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## Framework Agreement on First Nation Land Management

### FIDUCIARY OBLIGATION & TREATY RIGHTS SUMMARY

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#### **PRINCIPLES OF FRAMEWORK AGREEMENT**

- Preserving the quantity and quality of existing First Nation lands is a fundamental principle of the *Framework Agreement*.
- Reserve lands under the Indian Act are held by Her Majesty and are set apart for the use and benefit of a First Nation. This will not change under the *Framework Agreement*. These lands remain a federal responsibility under section 91(24) of the Constitution Act, 1867.
- Only when each of these First Nations takes control of its lands and resources under the Agreement, shall federal administration of its reserve lands cease under the Indian Act.
- Canada will remain liable for and will indemnify a First Nation for losses suffered as a result of any act or omission by Canada, or its agents, that occurred before the Land Code comes into effect. After that date, the First Nation is responsible for its own acts or omissions in managing its lands.

#### **SECTIONS FROM THE FRAMEWORK AGREEMENT**

- WHEREAS – The First Nations have a profound relationship with the land that is rooted in respect for the Spiritual value of the Earth and the gifts of the Creator and have a deep desire to preserve their relationship with the land; (Whereas)
- WHEREAS – The First Nations should have the option of withdrawing their lands from the land management provisions of the Indian Act in order to exercise control over their lands and resources for the use and benefit of their members;
- 1.3 – This Agreement is not a treaty and shall not be considered to be a treaty within the meaning of section 35 of the Constitution Act, 1982.
- 1.4 – The Parties acknowledge that the Crown's special relationship with the First Nations will continue.
- 1.5 – This Agreement does not affect any lands, or any rights in lands, that are not subject to this Agreement.

- 1.6 – This Agreement is not intended to define or prejudice inherent rights, or any other rights, of First Nations to control their lands or resources or to preclude other negotiations in respect of those rights.

## **FREQUENTLY ASKED QUESTIONS**

### **Does the *Framework Agreement* affect Treaty rights?**

No! The *Framework Agreement* is not a treaty and does not affect any treaty rights.

### **Does the *Framework Agreement* affect other Aboriginal rights?**

No! The *Framework Agreement* is not intended to define or prejudice inherent rights, or any other rights, of First Nations to control their lands or resources or to preclude other negotiations in respect of those rights.

### **Does it affect other First Nations?**

No. It applies only to the First Nation signatories. Other First Nations are not affected. The Agreement does not affect any lands, or any rights in lands, that do not belong to the signatory First Nations.

### **Will the fiduciary relationship between the federal Crown and the First Nations continue?**

Yes. The *Framework Agreement* explicitly states that the Parties acknowledge that the federal Crown's "special relationship" with the First Nations will continue. As a practical matter, because under its Land Code the First Nation will be making the day-to-day decisions regarding its own lands, the Minister's responsibility as a fiduciary is less than it would be under the Indian Act, where the Minister is responsible for these day-to-day decisions.