

Executive Summary

Framework Agreement on First Nation Land Management Act

August 2023

The purpose of the *First Nations Land Management Act* (“FNLMA”) as it was called then, was to ratify and bring into effect the Framework Agreement on First Nation Land Management (“**Framework Agreement**”), and it received royal assent on June 17, 1999. However, this FNLMA was replaced by the ***Framework Agreement on First Nation Land Management Act*** (“**FAFNLMA**”) on December 15, 2022 as it was appropriate to enact a new implementation Act to replace the FNLMA to reflect the primacy and significance of the Framework Agreement, while also ensuring the continuity with the previous legal framework.

The purpose of this FAFNLMA is to provide a legal framework for the management of lands by First Nations according to their own laws and land management codes without interference by Indigenous Services Canada.

Background

The Framework Agreement was signed in 1996 by the Canadian government and 13 First Nations to enable these First Nations to manage their lands and resources. This new FAFNLMA replaces the previous law and upholds the importance and significance of the Framework Agreement.

Definitions

The FAFNLMA introduces definitions for terms like "First Nation land," "First Nation law," and "Framework Agreement" to clarify its scope and application.

Binding Nature

The FAFNLMA establishes that the Framework Agreement has the force of law and is binding on all relevant parties. This ensures that the rights, privileges, and obligations outlined in the Framework Agreement are legally recognized and enforceable.

Consistency and Primacy

The FAFNLMA clarifies that in cases of inconsistency or conflict, the provisions of the Framework Agreement take precedence over conflicting provisions in this FAFNLMA. Additionally, the FAFNLMA prevails over any other federal laws in case of inconsistency.

First Nation Lands Register

The FAFNLMA continues the *First Nation Land Register*, which records interests, land rights, and related matters according to the Framework Agreement. Regulations may be made to govern the administration of this register.

Judicial Notice

The Framework Agreement, land codes, and First Nation laws are to be taken as judicially noticeable, ensuring their recognition in legal proceedings and making the land code and land laws enforceable at law.

Notice and Participation

Parties involved in legal proceedings related to the interpretation or validity of provisions within the Framework Agreement or the FAFNLMA must provide notice to relevant parties before any decision can be made. The recipient of the notice can participate in proceedings as a party with equal rights.

Non-application of Statutory Instruments Act

The FAFNLMA specifies that certain provisions related to land codes, First Nation laws, and orders under the Framework Agreement are exempt from the Statutory Instruments Act.

Continuity

Existing land codes, individual agreements, First Nation laws, and documents that were established under the former FNLMA legislation and are still in force, are unaffected by this new FAFNLMA. Similarly, actions and decisions made in accordance with the former FNLMA legislation or the Framework Agreement prior to its enactment, are recognized and upheld.

The FAFNLMA is designed to uphold the autonomy and rights of First Nations in managing their lands and resources, while also ensuring legal consistency and continuity.