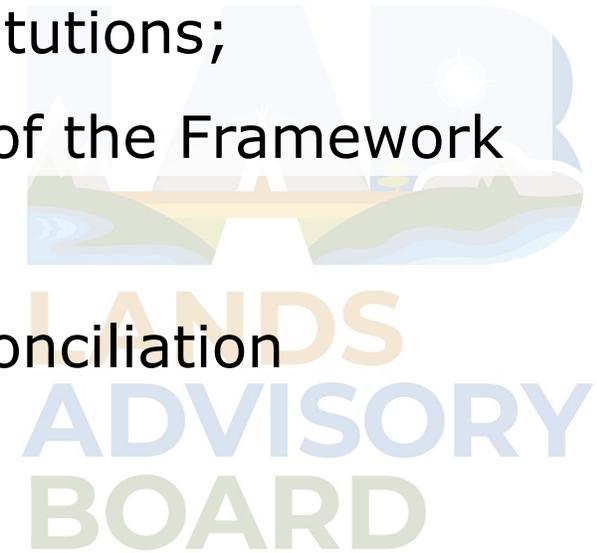
**Indigenous Self-Determination Through  
Self-Governance**

**St. Anne's Academy, Victoria, BC**

**March 4, 2020 - 1:30pm to 3:00pm**

## I would like to speak to:

- The historic significance of this land management initiative;
- The purpose of the *Framework Agreement* (FA), and the resulting implementation of community control over lands and resources;
- The roles of the Lands Advisory Board (LAB) and the First Nation Land Management Resource Centre (RC);
- How LAB and the RC relate to other First Nation Institutions;
- The evolution of LAB and the RC since the inception of the Framework Agreement;
- Future Collaborations with the Province; on BC's Reconciliation Initiatives;
- Experiences under Land Code; and
- Any questions or concerns about the *Framework Agreement*.



# Background on Lands Management



- First Peoples of the lands;
- Self-governing;
- Time immemorial occupation of Canada from coast to coast.

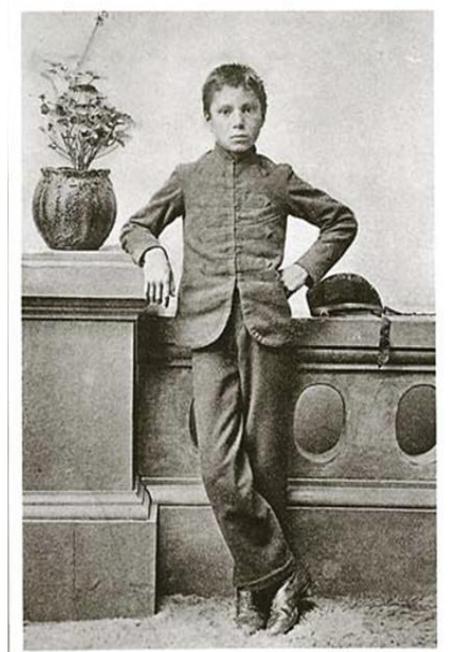


# Indian Act:

- Enacted in 1876;
- Consolidated all previous acts concerning Indians into one body but not Treaties;
- Gave Canada a coordinated approach to Indian policy along with justification to implement and enforce policies;
- The Constitution Act of 1867, section 91(24) gave Canada the authority to legislate all matters relating to “Indians and lands reserved for Indians”. The Indian Act was the expression of this authority.
- No First Nation (FN) Consultation.



***“The great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change.”***



**Sir John A Macdonald, 1887**



## Legacy of the Indian Act:

- Paternalistic;
- Permission needed to leave the reserve;
- Permission required to sell hay, etc.;
- Residential Schools;
- Enfranchisement;
- Forbade FN's from forming political organizations;
- Prevented FN's from pursuing land claims;
- Potlatch and other cultural ceremonies declared illegal;
- Denied FN peoples the right to vote;



# Land Management History

- Indian Act SS. 53 & 60 (delegated authorities);
- Hall Commission Inquiry at Westbank First Nation (1987);
- Lawsuit and settlement (1988);
- Lands, Reserves and Trust Review;
- SS. 53 & 60 First Nations;
- Framework Agreement (February 12, 1996);
- First Nation Land Management Act (FMLMA) (June 1999)

\*\*\*1982 and 1984 Constitutional Amendments with Sections 25 and 35 on Aboriginal and Treaty Rights Recognition\*\*\*



# Significance of Land Management



## The Framework Agreement on First Nation Land Management

is a conscious effort to shed the legacy of the Indian Act land provisions, practices, policies and procedures.



# Framework Agreement on First Nation Land Management

- **Government to Government agreement**
- **First Nation driven (originally 14 First Nations)**
- **First real recognition of inherent right to manage lands and resources**



The signing of the Framework Agreement at Georgina First Nation on February 12, 1996.

# Purpose of the Framework Agreement

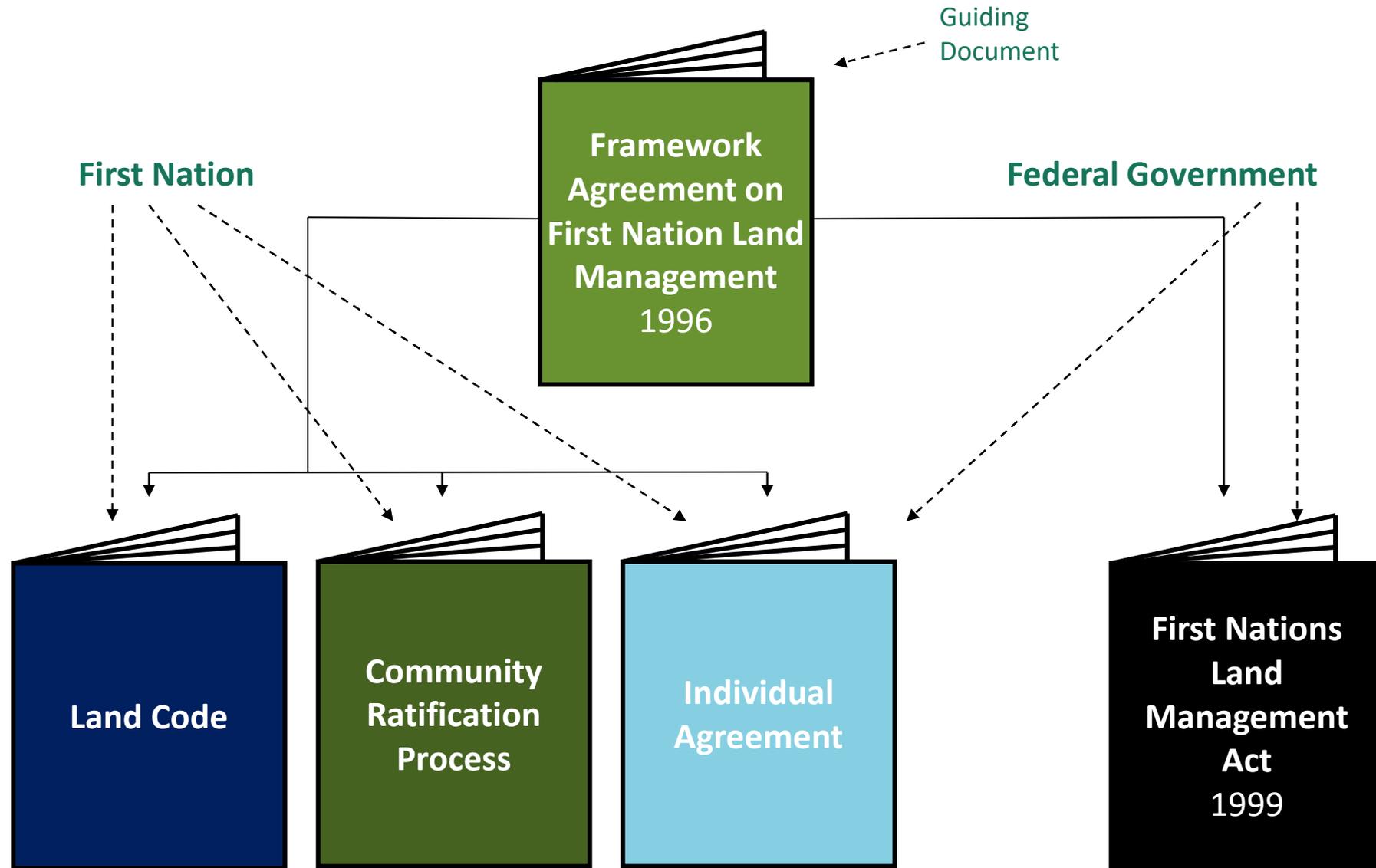
**“This may be the single most historic accomplishment for First Nations this century, to have First Nations recognized as governments with their own law-making powers and control over their own lands...”**

**Chief Joe Matthias  
Squamish Nation**

To enable First Nations to resume control over their lands and resources 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.



# Framework Agreement on First Nation Land Management



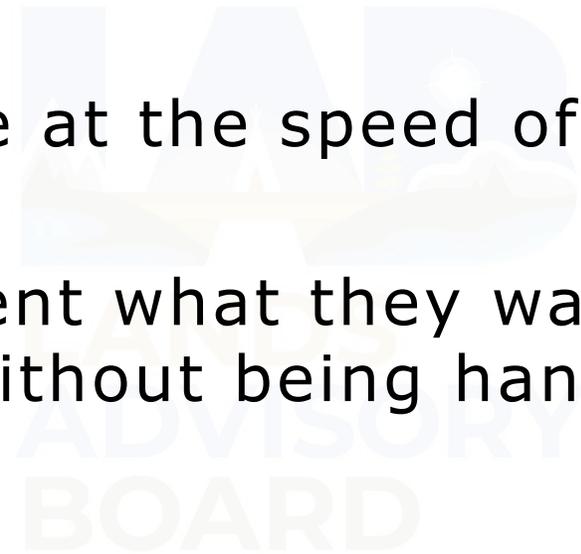
# What Do FN Land Codes Mean to the FNs that Choose to Pass and Implement Those Land Codes?

- It unshackles communities from the land management provisions of the Indian Act;
- It means that the FN resumes its inherent right as the recognized governmental decision-making body over its reserve lands and resources;
- The FN has recognized law making powers and jurisdiction;
- An operational FN can exercise those governmental powers without Federal and Provincial governmental interference;



## Continued...

- It replaces the Indian Act land provisions with its own FN made laws;
- It puts decision making back into the hands of the community and its members;
- It protects reserve lands from never being diminished in size;
- It provides increased accountability to the members and citizens of the community;
- It helps allow decision making to take place at the speed of business;
- FNs decide their own future and to implement what they want to happen over their lands and resources without being hand-held or dictated to by government.



# Land Management Enhanced Benefits Under the Framework Agreement

- Quicker decision making (operate at the speed of business);
- Strengthens FN values and vision;
- Protects FN legal interests;
- Provides more flexibility, better lease terms for the FN, and better accountability of third-parties to the FN;
- Enables better relationships with financial institutions and the ability to borrow for capital investments;
- Facilitates more consistency with FN Land Use Plans;
- Increase's the level of interest and participation of Members, as well as awareness of Community issues;
- Increases both internal and external investment;



# Evolution of Lands Management

## A New Millennium. A New Beginning.

On January 1, 2000 three Framework Agreement signatories began to govern their own lands and resources.

- Chippewas of Georgina Island (ON),
- Mississaugas of Scugog Island (ON), and
- Muskoday First Nation (SK).

This was Historic!



# Ultimate Goals Served by the Framework Agreement on First Nation Land Management (FNLM)

- All First Nations will be aware of the option to exercise their right to govern their reserve lands;
- Each First Nation community will decide how to govern its reserve lands and natural resources;
- Effective land and resource governance will become a cornerstone of decolonization community by community;
- Government-to-government relationships will strengthen Canada and the FNs;
- Each First Nation will have sufficient resources to govern its reserve lands and resources effectively.



# First Nations Involved

- The Framework Agreement has been extremely successful in getting FNs into sectoral self government throughout Canada;
- As of December 18<sup>th</sup>, 2019 - 94 FNs have successfully voted and passed Land Codes;
- They include FNs from Vancouver Island through to Newfoundland. BC currently has 51 FNs with their own Land Codes;
- Three of the FNs have moved onto expanded self-governance which include Westbank, Tsawwassen and Sliammon.



## Continued...

- Presently, there are 35 FNs in the developmental phase of getting their communities ready to vote on their Land Codes;
- 39 FNs are temporarily or long term inactive for various reasons such as Council/staff change or change in priorities;
- 61 FNs are presently waitlisted for their opportunity to be accepted into the developmental phase.



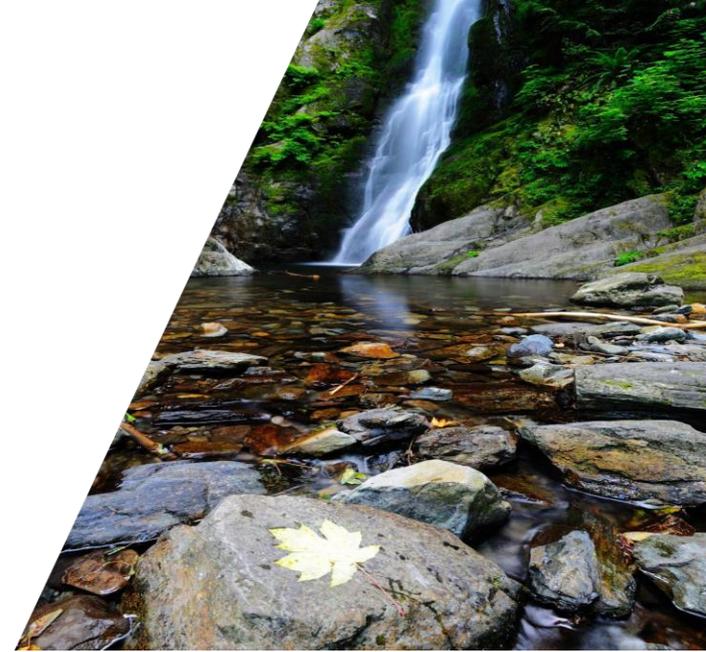
# Framework Agreement Signatory Communities


**Natural Resources Canada** / **Ressources naturelles Canada**  
**First Nations Land Management**  
**Gestion des terres des Premières nations**  
 October 2019 Edition / Édition octobre 2019  
 Produced by Surveyor General Branch, Natural Resources Canada.  
 Préparé par la Direction de l'arpenteur général, Ressources naturelles Canada.  
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 Surveyor General Branch, Geomatics Canada, Natural Resources Canada.  
 Canada. Telephone: (780) 495 - 7664, email: AI.Bowler@canada.ca  
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 Canada Téléphone (780) 495 - 7664, Courriel: AI.Bowler@canada.ca  
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 Scale 1:18 000 000 or one centimetre represents 180 kilometres  
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 Lambert Conformal Conic Projection, Standard Parallels 49° N and 77° N  
 Projection conique conforme de Lambert, parallèles d'échelle conservés à 49° N et 77° N



# Main Success Factors of the Framework Agreement

- Designed by First Nations;
- Historically negotiated by these First Nations and Canada in 1996;
- Has remained First Nation driven;
- Enables communities to develop and enact key land laws and tools under their own land code.



# Lands Advisory Board (LAB) and First Nations Land Management Resource Centre (RC)



LAB functions are prescribed in the *Framework Agreement* and includes the provision of technical and advisory services to the signatories.

Chairman, Robert Louie  
Lands Advisory Board



The RC was created to discharge the LAB's technical and support service functions to First Nations for the developmental and operational phases of the *Framework Agreement*.

Chair, Austin Bear  
First Nations Land Management Resource Centre  
Inc.

# Lands Advisory Board and Resource Centre Role

## Lands Advisory Board

- Elected Political body comprised of 15 Board Members + the Chairman and Elder
- Representing 3 regions in Canada (BC, Prairies (which includes NWT) & East)
- Supports First Nations in accordance with the *Framework Agreement*

## Resource Centre

- Technical Body established by the Lands Advisory Board
- Day-to-day operations including support for LAB activities, financial administration, and technical advice and support to operational and developmental communities



## Progress and Future of LAB and the RC since the inception of the Framework Agreement

- 14 FA Signatories to 165 FA Signatories Today
  - 3 Signatories have progressed to full self-government or Treaty
- 61 FN Communities waiting to become FA Signatories;
- 5-Year budget (2018 to 2023) to allow for an additional 50 FN signatories (12 Signatories added in 2019);
- Organizational 5-year Strategic Business Plan (to March 31, 2023)
  - All FNs will be aware of the opportunity to resume their inherent right to govern their reserve lands, environment and resources through the FA;
  - Each participating FN community will decide how to govern its reserve lands and natural resources;
  - Each FN will have the capacity to govern its reserve lands, environment and resources effectively;
  - Effective land, environment and resource governance will become a cornerstone of FN community development and decolonization community by community;
  - Government to government relationships will strengthen FN communities



# Amendments to the Framework Agreement and Legislation

6 Amendments to the FA and Legislation have previously been completed. The 7<sup>th</sup> amendment is currently being worked on and to include;

- **Enhanced Authorities under FNLM** – Expanding FNLM jurisdiction to include other opt-in frameworks (ie oil and gas interests, wills and estates, registration, aboriginal title lands and broader environmental authorities.
- **Funding Issues** – Exploring options for longer-term funding mechanisms for land code FNs.
- **Repeal/Replace the FNLMA Legislation**– Our FNs support the repeal and replacement of the FNLMA Legislation to a much shorter version to focus on the FA Principles and Reconciliation



# Protocol Agreement with First Nation Institutions

LAB has entered into a Protocol Agreement with the **First Nations Financial Management Board (FMB)**, **First Nations Finance Authority (FNFA)** and the **First Nations Tax Commission (FNTC)**. The Protocol Agreement outlines that we respect each other's individual legislative, political, technical and organizational mandates and agree to work in a cooperative and mutually supportive manner to facilitate opportunities for greater economic development and growth for FN communities. This will include;

- New infrastructure;
- Increased revenue opportunities;
- New economic development opportunities;
- Increased fiscal and administrative independence from other governments;
- Improved financial management;
- Improved administrative efficiency;
- 10 Year grant allocations;
- Lands management and governance; and
- Positive actions to support climate change and environmental integrity.



## Collaboration with the Province of BC's Reconciliation Initiatives

- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Legislation, for example - **Revenue Generating Capacity;**
  - Renewable and Non-Renewable Natural Resources Royalties
  - Gaming
  - Cannabis
  - BC Indian Reserves Mineral Resources Act including precious metals
  - Water
- Expand Jurisdiction to Aboriginal/Traditional Title Lands;
- Enforcement.



# Collaboration with the Province of BC's Reconciliation Initiatives

## Cont'd...

- Parcel Fabric Renewal – To resolve existing boundary issues where there are difference between federal and provincial reserve surveys a resolution process is required. This is currently underway with several BC FNs and the RC will need to engage with them as these projects proceed;
- BC Roads Committee – a collaborative group made up of representatives from ISC, BC, NRCan and the RC to resolve roads issues created pursuant to Order in Council 1036 in order that Land Description Reports can be completed in a timely fashion. If unresolvable, an exclusion must be completed, and the parties agree to work to resolve any discrepancy post ratification.

# First Nation Success Stories (BC)

## Stz'uminus First Nation (BC)

- 65 Acre Oyster Bay Masterplan Development is underway for residential, commercial, assisted living, hotel and tourism hub for the region;
- Partnership/Ownership ventures with 5 multinational corporations;
- Esso, Husky, Tim Hortons and Ladysmith Credit Union open for business;
- Microtel Inn & Suites by Wyndham: 81 units, 83% Ownership stake, opened May 10, 2018;
- Projected: 400-600 jobs;
- 2<sup>nd</sup> residential development underway on reserve;
- 2017 BC Aboriginal Business Award for Community-owned Business of the Year



## Success Stories Cont'd



### Tzeachten First Nation (BC)

- Tzeachten has developed a strong housing market that is keeping pace with growth and home value in BC;
- This is a direct result of having their own land code and the ability to manage and register the sales of these homes on their reserve lands;
- 1200+ residential homes that sell on the open market and generate lease revenue;
- Construction of 400 units planned between 2018 to 2020



# Success Stories Cont'd

## T'Sou-ke Nation (BC)

- Canada's first Aboriginal Solar Community;
- The Fisheries Program coordinates activities and advises on fisheries, seafood and habitat throughout their traditional territory. T'Sou-ke Nation has agreements with Fisheries and Oceans Canada;
- Greenhouse Project generates electricity from 440 rooftop solar panels;
- Sun powered electric car charging station at administration offices;
- Three Wasabi greenhouses;
- 82 Hectare Oyster Farm producing 3 million oysters per harvest with capacity to grow up to 24 million oysters per harvest;
- Partnership with Chinese Canadian Aboriginal Development Enterprise to research feasibility of farming oysters



# Success Stories Cont'd

## Seabird Island Band (BC)

- Civil Construction Company partnership;
- Approx \$2 Million Esso Gas Bar with 2400 sq ft convenience store and Country Style franchise;
- Eco-Station Composting Facility to reuse waste to enrich soil;
- Aggregate Business, produces and sells gravel for landscaping, civil construction and concrete;
- Forestry Division;
- Producing organic wheat and vegetables;
- Hazelnut Farm;
- Truffle Farm;
- Agricultural leases and partnerships;
- Neighbouring District of Kent (Agassiz) is very supportive of small business start up



## Consider these statistics:

- 1 out of 3 First Nations in Canada are either involved or want to be involved in the land management process;
- Hundreds of millions of dollars are being invested in economic development projects on Framework Agreement First Nation's reserve lands; and as such
- Canada is receiving a financial return 10 times the dollars that the federal government is investing in the Framework Agreement process.





**Thank you**

**Robert Louie**

Chairman, Lands Advisory Board

For more information, please visit  
[www.labrc.com](http://www.labrc.com)