

Myths & FACTS!

White Paper 2.0 Edition



**FIRST NATIONS
LAND MANAGEMENT
RESOURCE CENTRE**

Is the [Framework Agreement on First Nation Land Management \(FAFNLM\)](#) or FNLMA part of “Trudeau’s White Paper 2.0”?

No, the FAFNLM is a self-government agreement that was sought, developed and negotiated by First Nations. It was signed by 13 First Nations and Canada in 1996. Despite the insistence of some, there is no connection to Canada’s Treaty Policy, Inherent Right Policy or proposed Framework for Indigenous rights.

- This agreement eliminates the colonial *Indian Act* lands system and blocks interference from federal and provincial governments and does not affect Aboriginal or treaty rights. *see section 1.3 and 1.6 of the FAFNLM*
- First Nations decide how to exercise self-government over their reserve lands with no “termination”, “extinguishment”, “municipalization” or “fee simple” creation of reserve lands. *See section 4.1.1 of the FAFNLM*
- Unlike the *Indian Act*, First Nation developed, and approved land codes are not subject to Federal approval or veto. *See section 7.3 of the FAFNLM*

FNLMA’s function is to provide federal ratification of the FAFNLM. *See section 49.1 of the FAFNLM*

Do Provinces gain any authority over First Nations through the [Framework Agreement on First Nation Land Management](#)?

No, Provinces are not party to the FAFNLM and do not gain or assume any rights, obligations or authority as a result.

There is no change to the title or status of Reserve Lands, they remain under section 91(24) of the Constitution Act of 1867. *See section 4.1.1 and 4.1.2 of the FAFNLM*

Do First Nations become “Municipalities” under the [Framework Agreement on First Nation Land Management](#)?

No. Municipalities are creations of provincial law and subject to Provincial legislation. First Nations do not gain provincial status as municipalities under the FAFNLM.

First Nations that have approved and implemented their land codes enjoy the ability to pass laws according to their own rules. Municipalities can only pass bylaws according to provincial statutes.

Unlike a Municipality, First Nation Land Codes specify that the authority to govern flows from the Creator to the people and from the people to the Chief & Council.

See section the WHEREAS clause on page 2 and section 18.1 of the FAFNLM

Is the [Framework Agreement on First Nation Land Management](#) a government program?

No, the FAFNLM is a government to government agreement that is being implemented by First Nations and Canada according to its terms and conditions.

It was sought, developed, negotiated and driven by First Nations who were looking to exit the land management provisions of the *Indian Act* on their own terms.

Signatory First Nations are supported by the Lands Advisory Board which is a First Nation organization, and whose members are elected by *Operational First Nation councils.

See page 2 and section 38 of the FAFNLM

What about Bill C86 which was passed in December of 2018?

Canada cannot unilaterally change the Land Management Framework Agreement or impose changes by federal law to the FNLMA without the explicit agreement of Operational First Nations.

In November of 2018, Operational First Nations supported narrow provisions within C-86 which reflected previously agreed to changes to the FAFNLM.

See section 57 of the FAFNLM

** An operational First Nation is a signatory to the FAFNLM whose members have approved a land code through ratification vote*