



HAVE YOU CONSIDERED THE RISKS AND BENEFITS OF ADOPTING A LAND CODE?

BENEFITS:

- 1) Under the Land Code, the reserve land base cannot shrink, it can only grow.
- 2) Land Code is not treaty and therefore has no impact on our ability to expand jurisdiction, decision-making and title claims.
- 3) We will be recognized as the only decision maker over our reserve lands and resources. Laws will be approved by the community, not the Minister of Indigenous and Northern Affairs Canada (INAC).
- 4) As a federal law, the Land Code will replace the 1/3 of the Indian Act that deals with the management of reserve lands and resources. A Land Code carries the same weight as the Indian Act in the courts. The RCMP will be required to enforce our laws, including any fines and penalties for breaching our laws as a result of having our own Land Code.
- 5) We will have total control over how and when development on reserve land takes place including resource development. Developers and outside business interests will need to work directly with us and abide by our laws and policies to proceed with any project on reserve. The federal government will be totally removed from the process.
- 6) We will have the ability to create and enforce our own environmental protection measures, standards and policies on reserve.
- 7) We will have the ability to address what happens to reserve land holdings when a marriage breaks down, something the Indian Act does not currently provide.
- 8) Chief and Council will be solely accountable to members for financial decisions regarding reserve lands. Under the Indian Act, Chief and Council are only accountable to the Minister.
- 9) Land transactions (such as granting of licenses and leases) will be completed more efficiently because they won't need to go through the federal government. We will have our own process for settling internal land disputes and the ability to appoint Justices of the Peace. We will also have the ability to create our own land registry system.



RISKS:

- 1) There is no turning back to the Indian Act to get INAC to take over reserve land decision making.
- 2) Even though the federal government will still be responsible for decisions affecting our reserve lands that were made before the Land Code, we will be assuming liability for environmental issues on reserve that occur after the Land Code takes effect.
- 3) There will be a lot of up front costs to implement the Land Code. Though we will receive \$75,000 each year for the first two years to help with the transition to our own land management system and building up our land management office(s), we do not know at this time how much it will actually cost to train staff and develop our policies.
- 4) Our funding is agreed to every five years for a fixed amount, so we are uncertain what the next five-year funding agreement will be. If we vote in favour of the Land Code this year, our annual funding level would be approximately \$208,000.00 per year, but there is no way of knowing what our funding needs will be in the future as our community develops and our capacity builds.
- 5) There will be growing pains. Laws and policies are not developed overnight and there will be a major learning curve for the staff and members. The law making process we develop through the Code will have “kinks” that will need to be worked out and perfected over time.