

Beausoleil First Nation Land Code

If you've been keeping up with the information distributed through the newsletters you will know that we, Beausoleil First Nation Members will be voting once again on the BFN Land Code.

In May, of 2015 we voted on the draft Beausoleil First Nation Land Code. It was a successful vote in terms of participation. At that time there were 1768 eligible voters and 487 Members voted. **417 Members voted YES** – that's an 84% approval rate, but we needed at least 443 yes votes.

Background:

Framework Agreement

The Framework Agreement on First Nation Land Management is an initiative developed by 14 First Nations to opt out of the land management sections within the *Indian Act* and take over the responsibility for the management and control of their reserve lands and resources. The Framework Agreement sets out the principle components of this new land management process. **The Framework Agreement is not a treaty and it does not affect treaty rights of other constitutional rights of the First Nations.**

- Government to government agreement that was sign in 1996
- First Nation driven, originally 14 First Nations
- First real recognition of inherent right to manage lands and resources
- There are now 128 signatories to the Framework Agreement
- 60 ratified their Land Code & Individual Agreement (3 have moved on to Self Government)
- 11 Ontario First Nations have now ratified and more are working towards ratifying



First Nations Land Management Act

Canada enacted Bill C-49, the *First Nations Lands Management Act*, as a part of its obligation to ratify the Framework Agreement. It was given Royal Assent in 1999. **Please note that the Framework Agreement is the driving document to the First Nations Lands Management Act and it cannot to be changed or amended without the consent of the First Nations that are party to it.**

Beausoleil First Nation Land Code

In a nutshell, the Land Code is the basic land law of the First Nation and will replace the land management provisions within the Indian Act.

- Identifies the reserve lands to be managed by the First Nation
- Sets out the general rules and procedures for the use and occupation of these lands by First Nation Members and others
- Financial accountability for revenues from the lands
- Making and publishing of First Nation land laws
- Conflict of interest rules
- Community process to develop rules and procedures applicable to land on the breakdown of a marriage (currently under Federal Rules via *Family Homes on Reserves and Matrimonial Interests or Rights Act FHRMIRA*, as of June 2016)
- Dispute resolution process
- Procedures by which the First Nation can grant interests in **(it is important to note existing certificates of possession will still exist)**
- Procedures by which the First Nation can acquire lands for community purposes (though a land law on process will have to be created with input from the members)
- Delegation of land management responsibilities
- Process for amending the Land Code

Individual Agreement

The agreement is negotiated between the First Nation and Canada.

- Identifies land known to be reserve status that will be managed by the First Nation
- Does not resolve or prejudice any claim of the First Nation to any other lands
- Environmental health of the lands through an Environmental Assessment
- The funds BFN will receive, annually, to manage the lands will range from \$204,536 - \$251,636

Update and What's Next: Second Vote

What's been done so far?

Chief and Council signed the adhesion to the Framework Agreement in April 2012.



Chief Monague signing the Adhesion document, with Minister John Duncan. Chief Austin Bear & Chief Robert Louie (LAB). April 13, 2012

Work began on the Land Code draft in January of 2013. During 2013-2015:

- A Lands Committee was formed and assisted with drafting the Land Code with the input of the participating Members
- Numerous community meetings, information sessions, open houses, forums, surveys and newsletters, mail-outs, etc., were held or distributed
- Work began on the Individual Agreement
- The first ratification vote was held which included mail-in ballots, electronic/telephone voting, an advance poll in Barrie and the official vote on May 16, 2015.
- After the vote, it was strongly suggested from Members and Chief and Council that we petition to go for a second vote
- In the fall of 2015 a request was approved with additional funding to take the Land Code to a second vote

Survey Results

A survey was distributed in the August edition of Chimnissing News to gather feedback from the Membership on whether changes should be made to the current draft Land Code, specifically to the Acquisition section. There were little responses from the newsletter so we, the Lands Team, had an information booth with surveys, snacks and prizes on September 29.

- We had 95 people come out and fill out a survey!
- 8 filled out a survey online

The very first question in the survey asked:

“Should our First Nation be able to expropriate/acquire reserve land for community purposes?”

Of the surveys received – 78 responded “Yes”, 23 responded “No”, and 2 were unsure.

With the responses received, the draft Land Code will remain as it is.

Next Steps

- 1) Update Community Ratification Process (voting rules and procedures)
- 2) Update or confirm Land Code draft
- 3) Verifier, Scott Jacobs, confirms both documents comply with the Framework Agreement
- 4) Determine the vote date!
- 5) Locate and inform all Members, as of October 25 we will have 1879 eligible voters!
- 6) Ratification Vote (e-voting, mail-in ballots, advance poll and official poll)

Please make sure you and your family update your mailing address and email so that everyone has the opportunity to cast their vote. Every vote truly matters.

What do I have to do as a Member?

- Stay informed
- Ask questions
- Update your contact information with the Lands Office
- Spread the word to your family members

The Lands Department will be holding a number of information sessions to ensure people are informed and have a true understanding of what this means to us, as Members. But it is your responsibility as a Member to come out to listen, ask questions and participate.

We look forward to seeing you out there. If you have any questions or ideas on certain topics we can discuss, please do not hesitate to contact our office.

Miigwech,

The Lands Team

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