



# Summary of our Chippewas of Rama First Nation *LAND CODE*

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## Development and Purpose of Our Land Code

On February 12, 1996, the Chippewas of Rama First Nation joined with 12 other First Nations in drafting and signing the “*Framework Agreement on First Nations Land Management*”. Canada ratified its commitment to the *Framework Agreement* by enacting federal legislation, the *First Nations Land Management Act* in 1999 that sets out Canada’s responsibilities and obligations.

The *Framework Agreement* recognizes that First Nations have an inherent right to govern their reserve land and resources. The *Framework Agreement* provided our community the option to develop a **LAND CODE** document, unique to our way of doing things. The *Land Code* would enable the Chippewas of Rama First Nation (Rama) to take over the governance and management of our lands and resources from the Department of Indigenous Affairs and opt out of 32 sections of the *Indian Act* dealing with land.

The *Land Code* was developed by a committee of Chippewas of Rama First Nation members in 2004. Unfortunately we could not vote on it until Canada finalized the reserve land description which took about 10 years. Since 2004, the *Land Code* has been updated based on learned lessons in other First Nations.

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**Benefits of our *Land Code*** include but are not limited to:

- First real recognition of First Nation right to manage our reserve land and resources;
- Removes Canada’s control through the Indian Act of First Nation land;
- Community control over land management and development;
- Includes both on and off reserve members in important decisions;
- Increased accountability to members of Rama;
- More efficient management of First Nation land;
- Canada transfers land revenues to Rama that Canada holds on Rama’s behalf;
- Recognition of Rama’s right to receive revenue from land interests;
- Protection from arbitrary expropriation of First Nation land;
- Protection against loss of land through surrender for sale;
- Ability to protect the environment;
- Ability to create rules related to land during a marriage breakdown;
- Real and significant law-making powers on First Nation land that are recognized in Canadian courts, and no more need for Ministerial approval on Rama laws;
- Ability to resolve disputes within the community;
- Ability to appoint a Justice of the Peace and create modern offences for breach of Rama laws;
- Recognition of First Nation legal capacity to acquire and hold property, to borrow, to contract, to expend and invest money, to be a party to legal proceedings, to exercise Rama’s powers and perform duties.



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## **First Land Code Vote – August 30, 2013**

After many years of working with Canada and Ontario to finalize the land description that describes the reserve external boundaries, the land description was finalized and approved in July 2013. Canada is also required to provide info on all actual and potential environmental issues on reserve, and an update to the Phase 1 Environmental Site Assessment was finalized in July 2013. Both of these documents form part of the Individual Agreement with Canada.

The *Land Code* and Individual Agreement vote was held on August 30, 2013. A vote on the Membership Code was also held at that time which added some confusion on the facts about the *Land Code* and had a real impact on the participation we had for the *Land Code* vote.

On August 30, 2013, 29% of the 1388 eligible voters had cast a ballot on the *Land Code*. There were 219 yes votes, and 182 no votes, and the *Land Code* was not ratified.

## **Ratifying our *Land Code***

The *Land Code* will only come into effect if our on and off reserve Members who are at least 18 years of age as of February 17, 2018 approve both the *Land Code* and Individual Agreement. Options for voting include electronic voting, mail-in ballot voting, and in person voting on voting days.

## **First Nation's with Land Codes**

Since January 1, 2000, 78 First Nation communities across Canada have approved their own unique Land Code and are now managing their own lands and resources. 3 of those First Nations have moved onto broader self-government arrangements. In the East, 17 First Nations have approved their own Land Code, 25 First Nations developing their own Land Code, and around 60 First Nations are waiting to become a signatory to the *Framework Agreement*.

## **THE CONTENTS OF OUR *LAND CODE***

### **Part 1: Preliminary Matters**

This part introduces our *Land Code* and explains how it should be read and understood, and what reserve lands the *Land Code* applies to. The authority to govern the land and resources flows from the Creator to the people of Rama, and from the people to the Council.

### **Part 2: First Nation Legislation**

The *Land Code* will transfer authority to make decisions on land matters from the Minister of Indigenous Affairs to the Chippewas of Rama First Nation. Rama will have law making power respecting the development, conservation, protection, management, use and possession of reserve lands. Laws can be brought forward by any eligible voter of Rama, the Chief, a Councillor, or Manager/ Director of a Rama Department. Members must be notified of proposed laws.



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## Part 3: Community Meetings and Approvals

Certain land laws and other important land matters must be brought to the Members for input and or approval before they can take effect. Every Rama Member has the right to take part in community meetings and to give input. Every eligible voter of Rama has the right to vote on land laws and land matters.

For a community approval of land matters and land laws, at least 10% of eligible voters must participate, and 50% +1 of those who vote can approve a matter or land law. The following matters must receive community approval:

- any master Land use plan;
- any new grant or disposition of an Interest or Licence in any Chippewas of Rama First Nation Land exceeding a term of thirty five (35) years;
- any renewal of a grant or disposition of an Interest or Licence in any Chippewas of Rama First Nation Land that extends the original term beyond thirty five (35) years;
- any grant or disposition of any non-renewable natural resources on any Chippewas of Rama First Nation Land exceeding a term of five (5) years;
- any deletion of a heritage site;
- any voluntary exchange of Chippewas of Rama First Nation Land; and
- any other matter, Land law or class of law that Council, by resolution, declares to be subject to this section.

For a ratification vote to amend the *Land Code*, at least 15% of eligible voters must participate, and 50% +1 of those who vote can approve the amendment.

## Part 4: Protection of Land

Member and non-member Interests and Licences are protected. There will be **no** expropriation of any Interest or Licence in Rama land by Chief and Council. The *Land Code* allows for the option of a voluntary land exchange between Rama and another First Nation, government, or third party that requires community approval. Rama's land base can never diminish, meaning that Rama can never have less than 2582 acres, but we can always add to it. If a voluntary land exchange were ever to be considered the lands to be received must: 1) be equal to or greater than the area/ size of Rama land to be exchanged, 2) be at least comparable appraised value to the Rama land to be exchanged, 3) become Rama reserve land, and 4) receive community approval.

## Part 5: Accountability

The *Land Code* ensures Council is accountable to the Members for the management of moneys and land. An annual report will be prepared and published for Members. Any person may have reasonable access to the register of land laws, the auditor's report and the annual report on reserve land and natural resources. The existing rules on conflict of Interest will continue to apply to Council, employees, members of the Dispute Resolution Panel and the Lands Committee.

## Part 6: Land and Natural Resources Administration

Council may delegate administrative authority to staff to carry out the day-to-day operations of Rama land and natural resources. A Lands Committee will be established to assist, advise and make recommendations to Council in developing the administration system, law development,



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resolving land issues, flow information between community and Council, and oversee community meetings, approvals and ratification votes.

## **Part 7: Interests and Licenses in Land**

This part defines how revenue moneys from land will be handled (from fees, leases, etc.), how the registration of land Interests and Licences (leases, permits, CPs, etc.) will be conducted and how they are registered in the First Nation Land Register. Existing Interests and Licences of Members and on-members that existed before the *Land Code*, continue as normal. New land Interests and Licences, and transfers will be done by Rama through the *Land Code*. This part also defines the limits on mortgages and seizures, transfers upon death, residency and access rights, and principles for developing law that deals with land in the breakdown of a marriage.

## **Part 8: Dispute Resolution**

This part is created to address how possible land-related disputes are resolved within the community (outside of the courts), and includes the basic rules and process for resolving these disputes. Disputes will be resolved by progressing through facilitated discussions, mediation, and negotiations. Final arbitration is available through a Rama Dispute Resolution Panel that will have the power to confirm or reverse a Council or Lands Committee decision, substitute their own decision, order an action be taken or stopped, or refer the matter back for a new decision. This part is founded on the principle that all Members live harmoniously with due respect for the rights of others.

## **Part 9: Other Matters**

Council will arrange insurance coverage for dealing with land governance. For offences under our Land Code and land laws, the summary conviction provisions of the Criminal Code will apply unless Rama creates other provisions. Offences can also be enforced by providing for fines, imprisonment, restitution, community services, alternate means for achieving compliance, enforcement procedures such as inspections, searches, seizures, compulsory sampling and production of information. Rama can also enforce the *Land Code* and land laws by entering into agreements with provincial and municipal governments, and prosecute offences by retaining a Rama prosecutor or appointing a Justice of the Peace.

## **Appendix “A”**

The Anishinaabeg Migration Story has been included in the *Land Code* as a reminder of our history and our original instructions to care for the land.

## **Appendix “B”**

The text of the land description of the Chippewas of First Nation reserve land has been included here which forms part of the Individual Agreement in Annex G.