

What Is The Indian Act?

The Indian Act is the piece of legislation which the Canadian federal government uses to administer programs and services to Status Indians, dictate the nations governments, manage reserve land and distributes funding to these communities. It was first passed in 1876 and is administered by the Indian and Northern Affairs Canada (INAC). The Act is part of a large effort on Canada to try assimilate all



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Lake Babine Nation: Indian Act Governance

nations into Canadian mainstream way of life. It is explicitly designed to remove nations from their culture as well as strip them of their social, political and economic power. Many nations have acknowledged this point and have pursued the treaty process or other agreements to achieve self-government.

What Is Lands Management Act?

When a nation chooses to administer, or enact a land code under the FNLMA, they remove roughly a third of the *Indian Act* that limits them from self-governing. These land codes

include, though, a number of processes to follow:

- Land use under licences, leases, certificates or by nation's custom,
- Transfer of rights to reserve land by legal wills,
- Revenues gained through natural resources,
- How money generated from the reserve land is managed,
- Community involvement in the Matrimonial Real Property Law,
- Delegating management and authority of land,
- Exchanging reserve land.

Under the FNLMA, nations have the power to manage its reserve lands only (no private lands). It may act as an owner of the land in that regard: i.e., the nation can

manage land titles, natural resources on the reserve land, and receive all moneys acquired by its land, as per the land code. This also means nations can enter into legal contracts when it comes to leasing, developing or using the land in any way. In short, this means that a nation can have more control, economic development, better management and community involvement.

Under the FNLMA, reserves continue to be reserves and owned by Her Majesty the Queen and held in trust by your nation. Only a treaty will give you full and final ownership and the authority to govern any of your lands, including reserve lands.