



Aboriginal Affairs and
Northern Development Canada

Affaires autochtones et
Développement du Nord Canada

THE FIRST NATIONS LAND MANAGEMENT REGIME

A Guide for First Nations



Canada 

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The First Nations Land Management Regime

For most First Nations, the *Indian Act* controls how their reserve lands and resources are managed. This includes how their reserve lands are used or developed for personal, community and economic development purposes.

The First Nations Land Management Regime gives First Nations more control over their reserve lands and resources by allowing them to opt out of the 34 sections of the *Indian Act* related to land management.¹ Under the Regime, First Nations develop their own laws to manage their reserve lands, including laws governing land designations, environmental protection and matrimonial real property.

First Nations in the Regime are free to develop projects on reserve land without approval from the Minister of Aboriginal Affairs and Northern Development. These First Nations can respond to new business opportunities faster and more efficiently than those whose reserve lands remain under the *Indian Act*.

How did the Regime start?

In 1991, a group of First Nation Chiefs approached Aboriginal Affairs and Northern Development Canada (AANDC) with a proposal to allow First Nations to opt out of the portions of the *Indian Act* dealing with land and resources. In 1996, the First Nations Chiefs and the Minister signed the Framework Agreement on First Nation Land Management. In 1999, the *First Nations Land Management Act* was passed into law. The Lands Advisory Board and Resource Centre was established to help First Nations develop and implement their land laws. Other First Nations have since joined the original group. There are now more than 50 First Nations developing or operating land laws in the Regime.

Can the Regime help First Nations interested in self-government?

Yes. The Regime strengthens the role of First Nations in managing reserve lands and provides a foundation for land management under Aboriginal self-government. Some First Nations, such as the Westbank First Nation in British Columbia, have moved from the Regime into a self-government arrangement.

¹ Specifically, First Nations in the Regime would opt out of the following sections of the *Indian Act*: sections 18 to 20, sections 22 to 28, sections 30 to 35, sections 37 to 41, section 49, sub-section 50 (4), sections 53 to 60, section 66, section 69, section 71 and section 93

How does a First Nation join the Regime?

Interested First Nations must pass a Band Council Resolution and forward it to the Lands Advisory Board. The Lands Advisory Board will then inform AANDC of a First Nation's interest in joining the Regime.

First Nations must also complete a questionnaire and forward it to their AANDC Regional Office. The Department uses the submissions to develop recommendations for new entrants to the Regime. The Minister of Aboriginal Affairs and Northern Development selects all new First Nations who enter the Regime.

“For First Nations to be recognized as governing jurisdictions with their own decision making powers is the desire of First Nation communities across this country.”

Chief Robert Louie, Chair of the Lands Advisory Board and the Chief of Westbank First Nation, BC

What happens once a First Nation is in the Regime?

There are two stages to the Regime. The Government of Canada provides funding to First Nations in both of these stages.

Developmental Stage: First Nations entering the Regime start at this stage.

Over a period of up to two years, they develop their own land laws and Individual Agreements. Both the land laws and Individual Agreements must be voted on and approved by community members. Until the community approves the new land laws, the sections of the *Indian Act* dealing with land, resources and environment continue to apply to these First Nations.

Operational Stage: First Nations begin this second stage of the Regime when the Minister signs the Individual Agreement with the First Nation. In this stage, a First Nation takes over management of its reserve land under its land, environment and matrimonial real property laws.

“[Joining the First Nations Land Management Regime] will assist us in establishing and nurturing partnerships with industry, governments, municipalities and our neighbouring First Nations.”

Chief Paul Gladu, Bingwi Neyaashi Anishinaabek (BNA), Ontario

How does a First Nation know if it is ready for the Regime?

AANDC has developed a self-assessment questionnaire to help First Nations determine if they are ready to join the Regime. The Department will assess a First Nation's readiness based on four criteria: economic development potential, land management experience, governance stability, and land title issues. AANDC regional offices can work with First Nations to review their submissions and to suggest how they could be strengthened. Contact your regional AANDC office for additional information, or a copy of the self-assessment questionnaire.

Why assess economic development potential?

First Nations with a lot of economic development potential have been the most successful in the Regime. A First Nation that is a good candidate to join the Regime will have an economic development plan that details how it will pursue short-term and long-term economic development opportunities under its own land laws. The First Nation's plan should include information on each of the projects, including the project's value, duration, partners and environmental soundness, as well as the number and type of jobs to be created from each project.

Why assess land management experience?

First Nations with experienced and trained land managers on staff are more likely to understand how to process land transactions under their own land laws. A First Nation that is a good candidate to join the Regime will have some level of experience with reserve land management.

“We are certain that participating in the First Nations Land Management Initiative will increase efficiency, inspire investor confidence, and open doors to greater economic opportunity for our people.”

Chief Ann Louie, Williams Lake Indian Band, BC

Why assess governance?

First Nations with strong governance, including clear policies and open communications with their membership, are more likely to be successful in the Regime. First Nation leaders are required to keep their membership informed about the development of the community's land laws and Individual Agreement before members vote to approve them.

Why assess land title issues?

First Nations who have parcels of reserve land where the legal title is still uncertain have had difficulties or delays in taking over management of their reserve lands. Court actions or other land title issues can have an impact on the transfer of land management control to a First Nation. A First Nation that is a good candidate to join the Regime will have resolved outstanding issues involving land title on its reserve.

Where can I find out more information?

For more information on the Regime, please visit the AANDC website at www.aadnc-aandc.gc.ca, or contact your AANDC regional office or the First Nations Lands Advisory Board (www.fafnlm.com) at (613) 591-6649.

