



## WHAT IS A LAND CODE?

A Land Code is a comprehensive law created by a First Nation to replace the 32 sections of the Indian Act that relate to land management. When members of a First Nation vote yes to a Land Code, the Government of Canada no longer has a say in how the community's reserve lands are managed. Specifically, First Nations exercise powers without supervision or approval of Indigenous Services Canada ("ISC") and the First Nation holds and manages revenue from their lands instead of ISC holding funds in trust. With a Land Code in place, Canada continues to hold title to reserve land for First Nations' use and benefit, so First Nations cannot sell or transfer title. Today more than 90 First Nations have implemented their own Land Codes.

## WHAT IS AN INDIVIDUAL AGREEMENT?

Along with a Land Code, an Individual Agreement exists between the First Nation and Canada. This agreement identifies what land the Land Code applies to, when the transfer of responsibility for land management takes place and how much funding the community will receive to manage the reserve lands. First Nations members must vote in favour of the Land Code and the Individual Agreement before the Land Code takes effect.

## INCLUSIVE, ACCOUNTABLE, TRANSPARENT

The Land Code and Individual Agreement rely on intensive community involvement and must be ratified by members of the First Nation. The Framework Agreement outlines a procedure for the Community Ratification Process ("CRP") that includes creating a document to explain the ratification process, locating all eligible voting members and giving everyone a chance to vote. The process is overseen by a Verifier, an independent person appointed by the First Nation and confirmed by Canada. The Verifier ensures accountability and transparency by confirming that the CRP and Land Code are consistent with the Framework Agreement and that the CRP is followed.

Transparency is also built into the Land Code in several areas:

- Annual reports to members on land management activities by Chief and Council become mandatory (the Indian Act requires Chief and Council only to be accountable to the Minister);
- The Land Code must include rules on financial accountability for management of lands, resources and revenues;
- First Nation leadership is legally required to follow the laws they enact in Land Codes;
- Rules are built in to identify and prevent conflicts of interest; and
- There are clear procedures for amending the Land Code.

**Have more questions? Contact Kiley Shebagegit, Lands & Natural Resources Coordinator –**

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