

WEI WAI KUM LAND CODE – COMMUNITY SUMMARY: Q&A

Q & A

1. Why do we want a Land Code?

We want to take back management of our land and our lives. For too long Indian Affairs has controlled us from Vancouver and Ottawa. It takes months or years for Indian Affairs to approve developments. They get in our way, delay our projects, and try to tell us how we should manage our lands and our lives. Our community knows best and our community should be put in the position of making our own decisions.

2. Do other First Nations have Land Codes?

Yes. There were 14 First Nations across Canada that signed onto the first agreement in 1996 that allowed First Nations to develop their own Land Codes. The list grew to 30 First Nations in 2003 and many more have since applied. The original First Nations from B.C. were: Squamish, Musqueam, Lheidli T'enneh, N'Quatqua, and Westbank.

3. Can we write whatever we want in our Land Code?

There is a lot of flexibility for Wei Wai Kum to develop its own Land Code to meet the needs and interests of our community. However, we do have to include basic requirements from the Framework Agreement that applies to all First Nations developing a Land Code. Some of these include requirements for matrimonial property law and requirements to make sure that Chief and Council are accountable to members for management of lands and land-related revenues.

4. Is this just about giving more power to Chief and Council?

No. Actually, the Land Code will include greater accountability requirements. The community will vote on whether or not to accept the Land Code. Each Wei Wai Kum member will have a chance to review the proposed accountability requirements in the Land Code to see if they are strong enough. Once the Land Code is in place, Council will follow the rules set out for managing lands and revenues. Some decisions will require a special meeting of members or a referendum.

5. Will people lose their CPs if we vote for a Land Code?

No. All Wei Wai Kum members with a legitimate CP will continue to hold their CP after the Land Code comes into effect.

6. Would a Land Code apply to our whole Territory?

No. The Land Code will only apply to Wei Wai Kum Reserve Land. We are working in

Treaty negotiations and through other processes to get more land and control in our Traditional Territory.

7. Is First Nation land considered to be fee simple land?

No. First Nation land will continue to be reserve lands. Title to land will continue to be held by Her Majesty in right of Canada and the land remains set apart for the use and benefit of a First Nation. First Nation lands remain a federal responsibility under section 91(24) of the Constitution Act, 1867. However, jurisdiction over the land and decision making in relation to the land will be in the hands of the First Nation. The First Nation will, for all practical purposes, act as if it were the owner of the land, except for control over title or the power to sell the land.

8. What resources are not included?

Fishing, migratory birds and endangered species are not included. The Framework Agreement does not affect or extend existing rights and powers, or create additional rights and powers, related to fisheries and is not intended to affect rights and powers relating to migratory birds or endangered species. These matters may or may not be dealt with in the context of other negotiations. Oil and gas resources are not included. The Indian Oil and Gas Act will continue to apply to any First Nation lands, or interests in First Nation land, that are "Indian lands" within the meaning of that Act. Uranium and radioactive minerals are also not included. The Atomic Energy Control Act, or any successor legislation will continue to apply to First Nation land.

9. Could Wei Wai Kum make our own laws?

Yes. A our Council, managing the Reserve land under a Land Code, will have the power to make laws in respect of the development, conservation, protection, management, use and possession of Reserve land. This includes laws on zoning, environment, services and dispute resolution.

10. How will accountability to the members be ensured?

The Land Code will make provision for Chief and Council to report annually to members on land management activities. The Land Code will also set out rules on financial accountability for management of lands, resources and revenues. The Council is politically accountable for laws that it enacts.

11. Could Wei Wai Kum generate our own revenues?

Yes. Revenues will continue to be generated by leasing and granting rights and licences in Wei Wai Kum Reserve land. The difference is that INAC will not be approving leases or handling any of the revenues.

<p style="text-align: center;"><i>LAND CODE</i> <i>(If Wei Wai Kum Votes For)</i></p>	<p style="text-align: center;"><i>INDIAN ACT</i> <i>(If no Land Code)</i></p>
<ul style="list-style-type: none"> • Wei Wai Kum Nation will manage our own Reserve lands under the <i>Wei Wai Kum Land Code</i> • Wei Wai Kum will no longer manage its lands and resources according to the <i>Indian Act</i>. • Wei Wai Kum will be one step closer to Self-Government • More community involvement on land management matters such as Land Laws. • Wei Wai Kum will be able to make timely business and administrative decisions to accelerate Economic Development. • Wei Wai Kum will have our marital property laws to make sure that property on Reserves is fairly divided when marriages end. 	<ul style="list-style-type: none"> • Wei Wai Kum Nation Reserve lands will continue to be managed by the Department of Indian Affairs under the Indian Act. • Wei Wai Kum will need to seek approval from INAC for every land management matter. • It has been known to take 2 to 4 years for a lease for Economic Development to be issued by Canada on behalf of Wei Wai Kum because of the lengthy processes set out by the Department.