

LET'S TALK Kitsumkalum Land Code



In our continued effort to inform and update Kitsumkalum members on our Land Code, this pamphlet contains important information about what it all means, and why its important to vote.



*"Its time to move along and get
decision powers of our own"*

– Chief Don Roberts



Land Code Basics

WHAT IS A LAND CODE?

The Kitsumkalum Land Code establishes Kitsumkalum First Nation as the governance authority over our reserve lands and resources. It sets out the principles and structures necessary to guide this authority and jurisdiction.

If the Kitsumkalum Land Code is approved by the community, no longer will our reserve lands be subject to the land related sections of the *Indian Act* nor will the Government of Canada be responsible for managing our lands on our behalf.



Video: About the Kitsumkalum Land Code
bit.ly/KitsumkalumLCvideo

WHY IS IT IMPORTANT?

The Kitsumkalum Land Code provides new land management authorities to Kitsumkalum, which is important for:



developing our own laws



taking advantage of economic development opportunities



taking over stewardship of our reserve lands according to our own values



building our own land management system using our members, staff and leadership



accessing annual funding

SOME QUICK FACTS

The Kitsumkalum Land Code:

- *applies to reserve lands (not the broader territory)*
- *replaces the sections of the Indian Act that deal with land management*
- *does not affect Aboriginal title or rights or Treaty negotiations*
- *has considerable environmental, cultural and community development benefits*

WHAT IS THE BACKGROUND?

The Land Code process was started in the early 1990s by a group of 14 First Nations Chiefs from across Canada. It was their vision to make it possible for First Nations to manage their reserve lands without interference from government.

These First Nation Chiefs created a proposal for their communities to be exempt from the parts of the *Indian Act* that apply to reserve land management. In 1996, the Government of Canada agreed to the proposal and worked with the Chiefs to negotiate the *Framework Agreement on First Nations Land Management*.

The Framework Agreement has since paved the way for communities to develop their own community-based land management systems.

In May 2016 Kitsumkalum became a signatory to the Framework Agreement. The Framework Agreement provides us with all the legal status and powers needed to govern and manage our lands and resources. If we vote to pass our Land Code and Individual Agreement, the Framework Agreement will be in effect.

The first Land Code was passed by Muskoday First Nation, and it came into effect in 2000.

Today, there are over 80 First Nations that have accepted Land Codes for their communities, while many more are in the process of developing their own Land Codes.



Video: Dr Steven Cornell on the Framework Agreement
bit.ly/DrCornell-FrameworkAgreement

The Kitsumkalum Land Code enables us to develop our own laws and policies for environmental protection. Until that time we have proposed to use the Canadian Environmental Assessment Act.



KITSUMKALUM LAND CODE TIMELINE

December 2015

a BCR is signed to express Kitsumkalum's interest in First Nations Land Management.

September 2016

the Implementation Document comes into force and the Land Code development process officially begins.

December 2016

Mag de Grace is hired to coordinate the Land Code development process.

May 2017

the Kitsumkalum Lands Committee is established and begins work on a Land Code.

June 2018

the Lands Committee produces a first draft of the Kitsumkalum Land Code and Community Ratification Process (CRP). The Committee also produces a Community Land Use Plan to assist in land use decisions.

September 2019

council reviews the draft Land Code, Individual Agreement and Community Ratification Process (CRP)

November 2019

a Land Code ratification vote is held in Prince Rupert and in Terrace.

May 2016

Kitsumkalum becomes a signatory to the Framework Agreement on First Nations Land Management.

September 2016

news of the Land Code project "start up" is communicated to membership for the first time as a bulletin.

March 2017

an initial Open House is held to provide information on First Nation's Land Management and community Land Codes.

2017-2018

the Lands Committee continues to meet on a regular basis. Community events are held, a monthly newsletter is circulated and a webpage is established. Training is undertaken by the Land Code Coordinator and Committee Members.

February-June 2019

the draft Kitsumkalum Land Code, Individual Agreement and Community Ratification Process undergoes a legal review.

Sept. to Nov. 2019

Land Code communication and engagement events and activities are carried out.



KITSUMKALUM
LANDS



WHO IS INVOLVED AND WHAT IS THE PROCESS?

The Kitsumkalum Land Code is the result of an extensive two-year effort by the Kitsumkalum Lands Committee. In preparing a Kitsumkalum Land Code, the Committee has:

- met regularly to assist in the drafting;
- hosted community engagement events;
- worked with the First Nations Land Management Resource Centre, legal professionals and others;
- attended workshops and undertaken training.

HOW DOES A LAND CODE GET APPROVED?

Our Land Code requires your consent! The Kitsumkalum Land Code will be voted on by members both on and off-reserve aged 18 and over. A successful vote requires 25% +1 of eligible voters to participate in the vote; and, a majority of those participating to vote in favour.

Along with the Land Code, members will be voting on an Individual Agreement between Kitsumkalum and Canada which covers important details about the transfer of administration.

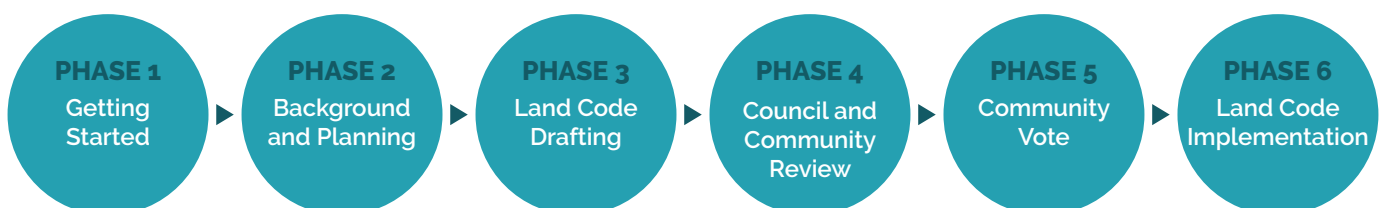
Members can vote by:

- mail in ballot;
- electronic voting; or
- in person at a polling place.

The Kitsumkalum Community Ratification Process sets out the procedures by which we will decide whether to approve our Land Code and the Individual Agreement.

Although land management is complex (and the thought of reviewing the Land Code, Individual Agreement and Community Ratification Process seems daunting), the vote comes down to one simple question: *Do you want Kitsumkalum, as a community, to manage our reserve lands under our Land Code?*

Chart: Land Code Process



2.0 Land Code Scope

HOW DOES A LAND CODE WORK?

A Land Code is prepared in accordance with the *Framework Agreement on First Nations Land Management*. The Framework Agreement provides First Nations with all the legal status and powers needed to govern and manage their lands and resources. The Framework Agreement sets out the Land Code process and required contents. Some of which include:

- a description of lands subject to the Land Code;
- the general rules and procedures for the use and occupancy of First Nation land;
- the general rules and procedures that apply to revenues from natural resources;
- the requirements for accountability to Kitsumkalum members;
- the procedures for making and publishing Kitsumkalum laws;
- conflict of interest rules for land management;
- a structure for the resolution of disputes;
- the procedure by which the First Nation can amend our land code.



WHO USES IT?

The Land Code will primarily be used by the Band Council and Staff as they apply Land Code policies towards a wide range of land management activities. The Land Code informs members, businesses, and others about the general rules and procedures for the management of reserve lands.

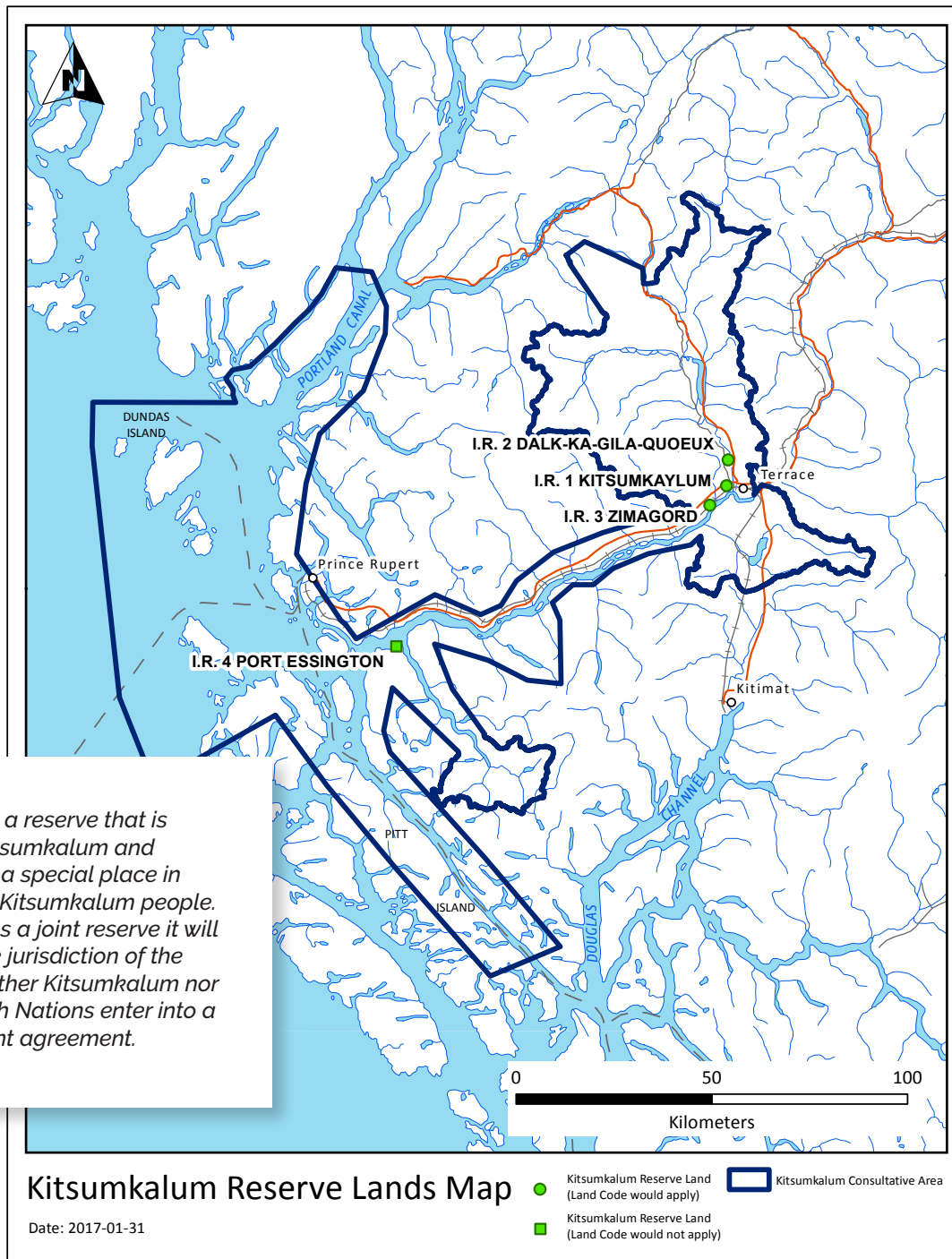
Importantly, the Land Code sets out a critical role for members in law making and approvals, and commits staff and administration to be accountable through financial management and reporting to members.

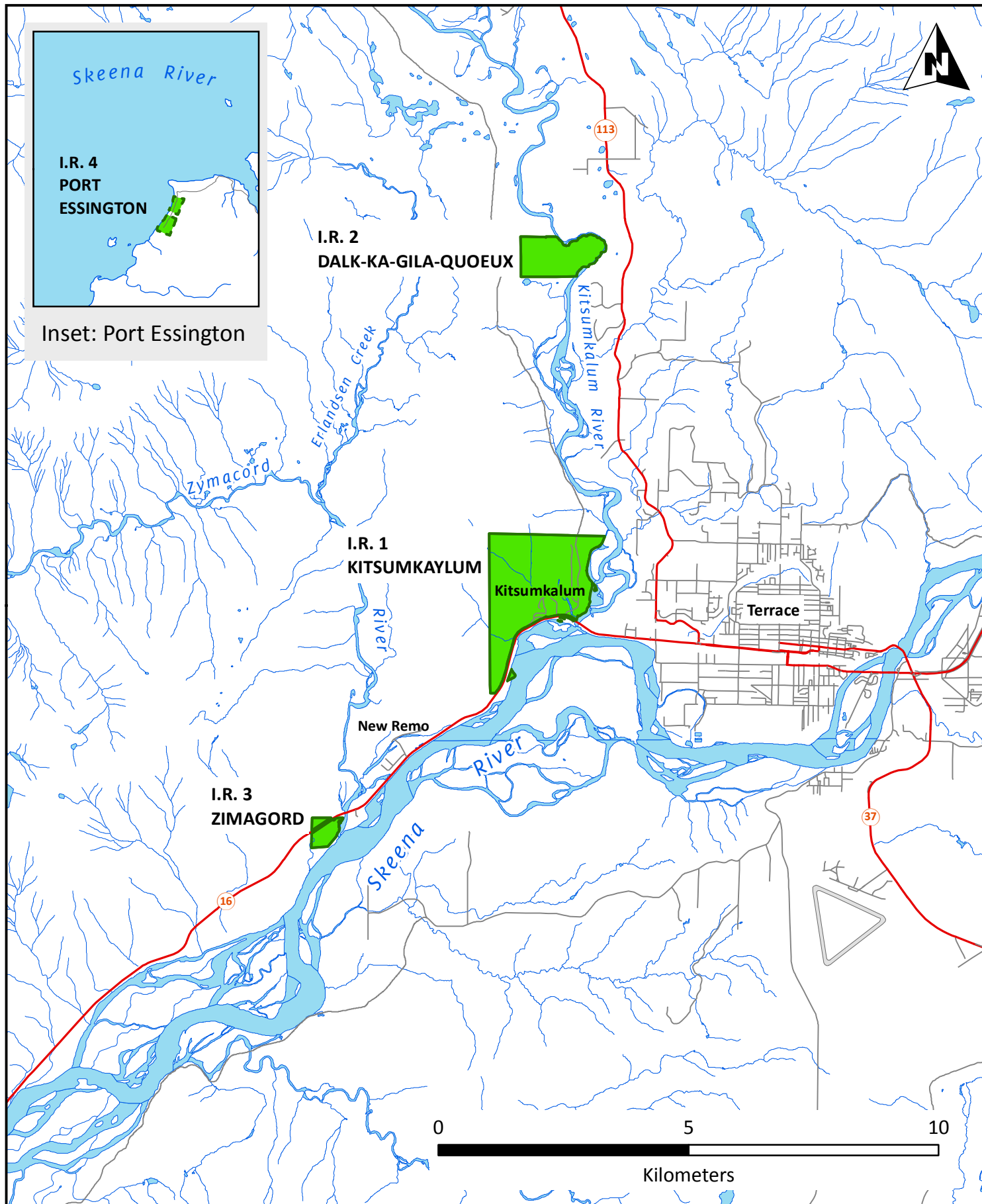
Once approved, all actions, laws, and work of the Band Council relating to land management must be consistent with the Land Code.

WHERE DOES IT APPLY?

The Land Code applies to Kitsumkalum Reserve lands including:

- *Kitsumkaylum Indian Reserve*
- *Dalk-ka-gila-quoeux Indian Reserve (otherwise known as "Robintown")*
- *Zimagord Indian Reserve*





Kitsumkalum Reserve Lands Map

Date: 2017-01-31

- Kitsumkalum Reserve Land (Land Code would apply)
- Kitsumkalum Reserve Land (Land Code would not apply)

Land Code Opportunities



HOW CAN A LAND CODE IMPROVE SUSTAINABILITY?

The Kitsumkalum Land Code can improve the overall well-being of our community through:

- **Environmental Protection**

The natural environment is central to Kitsumkalum culture. Our Land Code provides us with the tools to further protect our lands, waters, and natural resources.

- **Economy and Jobs**

Our members benefit from local jobs and business opportunities in the community. Our Land Code removes administrative hurdles that the *Indian Act* imposes. With our Land Code we can create more favourable conditions for business, deal directly with companies, industry and municipalities and improve communications, making processes more efficient.

- **Culture and Values**

The *Indian Act* has prevented us from incorporating our culture and values into how our reserve lands are managed. Our Land Code changes this - allowing us to design our own laws, practices, and policies, that are firmly rooted in Kitsumkalum cultural values.

HOW DOES IT INCREASE TRANSPARENCY?

The Kitsumkalum Land Code improves transparency between Staff, the Band Council, and the community. Here are some of the ways:

- *requiring annual reports to members;*
- *including rules for financial accountability;*
- *including rules on conflicts of interest;*
- *providing clear procedures for amending the Land Code.*





Parts of the Land Code

The Kitsumkalum Land Code is comprised of nine (9) different Parts, summarized below:

- **Part 1** covers some of the basics on how to read, and interpret the Kitsumkalum Land Code as well as define the scope of Kitsumkalum's land management authorities.
- **Part 2** covers law making; describing in detail, how Kitsumkalum laws can be proposed, drafted, shared, and approved.
- **Part 3** describes the ways in which the community will come together to become informed and participate in law-making and land-related decisions.
- **Part 4** describes the important ways we can protect our reserve lands under a Kitsumkalum Land Code.
- **Part 5** sets out how we can be accountable to our members with how we manage our lands through establishing processes for conflict of interest, financial management and reporting to members.
- **Part 6** covers the basics of how land administration will be set-out on a day to day basis.
- **Part 7** deals with Council's authority to approve land uses and land related activities. These formal authorizations are called 'Interests' in the land.
- **Part 8** sets out how Kitsumkalum Reserve Land disputes will be addressed.
- **Part 9** covers important topics that do not necessarily fit into other sections of the Land Code.

What's Next?

Visit our website, find out more, and stay tuned for further information on the vote.

www.kitsumkalum.com/kitsumkalum-laxyuup/land-code

Your vote matters!

QUESTIONS? WANT MORE INFORMATION?

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www.kitsumkalum.com/kitsumkalum-laxyuup/land-code/

