



LAND CODE SUMMARY

MISSANABIE CREE FIRST NATION LAND CODE SUMMARY

INTRODUCTION

The Land Code was drafted under the Framework Agreement on First Nation Land Management. The purpose of the Land Code is to set out the principles, guidelines, and processes by which Missanabie Cree First Nation will exercise control and management over reserve lands and resources consistent with the Framework Agreement on First Nation Land Management.

RATIFICATION

The Land Code was developed by the Governance Committee in consultation with the Community, the Land Code Sub-committee, and Council. The Land Code does not come into force unless the Members approve both the Land Code and the Individual Agreement with Canada, in a ratification vote. If the Land Code is approved, Missanabie Cree First Nation will manage its own reserve lands and resources and will no longer be managed by the Minister under the Indian Act.

CONTENTS OF THE LAND CODE

PREAMBLE

WHEREAS the Missanabie Cree First Nation are a recognized Band under the Indian Act, and have used, inhabited, and benefitted from Dog Lake, its connecting waterways and lands adjacent since time immemorial;

WHEREAS We are the O mushkego of Missanabie Cree Ililiwak whose vision is to have a united and self-governing body that will determine our destiny guided by the Seven Grandfather Teachings;

WHEREAS the Missanabie Cree First Nation has inherent rights to self-determination within our homelands, as well as the responsibility to protect and manage the lands and resources of those lands;

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WHEREAS the Council of Missanabie Cree First Nation has a duty to the Membership to create and abide by the administrative, economic, and social structures to facilitate the resettlement of our traditional territories by the Membership in a way that is fair and just, and in line with the morals, values, and traditions as described in the Vision Statement of the Missanabie Cree First Nation;

WHEREAS Missanabie Cree First Nation recognizes first and foremost that any resettlement initiatives must provide opportunity for community input and be implemented in a fair and consistent manner so as not to unjustly impede Members from returning to the reserve lands to exercise their Aboriginal, Treaty, Inherent, or any other rights and freedoms;

WHEREAS on February 12th, 1996, fourteen First Nations and Canada concluded a government-to-government document entitled *Framework Agreement on First Nation Land Management*, hereafter known as *FAFNLM*. On July 2021, the Missanabie Cree First Nation signed onto the *FAFNLM* with Canada;

WHEREAS the Missanabie Cree First Nation has the option of withdrawing its reserve lands from the related provisions of the *Indian Act* to govern its Lands and resources, for the use and benefit of our Membership via the *FAFNLM*;

WHEREAS Canada ratified its commitment to the *FAFNLM* with the enactment of the *First Nations Land Management Act* S.C. 1999, c.24, hereafter known as the *FNLMA*;

WHEREAS the Missanabie Cree desire to manage and govern MCFN lands and natural resources balancing the need for community development, sustainability, environmental protection, and the right of future generations to benefit from MCFN lands and natural resources [TS1]

And WHEREAS the *FAFNLM* acknowledges that Canada's special relationship with Missanabie Cree First Nation will continue and that the *Missanabie Cree First Nation Land Code* does not change Aboriginal rights, Treaty rights, Inherent rights, or any other rights and freedoms that pertain now or in the future to Missanabie Cree First Nation or its Membership; and

NOW, to resolve, THEREFORE, this Land Code is hereby enacted as the fundamental Law regarding the Lands of the Missanabie Cree First Nation

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PART 1 PRELIMINARY MATTERS

The title, interpretations, definitions, authority to govern, purpose, and description of the lands are set out at section 1.

PART 2 FIRST NATION LEGISLATION

Jurisdiction and Authority

The Land Code establishes Missanabie Cree First Nation's jurisdiction over all rights and resources in the land, natural resources, land revenues, and all rights and resources in land interests and licenses. By enacting the Land Code, Missanabie Cree First Nation is reclaiming this special responsibility.

Purpose

The purpose of the Land Code is to set out the principles, rules and administrative structures that apply to First Nation land, and how authority over land will be exercised.

First Nation Land

Land that is subject to the Land Code is the unceded land base known as Missanabie Cree First Nation, specifically Missanabie Indian Reserve No..223 Other lands can be added to the Land Code in the future.

Law-Making: Powers, Procedures, and Publication

Council may, subject to the terms of the Land Code, make land laws respecting the reserve lands subject to the Land Code. The law-making power is as comprehensive as possible in respect of land matters and replaces the powers set out in the Indian Act. Land laws may be proposed by any Member, the Chief, a Councillor, a representative of the Lands and Resources Department authority; or a representative of the Lands and Resources Department authority, on behalf of a member. Members must be given notice before land laws are passed and may be involved in the development or approval of certain types of land laws. Approved land laws must be posted in the administration office and Members will be notified.

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PART 3 COMMUNITY INPUT AND APPROVALS

Community Approvals

Certain land laws and other important land matters must be approved by the community before they can take effect. Every Eligible Voter of Missanabie Cree First Nation, whether resident on or off reserve, can participate in community approvals to discuss and decide the following matters:

- any voluntary land exchange;
- any deletion or development of a heritage site or significant site;
- any Master Land Use Plan;
- any new grant or disposition of an Interest or License in any Missanabie Cree First Nation Land exceeding a term of thirty-five (35) years;
- any renewal of a grant or disposition of an Interest or License in any Missanabie Cree First Nation Land that extends the original term beyond thirty-five (35) years;
- any land law on Matrimonial Real Property that may be enacted;
- any other matter, land law or class of law that Council, by Resolution, declares to be subject to this section; and
- any amendment to this Land Code that significantly changes the scope of the document.

PART 4 PROTECTION OF LAND

Acquisition by Mutual Agreement

Missanabie Cree First Nation may acquire, by mutual agreement, an interest or licence in Land for community purposes subject to the Land Code. The Land Code and Framework Agreement provide clear and transparent rules for notification, compensation, and public reporting.

Heritage Sites and Significant Sites

There are provisions for the protection of heritage sites or significant sites.

Prohibited Activities

To protect our Reserve Lands before laws are made after this land code comes into effect, all of the following are prohibited on Missanabie Cree First Nation Land: dumping of any waste, garbage, debris, or similar material anywhere outside of a garbage can or

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authorized bin or garbage disposal area; dumping, spilling, discharging, releasing, burning, or depositing any substance, liquid or gas, that is noxious, hazardous, polluting, deleterious or harmful to human, animal, fish, bird health or the environment; and any other activities resulting in contamination of Missanabie Cree First Nation Lands or contaminants affecting the Natural Resources.

As soon as possible after the Land Code takes effect, Council or any other authorized delegated authority, will enact a Law or Regulatory Instrument in regard to unsightly premises or premises that may create a health risk to Members.

Voluntary Exchange of Land

The Land Code protects against loss of reserve land by surrender for sale or expropriation. However, Missanabie Cree First Nation may decide that it is advantageous to exchange some of its reserve land for other lands. An exchange must be approved by the Members.

PART 5 ACCOUNTABILITY

Conflict of Interest

Members of Council, employees and any member of a board, committee or other body of the First Nation dealing with any matter related to First Nation land must disclose the conflict of interest and shall not take part in any deliberations or vote on that matter. Any claims that there has been a breach of the conflict-of-interest rules may be referred to the dispute resolution panel.

Accountability of Council

Council is accountable to Members for the management of moneys and land under the Land Code. An annual report will be prepared and published for the Members. The audited financial report will be published jointly with the First Nation annual report.

PART 6 LAND AND NATURAL RESOURCES ADMINISTRATION

Lands Staff Administration

Council may delegate administrative authority to staff to carry out functions necessary for day-to-day administrative operations of First Nation Land and resources.

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Lands Committee

The Lands Committee will advise Council on land matters. The Lands Committee will consult with Members, Council, and staff on land matters, hold meetings of members, make recommendations on land laws, policies, and procedures, and maintain the flow of information on land matters between Members and Council.

Immediately upon the coming into effect of this Land Code, Council shall select a Lands Committee to serve for a term of up to three (3) years until a policy governing the Lands Committee comes into force.

PART 7 INTERESTS AND LICENCES IN LAND

Registration of Interests

The Council will establish and maintain Missanabie Cree First Nation Lands Register and make land laws with respect to the Lands Register. All interests or licenses must be registered.

Continuation of Existing Interests

Any interest or license in First Nation land that existed when the Omuşkego people of Missanabie Cree First Nation Land Code takes effect will, subject to the Land Code, continue in force in accordance with its terms and conditions. This includes Member and third-party interests.

New Interests and Licenses

All new allocation of land, interests, and licenses shall be granted in accordance with the Land Code. The Land Code sets out a clear process for granting new allotments of land.

Transfers of Interests and Licenses

There shall be no transfer or assignment of an interest in Missanabie Cree First Nation Land without the written consent of Council, except for transfers between Members, transfers that occur by operation of law, including transfers of estate by testamentary disposition, and transfers in accordance with any family homes and matrimonial interests Land laws.

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Limits on Mortgages and Seizures

A leasehold interest or the interest of a Member in First Nation Land may be subject to a mortgage or charge, with the written consent of the Council.

The term of any charge or mortgage of a leasehold interest shall not exceed the term of the lease.

Residency and Access Rights

The Land Code sets out the rights of residency and access for Members, their families, invited guests, and lessees and their invitees. Public may access First Nation Land for any social or business purposes so long as they are invited.

Wills and Estates

The provisions of the Indian Act dealing with wills and estates continue to apply with respect to interests in First Nation Land. An interest or a transfer of an interest will be issued to a person who receives an interest in accordance with a written decision of the Minister or their designate, pursuant to the Indian Act, is entitled to have that Interest registered in the First Nation Lands Register.

Family Homes and Matrimonial Interests Land Law

Council has the power to enact Land laws that apply during a conjugal relationship, when that relationship breaks down or on the death of a Spouse, respecting the use, occupancy, and possession of family homes on Missanabie Cree First Nation Land; the division of the value of any Interests held by Spouses in or to structures and lands on Missanabie Cree First Nation Land; and the period of cohabitation in a conjugal relationship to qualify as a Common-Law Partnership.

Enactment of Rules and Procedures

The rules and procedures contained in family homes and matrimonial Interests Land laws shall be developed by the Lands Committee in consultation with the Members.

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PART 8 DISPUTE RESOLUTION

Panel, Purpose, and Process

Council will establish a dispute resolution panel that will provide facilitated discussion, mediation, negotiation, and settlement services to assist in resolving disputes that may arise under the Land Code or a land law.

Powers of the Dispute Resolution Panel

The Panel has the power to confirm or reverse a decision, substitute its own decision for the decision in dispute, direct that an action be taken or ceased, refer the matter or dispute back for a new decision, make an order to give effect to its decision, including any necessary order for the survey of an Interest in Missanabie Cree First Nation Land, the registration of an Interest in Missanabie Cree First Nation Land, and the allocation of the costs of any incidental measures to be taken to give effect to such an order.

PART 9 OTHER MATTERS

Offences

Unless some other procedure is provided for by a Land law, the summary conviction procedures of part XXVII of the Criminal Code, as amended from time to time, apply to offences under this Land Code or under a Land law.

Commencement

This Land Code will take effect if the Members approve this Land Code and the Individual Agreement with Canada. This Land Code comes into effect on the first day of the month following the certification of the Land Code by the Verifier.