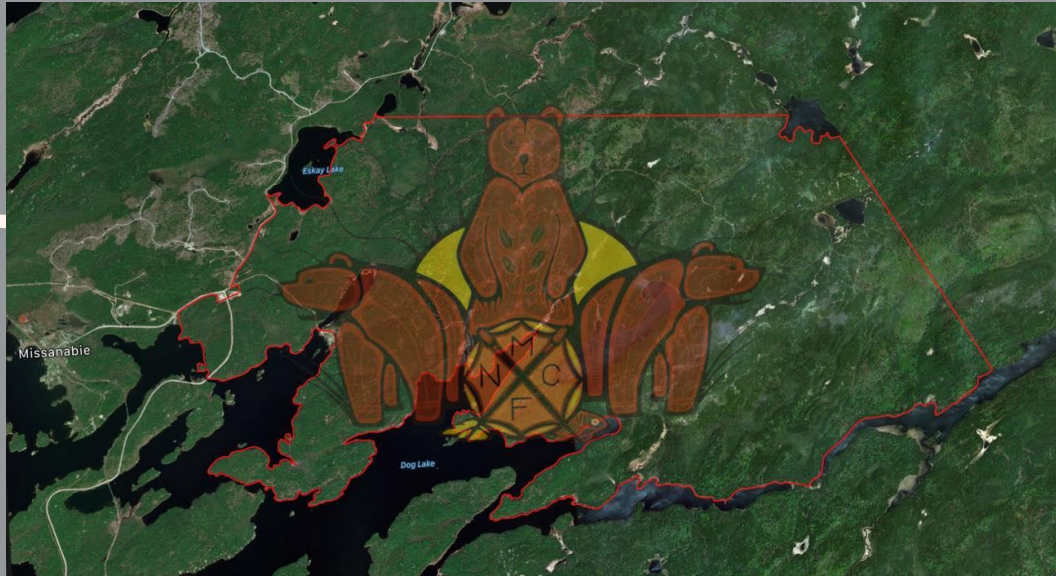


# Missanabie Cree First Nation Land Code



BY THE LANDS & RESOURCES TEAM, GOVERNANCE  
COMMITTEE, COUNCIL, & GOVERNANCE COORDINATOR

# Agenda

INTRODUCTION

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FRAMEWORK AGREEMENT &  
THE CONSTRUCTION OF  
THE LAND CODE

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LAND CODE PRESENTATION

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RATIFICATION, TIMELINE

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QUESTIONS



**I n t r o d u c t i o n s**

Meet our Panel

Sept 2021- Jan 2022



**L a n d C o d e  
P l a n n i n g  
S u b C o m m i t t e e**

*Inception and meeting History*

Formed in **Sept 2021** through EOI process

Michelle Carroll (Technician) delegated to Facilitate, with oversight from Director

Met **4 times**

Reviewed other First Nations Land Codes and began Drafting Land Code from template Parts 1-3

Drafting of MCFN Land Code transferred to Governance Committee in February 2022

Chief and Council deemed it more appropriate that the Governance Committee be the principal authors of the Land Code

The Land Code Sub Committee remained in place with intention to brief Sub Committee on Draft Land Code once completed

# What is a Land Code?

Is a comprehensive law that replaces 44 sections of the Indian Act that relate to land management.

If our Members vote yes to this Land Code, the Government of Canada no longer has a say in how our reserve lands are managed.

With this, we can exercise powers without supervision or approval of Indigenous Services Canada (“ISC”) and we will hold and manage revenue from our lands instead of ISC holding funds in trust.

With a Land Code in place, Canada will continue to hold the title to our reserve land for use and benefit, so we cannot sell or transfer title.

There are more than 100 First Nations that have implemented their own Land Codes.



# What is the Individual Agreement?

Individual Transfer 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.

In order for this to take place, Members must vote in favour of the Land Code and the Individual Agreement before the Land Code can take effect.





# What is the Framework Agreement?

In preparation for Land Codes, the Framework Agreement on First Nation Land Management was signed in 1996 by 14 First Nations and Canada as the initiative for First Nations to opt out of the land management sections of the Indian Act and assume responsibility for management and control of reserve lands and resources.

This Framework Agreement guarantees that First Nation title and rights are not affected by Land Code.

The Land Code only deals with our reserve lands, so it does not affect our treaty rights or any other constitutional rights of our Members.

The Framework Agreement also does not allow for land surrenders.

Our reserve land base can never shrink, only be added to.



# What are the Benefits of Having a Land Code?

The main benefits of having our own Land Code come down to four related, overlapping areas:

Moving a step closer to self-government

Creating greater potential for economic development

Gaining more control and having the same weight as the Indian Act in court.

Economic Development.



# Transparency

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

- Mandatory annual reports (the Indian Act requires Chief and Council only to be accountable to the Minister).
- Includes rules on financial accountability for management.
- Our leadership is legally required to follow the laws.
- Rules are built in to identify and prevent conflicts of interest.
- There are clear procedures for amending the Land Code.





# What is the Community Ratification Process?

- The Framework Agreement outlines a procedure for the Community Ratification Process (“CRP”) that includes creating a document to explain the ratification process.
- This will give eligible voting members 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.



## What is a Verifier?

- An independent person selected jointly by the First Nation and Canada is called a Verifier.
- There is a list of verifiers that is given to the First Nation that are lawyers along with their work history for verifications completed.
- The Verifier, confirms that the community ratification process and Land Code are consistent with the Framework Agreement.
- The Verifier monitors the ratification process to ensure that the rules of the community ratification process are followed.

# Preamble

- We are the Omushkego 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;
- MCFN 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;
- With this Land Code in place, Chief & Council will have the duty 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 of our Vision Statement;
- Having this Land Code in place, any resettlement initiatives will be recognized by MCFN and will 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;



# Part 1

Includes:

- Preliminary Matters
- How this Land Code is Interpreted
- How inconsistencies or conflict in the Code may be handled
- What our Land Code will not change such as:
  - the by-law powers of Council pursuant to the Indian Act ;
  - any Aboriginal, Treaty, Inherent, or any other rights and freedoms that pertain now or in the future to the Missanabie Cree First Nation and its Members or;
  - the fiduciary obligation of Canada to Missanabie Cree First Nation and its members;
  - the fiduciary obligation of the Council to the membership.
- The understanding of what Land means in respect to this Code.
- Who this code is for and who has authority to govern and what its purpose is.



# Part 2 First Nation Legislation



- Law making authority
- Dire Emergencies
- These laws must be publicized and be enforced.



## Part 3 Community Meetings & Approvals

- Participation of Members & Eligible Voters
- Informed Decisions
- Community Meetings & Approvals
- Community Approval by Ratification vote
- Ratification Process & Exceptions
- Approval by Majority & Increased Threshold
- Policies Consultation, Approval and Ratification



## Part 4 Protection of Land

- Environment and Cultural Sacred Heritage Resources Interim use of Canadian Environmental Assessment Act
- Prohibited Activities
- Expropriation
- Compensation for Rights and Interests, Calculations, & Market Value
- Neutral Evaluation & Arbitration to Resolve Disputes
- Sacred, Cultural and Heritage Sites
- Voluntary, Oversight, & Conditional Exchange of Missinabie Cree First Nation Lands
- Additional Lands
- Community Notice
- Process & Conditions of Land Exchange

# Part 5 Accountability

- Application of Rules
- Duty to Report and Abstain & Inability to Act
- Apparent Conflict of Interest & Specific Conflict Situations
- Meeting of Members
- Disputes
- Other Laws
- Financial Management & Financial Policies 36
- Application
- Administrative Structure
- Publishing & Contents of Annual Report
- Annual Report
- Access to Information
- Copies for Members & Access to Records







## Part 6 Land & Natural Resources Admin

- Lands Staff Administration
- Lands Committee Established
- Process to Implement Land Laws
- Internal Procedures
- First Lands Committee
- Policy Governing Successors to the First Lands Committee



## Part 7 – Interests & Licences In Land

- Revenue from Land and Natural Resources, determination of fees and rent, registration of interests and licences
- Enforcement of interest and licences, transfer and assignment of interests, transfer of Member interest, and disposition of interest
- Registration of consent or approval
- Duty to deposit, limits on interests and licences, non-conforming transactions void, continuation of existing interests and licences, voluntary amendment or replacement of existing interests and licences.
- Replacing the role of the Minister
- Unregistered interests, new Interests, and licences
- Authority to make dispositions, conditional grants
- Role of the lands committee
- Interests of Non-Members, grants to Non-Members, no allocation of land to Non-Members
- Certificates of possession or Member interests, application, allocation of Land to Members
- Policies and procedures for allocation of land



## Part 8 – Dispute Resolution

- Disputes prevention, disputes prior to the Land Code being enacted,
- Decision of Council or Lands Committee
- Settlement agreements, contractual agreements, variation of rules, civil remedies
- Challenge to validity of law
- Staged processes, procedure to file a dispute, termination of processes, and notice of termination
- When dispute resolution is not available
- How the roster panel is established and appointed including impartiality, fairness, and arbitration, powers granted
- Who is ineligible and eligible to be on the roster panel and how they represent which includes rules that will be in place
- The rules and procedures and waiver of liability

# Part 9

## Other matters

- Liability
- Offences
- Revisions to the Land Code
- Commencement



# Description of the Missanabie Cree First Nation Lands



Missanabie Cree First Nation Reserve lands encompasses 38 square kilometers (15 square miles).

The reserve property is heavily forested and found north of Dog Lake, northwest of Crooked Lake, east and southeast of Eskay Lake and south and west of an unnamed Lake and Bobtail Lake.

The UTM coordinates for the 4 corners of the reserve lands are pictured to the left.



# Plan for Land Code Ratification

UPDATES	<b>important updates will be in the newsletter, posted online, and emailed if requested</b>
GATHERING	<b>the Land Code presentation at the 2023 Annual Gathering</b>
PRESENTATIONS	<b>online presentations to the membership</b>
FEEDBACK	<b>contact information and opportunities for feedback will be posted</b>
VOTING	<b>mail-outs, One Feather, or in-person will be used for ratification</b>

# Timeline





# Mikwec

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