

Background

The Framework Agreement on First Nation Land Management is a Government to Government agreement that recognizes and supports the right of First Nations to govern their own reserve lands and resources.

- Canada ratified this agreement via the First Nation Land Management Act in 1999.
- To date 99 First Nations have removed 44 sections of the Indian Act and replaced it with their own laws.

Position on Bill C-15

- The LAB supports UNDRIP and its implementation. However, there are some immediate issues that need to be addressed as quickly as possible.
- No unilateral interpretation of UNDRIP – Indigenous People must be guaranteed to be involved beyond mere “consultation”.
- While there are many issues that require action, for the purposes of our mandate and perspective, we will focus on 2 main areas of concern as we see identified by UNDRIP that can and should be dealt with now and with greater intensity.

1. Enforcement of First Nation Laws

While the Framework Agreement represents a major advancement in decolonization, there remains urgent challenges concerning the enforcement of First Nation Laws.

Acknowledgement and adjudication of these laws by courts as well as enforcement has been slow, nonexistant or outright denial of service (RCMP). Areas that need to be addressed include:

- COVID-19 related law compliance on reserve must be bolstered by First Nation Law.
- Increasing need for emergency laws to address climate related to fires, floods, extreme temperatures, species invasion.
- Human activity related to illegal dumping, trespass and legacy environmental degradation due to a longstanding historical environmental regulatory gap on reserves perpetuated by the Indian Act.

2. “Legacy” Indian Act Issues

The unfortunate legacy of *Indian Act* management continues to haunt First Nations indefinitely. Persistent Issues relating to the environment, cemeteries, estates, trespass, rental arrears, landfills, Illegal dumping, infrastructure, housing as well as uncertain surveys, boundaries and parcel fabric are all areas that hinder self determination.

- In most cases, much of these issues have been languishing for decades.
- They have proven to suppress economic activity, preventing or complicating and increasing the costs of land transactions due to legal wrangling, providing poor land certainty and ultimately contributing greatly to keeping First Nations at substandard living conditions.
- While we have made some strides, a greater effort must be focused on these areas.