



First Nation Land Management FAQ

Why develop a Membertou Land Code now?

Chief and Council are looking for your input on the development of land codes and laws. The Membertou Land Code once developed and approved by the community as well as Chief and Council, will become the land law of Membertou. It will replace the land management provisions of the Indian Act.

What is land management?

Land management involves the day-to-day administration and the right to make laws in respect of Membertou lands and resources.

Will the fiduciary relationship between the Crown and Membertou continue?

Yes, it will continue. However since Membertou will handle day-to-day decisions of lands, the Ministers responsibility and oversight in LANDS are fewer.

Who is liable for damages related to Membertou lands?

Canada will remain liable and will compensate for losses suffered as a result of any act or omission BEFORE the land code comes into effect. Membertou is responsible AFTER the land code takes effect.

Is the Indian Act still relevant to Membertou after we adopt the land code?

Yes, approximately 2/3 of the Indian Act will apply. Only the provisions dealing with land matters will not.

Can Membertou generate its own revenues?

Yes, revenues can be generated by leasing and granting rights and licenses of Membertou land. Membertou can also develop its own land directly and generate profit.



Session with Membertou Youth

Will this agreement affect our treaties?

The Framework Agreement is not a treaty and does not affect treaty rights or other constitutional rights of the First Nations.

What is the Framework?

The Framework Agreement on First Nation Land Management is a government to government initiative for First Nations to opt out of the land management sections of the Indian Act and take over management and control of their reserve lands and resources. The Framework Agreement provides First Nations with the option to manage their reserve lands under their own land codes.

Will First Nation land be subject to taxation?

No. The current exemption of reserve lands and property situated on-reserve will continue under the relevant provisions of the Indian Act, s. 29 & s. 89(1) & (2).

The land code does not authorize laws relating to the taxation of real or personal property. Such laws may be made separately pursuant to section 83 of the Indian Act.

How does a First Nation take control of its lands?

By creating a land code, entering into an Individual Agreement with Canada, drafting a community ratification process and holding a community vote.

What is an Individual Agreement?

The Agreement is negotiated to deal with matters such as land to be managed, specifics of the transfer, and the funding to be provided.

Are Membertou members involved in developing land codes?

Yes. The Governance Committee made up of community members will keep the community involved. When the Code begins to take shape, drafts are given to members for comments.

Does the Land Code need community approval?

Yes. The Land Code and Individual Agreement MUST be ratified by Membertou members.

Are off-reserve members involved?

Yes, ALL members 18 years or older, both on and off reserve have the right to vote on the Land Code and Individual Agreement.

Can Membertou make laws?

Yes. Membertou will have the power to make laws in respect of the development, conservation, protection, management, use and possession of land.

What powers will Membertou have?

Membertou would have all of the powers of an owner in relation to its land, except control over title or the power to sell. Membertou will be able to lease to develop their land and resources, subject to Membertou law.

How will accountability to Membertou members be ensured?

Land Code provisions are to be reported annually to members on land management activities.

Is funding available to operate under a Land Code?

Yes. Canada provides operational funding to manage lands, to make, administer & enforce laws and to administer and environmental assessments & management processes.

How will the environment be protected?

Membertou will have the power to make environmental laws.

Will reserve lands be protected under the Framework Agreement?

Yes. The land base of a First Nation is protected for future generations. Once a reserve becomes First Nation land under a Land Code, it cannot be sold or surrendered for sale. If such a case did occur, the First Nation must receive land and financial compensation for other damages. A First Nation may decide that it wants to exchange some of its reserve lands for other lands, however it will require consent of community.

Can a First Nation tax under the Framework Agreement?

No. The Land Code does not authorize laws relating to the taxation of real or personal property. Such laws must be made pursuant to section 83 of the Indian Act.

Schedule of Upcoming Events*

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 January 31, 2013
 Governance Committee
 Membertou Heritage Park
 9:30 a.m. – 1:30 p.m.

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 February 26-27, 2013
 Membership Code Development
 9:30 a.m. – 4:00 p.m.
 Membertou Heritage Park

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 February 28, 2013
 Governance Committee
 Membertou Heritage Park
 9:30 a.m. – 1:30 p.m.

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 March 23, 2013
 2nd Annual Wi'kipaltimk Spring
 Powwow

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 *Please note the above dates are subject to change. Please confirm meeting details with Governance Coordinator prior to event.

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 KSITE’TTAQQ”**

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 If you are interested in viewing the land management training sessions, each was video recorded and posted on the Membertou Governance website at
www.maupeltutantsutekek.webs.com

**GOVERNANCE COORDINATOR
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