

Summary of the K'omoks First Nation Land Code

Background

The K'omoks First Nation has developed a Land Code under the First Nations Land Management Act, which, if ratified by K'omoks members will replace existing Indian Act rules for the administration of existing and future KFN reserve lands. The Land Code will also govern Natural Resources on those lands. The following is a summary of draft principles and rules for the Land Code developed by the K'omoks Land Code Coordinator. The Land Code must be ratified by a vote of electors before it comes into force.

Part 1

Part 1 covers preliminary matters. It defines words and terms used throughout the Land Code. It lays out the authority to govern which flows from our aboriginal title and inherent right of self-government, as well as the responsibilities of the lands which have been ours since time immemorial. The purpose of the Land Code is to set out the principles, legislative and administrative structures that will apply to the Nation's Land and through which the Nation will exercise its authority over those lands. It also gives a description of the nation's lands to which the land Code will apply.

Part 2

Part 2 covers the responsibilities of Council, the Lands Manager, Lands Department and Lands Advisory Committee and their exercise of duties.

Part 3

Part 3 covers Legislation of the Nation. This includes law making powers and defines who may propose laws, and the procedure for making them, how they are communicated to membership, and how they may be amended. It gives a list on various laws the Council may consider, but is not required to. This section also describes the requirement for a KFN Spousal Property Law, and gives the opportunity to create a KFN specific law rather than the recently passed MRP Law passed by government and in currently in force. See MRP handout for current government enforced Spousal Property Law.

Part 4

Part 4 looks at Member input and approvals. It states who is eligible to vote at a meeting of members, when a vote may be required, and the notification process prior to a vote on land issues. It lays out procedure at these meetings of members and the approval process and when a ratification process is needed.

Part 5

Part 5 covers Interests and Licenses in Land. This lays out how Interests in the Nations land is granted, who may hold an Interest, and whether natural resources are included in that Interest. It looks at existing interests and licenses, as well as new ones and how interests are transferred. It looks at limits on mortgages and seizures, surveys, registration of interests and residency and access rights. It also covers allocation of lots, and Certificates of Possession (CP's).

Part 6

Part 6 covers expropriation of land. It details how land may be expropriated, but also how land is protected from expropriation and the requirements for proper compensation should expropriation prove necessary. This part also looks at Voluntary Land Exchanges and Protections and the requirement for approval at a meeting of members. Finally, this Part states that all Natural Resources and revenues from resources are the property of KFN unless otherwise granted.

Part 7

Part 7 covers Conflicts of Interest and Financial Management and refers these matters to the KFN Financial Administration By-law.

Part 8

Part 8 deals with Dispute Resolution, whether informal, or formal, mediation or arbitration.

Part 9

Part 9 deals with all things that fall under "Other Matters", such as public notice requirements, Liability, Offences, Commencement of the Land Code, and Amendments to the Land Code.