

Policy 101 Handout

January 29, 2026

catalyste+
Stronger Economies for Better Lives

Ontario Aboriginal
Lands Association

Document Purpose and Audience

Overview

This document is the handout that accompanies the Policy 101 Webinar developed for members of the Ontario Aboriginal Landa Assocation. It is designed to provide a tangible example of what a land management policy document might look like so that webinar participants can study, adapt, and reuse it in their own communities for training and policy development use.

Webinar Learning Objectives Supported

- Includes a reference section listing applicable policy instruments.
- Demonstrates a complete policy structure with labeled sections.
- Annotates the policy with life cycle phase indicators.
- Includes notes on how technology tools were used in drafting.

Webinar Content Requirements Addressed

- Serves as a case study for the topic “What is potential content for a land transaction request policy?”
- Aligns with the goal of enabling participants to draft and manage policies.

Table of Contents

Document Purpose and Audience ii

1. Policy Concepts Overiew 1

Policy Hierarchy 1

Policy Life Cycles 2

2. Policy Hierarchy 3

Policy 3

Policy Instrument 4

Supporting Tools 5

Policy Instruments Recognizing Land Management Powers 6

Big P and Small P Policy in Indian Act vs FAFNLM Act 7

Case Study: Land Transaction Request 8

3. Policy Instrument Life Cycle 9

Policy Instrument Life Cycle: Policy and Procedure 9

4. Structure of a Policy and Procedure 11

Policy and Procedure Template: Land Transfer Request 11

Land Transfer Case Study Sample Answers 12

Land Transfer Transaction Under the Indian Act 14

Land Transfer Transaction Under the FAFNLM Act 17

Comparisons between a Land Transfer under the Two Acts 20

A. Glossary 21

Policy and Governance Concepts 21

First Nation Land Management Concepts 21

B. Land Management Policy Instruments 22

C. Land Transaction Glossary 24

D. Comparing Indigenous Land Management Regimes 26

List of Figures

Figure 1 Policy Instrument Life Cycle 9

List of Tables

Table 1. Policy hierarchy 1
Table 2. Policy Statement Life Cycle 2
Table 3. Land Management Policy Statement Examples 4
Table 4. Land Management Policy Instrument Examples 5
Table 5. Land Management Policy Instrument Examples 6
Table 6. Big P and Small P Policy under the Indian Act 7
Table 7. Big P and Small P Policy under the FAFNLMA and Self-Government 8
Table 8. Life Cycle for Land Transfer Request Activities and Supporting Tools 10
Table 9. Land Transfer Request Example 11
Table 10. Comparison of Land Transfer Processes 20
Table 11. Land Management Policy Instruments 22
Table 12.Types of Land Transaction Requests 24
Table 13. Indigenous Land Management Regimes 26

Acronyms and Abbreviations

Acronym	Long Form
ATR	Additions to Reserve
CIRNAC	Crown–Indigenous Relations and Northern Affairs Canada
CLSS	Canada Lands Survey System
FAFNLM	Framework Agreement on First Nation Land Management (1996)
FAFNLMA	Framework Agreement on First Nation Land Management Act (2022)
FHRMIRA	Family Homes on Reserves and Matrimonial Interests or Rights Act
FN	First Nation
FNIM	First Nations, Inuit and Métis
FNLMA	First Nation Land Management Act (1999)
FNLRS	First Nations Land Registry System (FAFNLM Act)
ILRS	Indian Lands Registration System (Indian Act)
INS	Indigenous and Northern Services (Catalyste+ Program)
ISC	Indigenous Services Canada
NRCan	Natural Resources Canada
OALA	Ontario Aboriginal Lands Association
PIPEDA	Personal Information Protection and Electronic Documents Act
PDF	Portable Document Format
RLEMP	Reserve Land and Environment Management Program
R.S.C.	Revised Statutes of Canada
S.C.	Statutes of Canada
SOP / SOPs	Standard Operating Procedure(s)
TBS	Treasury Board of Canada Secretariat

1. Policy Concepts Overiew

Key concepts

The Policy 101 Webinar covers two key policy concepts:

1. The policy hierarchy of policy statements, policy instruments and supporting tools
2. The life cycle of a policy document or a policy and procedure document.

Policy Hierarchy

Table 1 defines the levels of the policy hierarchy, providing a definition for each level, the purpose of the level and some examples of each level.

Table 1. Policy hierarchy

Name	Definition	Purpose	Examples
Policy Statement	Broad, high-level declaration of principles and goals.	Sets vision, principles, and high-level goals.	Vision/Mission Statements Strategic Goals Principles or Values White Papers
Policy Instrument	Formal mechanism or tool to implement policy.	Provides legal and administrative mechanisms to achieve policy goals.	Legislation Regulations Standards Fiscal Measures
Supporting Tools	Operational aids that help apply instruments effectively.	Enables practical implementation and operational consistency.	Standard Operating Procedures Templates & Checklists Digital Systems

Section 2 of this handout discusses the Policy Hierarchy in the context of land management for First Nations, Inuit and Metis (FNIM) communities.

Policy Life Cycles

Policy statement life cycle

Table 2 identifies the phases of the policy statement life cycle and provides examples of the activities performed in each phase.

Table 2. Policy Statement Life Cycle

Phase	Key Activities
Agenda Setting	• Identify issues • Gather evidence • Consult stakeholders • Define the problem.
Policy Formulation	• Develop options • Draft principles • Select policy instruments • Conduct impact assessments.
Decision Making and Adoption	• Choose preferred option • Obtain formal approval (e.g., council resolution).
Implementation	• Apply instruments • Allocate resources • Develop supporting tools • Train staff.
Evaluation	• Monitor outcomes • Assess effectiveness • Identify unintended consequences • Gather feedback.
Termination or Renewal	• Revise, replace, or discontinue policy based on evaluation results.

2. Policy Hierarchy

Overview

This section provides more detail on each level of the policy hierarchy:

1. Policy statement
2. Policy instruments
3. Supporting tools.

Policy 101 topics covered

- What is a policy and why does it matter?
- What are the key types of policy instruments that govern land usage in Ontario?

Policy

Definition

A policy is a formal statement of principles or rules that guide decisions and actions of a governing body for a jurisdiction or organization. It answers the questions "What do we do and why?"

Ambiguity in usage of the term "policy"

Practitioners often use the shorthand "Big-P" policy and "small-p policy" to distinguish between authoritative government direction and operational decisions and processes.

Big "P" Policy

Big "P" government policy is the high-level direction that government has a mandate to implement based on electoral commitments, cabinet or council decisions and strategic priorities. Big-P Policy:

- Comes from a *recognized authority* (government, formal leadership).
- Establishes *rules of the game* for others.
- Is *binding, structural, or system-shaping*.
- Operates at the level of *principles, mandates, or strategy*.
- Sets *direction*.

Small "P" policy

Small-p policy refers to informal, operational, or locally enacted decisions that guide practice within the boundaries those authoritative decisions set. Small-p policy:

- Comes from *lower-level actors* (programs, organizations, communities, staff).
- Shapes *practice*, but within the constraints of higher-level authority.
- Is often *technical, interpretive, procedural,* or *implementation-oriented*.
- Operates at the level of *methods, routines,* or *local decisions*.
- Enables *execution*.

Land management policies

Table 3 provides examples of several high-level policy statements, from Government of Canada policy sources, concerning land management in relation to indigenous communities.

Table 3. Land Management Policy Statement Examples

Policy Source	High-Level Policy Statement
Principles Respecting the Government of Canada's Relationship with Indigenous Peoples	Achieve reconciliation through a renewed, nation-to-nation relationship based on recognition of rights, respect, co-operation, and partnership.
Framework Agreement on First Nation Land Management	Support First Nations in resuming the authority to govern their lands and environment through community-approved land codes.
Indigenous Stewardship Policy (Parks Canada)	Strengthen Indigenous connections with protected lands, waters, and ice within their traditional territories, treaty lands, and ancestral homelands.
Integrated Aboriginal Policy Framework (Fisheries and Oceans Canada)	Foster respectful and mutually beneficial relationships with Aboriginal groups to support healthy and prosperous communities.

Policy Instrument

Definition

A policy instrument is a formal mechanism used to implement policy. It provides legal and administrative mechanisms to achieve policy goals.

It answers the question "How do we do this?"

Small "p" policy as a policy instrument

Federally, the Treasury Board of Canada Secretariat (TBS) treats "policy" as one type of policy instrument alongside legislation, regulation, directives, standards, guidelines, and related tools used to implement government decisions.

Land Codes as a primary policy instrument for land management

In First Nations land governance under the Framework Agreement on First Nation Land Management (FAFNLM), Land Codes operate as the primary policy instrument that gives communities formal authority over reserve land, while policy and procedure manuals and SOPs are widely used as supporting tools to operationalize that authority.

Land management policy instruments

Table 4 provides examples of several types of policy instruments that are used to implement land management policy.

Table 4. Land Management Policy Instrument Examples

Instrument Type	Example
Legislation	First Nations Land Management Act
Regulations	First Nations Land Management Act Regulations
Policy	Indigenous Services Canada – Additions to Reserve Policy
Program	Reserve Land and Environment Management Program (RLEMP)
Financial Tool	Indigenous Forestry Initiative
Partnership/Agreement	Co-management agreements for protected areas
Regulations and Standards	• Environmental Assessment Regulations • Land Use and Zoning Standards
Land Code	First Nations Land Code under the Framework Agreement

Supporting Tools

Definition

Operational aids that help apply instruments effectively. They enable practical implementation and operational consistency.

Land management supporting tools

Table 4 provides examples of several types of supporting tools that are used to apply land management policy instruments. This list is meant to be illustrative of a range of potential tools. For this Policy 101 webinar, Standard Operating Procedures is a key supporting tool.

Table 5. Land Management Policy Instrument Examples

Supporting Tool Type	Example
Technical Tool	GIS Mapping Systems for Traditional Territories
Capacity-Building Tool	Training Modules under RLEMP
Information Tool	Environmental Assessment Guidelines for First Nations
Engagement Tool	Community Consultation Frameworks
Standard Operating Procedures (SOPs)	SOP for Land Transactions under a First Nations Land Code

Policy Instruments Recognizing Land Management Powers

1. Indian Act Regime (Status Quo)

Governance framework	Land within reserves is legally "vested in Her Majesty" and largely governed by the Indian Act, with the federal Minister holding key decision-making authority.
Implementation via RLEMP	The Reserve Land & Environment Management Program allows some delegation: First Nations can progressively assume responsibilities (e.g., land use planning, environmental stewardship), but legal liability and ultimate authority remain with the Minister of Indigenous Services.

2. Framework Agreement on First Nation Land Management Regime

Legislation	Framework Agreement on First Nation Land Management Act (FAFNLM Act),
Mechanism	First Nations prepare and ratify a bespoke Land Code, replacing Indian Act land governance. Once ratified, they fully manage reserve lands, natural resources, zoning, leases, expropriation, disputes, and enforcement mechanisms under their own laws.

3. Indigenous Self-Government Regimes (Beyond Land Codes)

Constitutional basis	Section 35 of the Constitution Act, 1982 recognizes the inherent right of self-government.
Nature and scope:	Achieved through modern treaties or negotiated self-government agreements. These agreements can cover jurisdiction over people, natural resources, governance, and land management, often across traditional territories—not just reserves.
Land management component	Comprehensive self-government agreements *can* include land management authority comparable to or exceeding the FAFNLM model. They often involve co-management or independent jurisdiction over land, resources, and environmental regulation outside and within reserve lands.

Big P and Small P Policy in Indian Act vs FAFNLM Act

Indian Act Policy Authority

Under the Indian Act, the Federal Government retains all "Big P" policy authority. First Nations focus on operational, small-p policy.

Table 6. Big P and Small P Policy under the Indian Act

Actor & Policy Authority	Characteristics	Examples
Federal (Big-P Policy)	• Exclusive land authority under the Indian Act • Formal, codified rules	• Indian Act (44 land sections) • Federal land-management regulations
First Nation (Small-p)	• Delegated administrative authority • Local by-laws & procedural practices	• Band by-laws • Local land-use/admin procedures

FAFNLM Act Policy Authority

Under the FNLMA regime, significant land management policy authority devolves from the Federal Government to First Nations.

Table 7. Big P and Small P Policy under the FAFNLMA and Self-Government

Actor & Policy Authority	Policy Level	Characteristics	Examples
Federal Government	**Big P**	• FAFNLMA legislative framework; Enables FN to exit Indian Act	• Framework Agreement Act (2022); Federal recognition of Land Codes
	Small p	• ISC/CIRNAC operational policies; technical support	• ISC funding/transition procedures; Land registry guidelines
First Nation Government	**Big P**	• Land Code-based authority • FN law-making powers	• Land Code • FN land & environmental laws
	Small p	• Local operational procedures • Stewardship protocols	• Land office workflows • Guardians protocols

Case Study: Land Transaction Request

Case Study Scope

The Policy 101 Webinar is using a Land Transaction Request as a case study. As there are at least 12 different land transaction types (see Appendix A: Land Transaction Glossary), the webinar focuses on a request for land transfer. The case study will focus on the development of a policy and procedure document for the transaction.

Land transfer definition

The reassignment of rights or interests in reserve land from one party to another (e.g., between band members).

Legislative context of land transfer

Under a Land Code (FAFNLM Act), the First Nation manages the process

Under the Indian Act, ISC approval is required.

(For the purposes of this webinar, indigenous self-government and modern treaties is out of scope, given the wide variety of land management powers and processes under self-government.)

3. Policy Instrument Life Cycle

Overview

This section provides more detail on the life cycle of a Policy Instrument as applied to the case study of a Land Management Transaction Request.

Detailed analysis of the life cycle of Policy Statements is outside the scope of this webinar.

Policy 101 topics covered

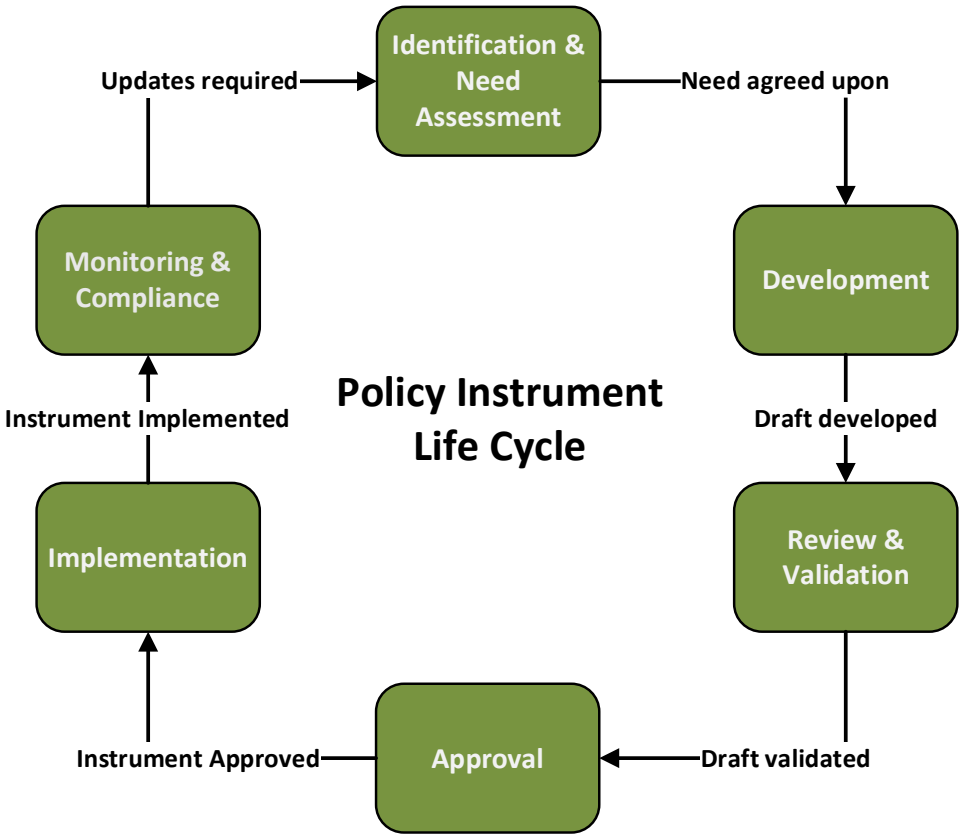
What is the life cycle of a land management policy instrument?
What technologies are available to help manage a policy from research through publishing?

Policy Instrument Life Cycle: Policy and Procedure

Policy Instrument Life Cycle

Figure 1illustrates the life cycle of a policy instrument. This handout applies this life cycle to a policy and procedure for a land transfer request, the subject of the case study.

Figure 1 Policy Instrument Life Cycle



Land transfer request life cycle phases

Table 1Table 8 identifies the phases of the policy instrument life cycle as applied to a policy and procedure document for a land transfer request.

Table 8. Life Cycle for Land Transfer Request Activities and Supporting Tools

Phase	Key Activities
Identification & Need Assessment	• Determine need for policy instrument • Gather input from stakeholders and experts.
Development	• Draft policy and procedure document. • Align with policies and regulations, including compliance requirements.
Review & Validation	• Internal review • Stakeholder consultation • Ensure cultural and legal compliance.
Approval	• Formal sign-off by governing authority • Establish version control.
Implementation	• Train staff • Publish/distribute documentation • Integrate procedure into operational workflows.
Monitoring & Compliance	• Ensure adherence to policy and procedure • Identify gaps during operational audits.

4. Structure of a Policy and Procedure

Policy 101 topics covered

- What are the key components of a land policy.
- What is potential content for a land transaction request policy?

Policy and Procedure Template: Land Transfer Request

Template Scope

This is template for a policy and procedure document for a typical land management transaction request.

Template Application

This handout applies the template to the context of a land transfer request under the FAFNLMA.

Table 9. Land Transfer Request Example

Section	Definition	Examples
Purpose	Purpose of this policy and procedure document.	To establish a clear and consistent process for reviewing, approving, and recording land transfer requests under the [Community Name] Land Code, ensuring compliance with applicable legislation and community standards
Scope	Define the scope of this policy.	This policy applies to all land transfer requests within reserve lands governed by the [Community Name] Land Code.
Policy Statement	State the governing principle.	All land transfers must comply with the [Community Name] Land Code, environmental regulations, and community consultation requirements. Transfers will only be approved following verification of eligibility and completion of required documentation.
Authority	Reference the legal and governance basis.	This policy is authorized under the [Community Name] Land Code and the First Nations Land Management Act.
Definitions	Provide definitions for key terms	• Land Transfer • Applicant • Land Registry.

Section	Definition	Examples
Procedure	Provide step-by-step instructions.	1. **Application Submission:** Applicant completes Land Transfer Request Form and submits it to Land Governance Office. 2. **Initial Review:** Office verifies completeness and compliance with Land Code. 3. **Environmental & Zoning Check:** Confirm no restrictions. 4. **Community Consultation:** If required under Land Code. 5. **Council Approval:** Decision recorded in meeting minutes. 6. **Registry Update:** Land Registry Clerk updates records and issues confirmation to applicant. 7. **Archiving:** File stored per records management policy.
Forms and Attachments	Include references to forms and attachments	• Land Transfer Request Form • Checklist for Compliance • SOP for Registry Update (linked)
References	List relevant references	• [Community Name] Land Code • First Nations Land Management Act • Environmental Assessment Regulations
Date Stamp	Indicate the approval and effective date of the policy and procedure	A date stamp indicates when a policy or procedure was issued, approved, and scheduled for review. It supports governance transparency, compliance, and audit readiness. The date stamp can be placed at the beginning or end of the policy and procedure: • Beginning: provides immediate clarity, helps ensure correct version • End: cleaner first page, suitable within a larger policy and porocedure manual, consolidates document control information in the front matter.

Land Transfer Case Study Sample Answers

Policy 101 topics covered

- What are the key components of a land policy.
- What is potential content for a land transaction request policy?

Case Study Components

The next few pages in this handout include:

1. A draft of a land transfer transaction under the Indian Act
2. A draft of a land transfer transaction policy and procedure under the FAFNLM Act
3. A comparison of the two policies and procedures.

Disclaimer

These answers are the equivalent of a first draft of a policy and procedure. They have not been reviewed by stakeholders or subject matter experts. They are intended to convey the concepts being taught in the webinar.

Land Transfer Transaction Under the Indian Act

Purpose

This policy establishes the process for transferring reserve land under the Indian Act, ensuring compliance with federal legislation, community governance requirements, and registry protocols. This includes transfers of lawful possession (Certificate of Possession) under section 24 of the Indian Act, which permits transfers only to the Band or registered Band members.

Scope

Applies to all land transfers initiated by [First Nation Name] involving reserve lands under the Indian Act, including surrenders, designations, and transfers of interest.

Authority

- Indian Act (Sections 20, 24, 28(2), 34–35)
- Indian Referendum Regulations
- Ministerial Orders/Orders in Council
- ISC Guidelines
- Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA). Consult Band Matrimonial Real Property laws where applicable.

Definitions

- Designation:
  Community approval to allow leasing or transfer.
- Surrender:
  Full transfer of land back to the Crown for disposition.
- ILRS:
  Indian Lands Registration System.
- FNLRS:
  First Nations Land Registry System (for Land Code First Nations)
- CLSS:
  Canada Lands Survey System.

Roles and Responsibilities

- Chief and Council:
  Initiate process, pass resolutions, oversee referendum.
- Lands Office:
  Prepare documentation, liaise with ISC, and consult ISC or Band legal advisors for complex cases.
- ISC:
  Review instruments, issue Ministerial Orders, update registries.
- Surveyor General (NRCan):
  Certify survey plans and update Canada Lands Survey System.

Policy Statement

All land transfers must comply with the Indian Act and related regulations, be approved by community referendum where required, and be documented using prescribed forms and registered in the appropriate land registry.

Detailed Procedure

1. Initiation
   Identify purpose of transfer (sale, lease, right-of-way). Confirm legal authority and applicable sections of the Indian Act.
2. Council Resolution
   Pass a resolution authorizing the transfer and referendum (if required).
3. Community Approval
   Conduct referendum under Indian Referendum Regulations for designation or surrender.
4. Documentation Package
   Prepare Transfer Agreement, Statutory Declaration, Affidavit of Execution, Survey Plan or legal description, and Council Resolution. Ensure witness is over 18, commissioner rules are followed, monetary value stated, and tenancy agreements indicated.
5. Submission
   Submit package to ISC for review and Ministerial approval.
6. Ministerial Action
   Minister issues Order in Council or Ministerial Order to finalize transfer.
7. Registration and Distribution
   Register instruments in ILRS or FNLRS and update CLSS. Issue Certificate of Possession to transferee; retain duplicate copy in Lands Office file; notify transferee of applicable land use/zoning bylaws.
8. Notification
   Provide notice to community and update public registry abstracts.

Eligibility and Membership

Verify transferee is a registered Band member or the Band itself. Confirm Band membership under section 10 where applicable. Transfers to non-members are prohibited.

Matrimonial Real Property Compliance

Under FHRMIRA, obtain spousal/common-law consent if transfer affects family home. Complete statutory declarations and applicable forms signed before Commissioner of Oaths or Notary Public.

Documentation Standards

Ensure all transfer forms are completed accurately. Requirements include:

- Witness must be over 18 years old
- Monetary value must be stated
- Affidavit of Execution signed by a Commissioner of Oaths or Notary Public
- Tenancy arrangements (joint tenancy or tenancy in common) clearly indicated.

Privacy and Security

Handle all documents in compliance with PIPEDA and classify as Protected B. Secure storage and restricted access protocols must be followed.

Best Practices

Conduct internal file checks before submission. Include reference maps (Google Earth or eRIP printouts) in the file. Consult ISC or Band legal advisors for complex scenarios.

Date Issued	January 28, 2026
Effective Date	March 1, 2026
Next Scheduled Review	January 1, 2029
Review Cycle	Every 3 years
Last Reviewed	Not yet reviewed

Land Transfer Transaction Under the FAFNLM Act

Purpose

This policy establishes the process for transferring First Nation land under the Framework Agreement on First Nation Land Management Act (FAFNLM Act), ensuring compliance with the Land Code, the Framework Agreement, and registry protocols.

Scope

Applies to all land transfers initiated by [First Nation Name] operating under a Land Code pursuant to the FAFNLM Act, including transfers of interest, exchanges, and rights-of-way.

Authority

- FAFNLM Act, S.C. 1999, c. 24
- Framework Agreement on First Nation Land Management
- Land Code of [First Nation Name]
- First Nations Land Registry System (FNLRS).

Definitions

- Land Code:
  Community law governing land management under FAFNLM Act
- FNLRS:
  First Nations Land Registry System for Land Code transactions
- Transfer of Interest:
  Legal conveyance of rights in land under Land Code.
- Exchange:
  Swap of land interests between parties.
- Survey Plan:
  Certified plan defining land boundaries.

Roles and Responsibilities

- Chief and Council
  Approve transfers, ensuring compliance with Land Code..
- Lands Office
  Prepare documentation, maintain records, and liaise with registry.
- FNLRS Registrar
  Validate and register instruments.
- Surveyor General (NRCan)
  Certify survey plans and update Canada Lands Survey System (CLSS).

Policy Statement

All land transfers under the FAFNLM Act must:

- Comply with the Land Code and the Framework Agreement
- Be documented using prescribed instruments
- Be registered in the FNLRS and reflected in CLSS.

Detailed Procedure

1. Initiation
   Identify purpose (sale, lease, exchange). Confirm compliance with Land Code provisions.
2. Council Resolution
   Pass a resolution authorizing the transfer and referendum (if required).
3. Community Approval
   If required by Land Code, conduct community meeting or vote.
4. Documentation Package
   Prepare Transfer Agreement, Statutory Declaration, Affidavit of Execution, Survey Plan or legal description, and Council Resolution.
5. Submission
   Submit instruments to FNLRS Registrar for review.
6. Registration
   Register instruments in ILRS or FNLRS and update CLSS.
7. Notification
   Provide notice to community and update public registry abstracts.

Eligibility and Membership

Verify transferee is a registered Band member or the Band itself. Confirm Band membership under section 10 where applicable. Transfers to non-members are prohibited.

Sample Council Resolution

RESOLUTION NO. [Insert Number]
WHEREAS the Council of [First Nation Name] has determined that it is in the best interest of the community to transfer the described parcel of land under the Land Code;

BE IT RESOLVED THAT:

1. The Council approves the transfer of the parcel described in Schedule A.
2. The Lands Office is authorized to prepare and submit all required documentation to the First Nations Land Registry System.
3. This resolution shall take effect immediately upon adoption.

Moved by: _____

Seconded by: _____

Date: _____

Certified by Chief: _____

FNLRS Forms Checklist

- Transfer of Interest Form
- Affidavit of Execution
- Council Resolution
- Survey Plan (certified)
- Statutory Declaration

Date Issued	January 28, 2026
Effective Date	March 1, 2026
Next Scheduled Review	January 1, 2029
Review Cycle	Every 3 years
Last Reviewed	Not yet reviewed

Comparisons between a Land Transfer under the Two Acts

Table 10 compares Land Transfer processes under the Indian Act versus the FAFNLM Act.

Table 10. Comparison of Land Transfer Processes

Aspect	Indian Act	FAFNLM
Legal Authority	Indian Act, R.S.C. 1985, c. I-5	FAFNLM Act, S.C. 1999, c. 24
Governing Instruments	• Indian Act provisions • Ministerial Orders • Orders in Council	• Framework Agreement • Land Code approved by community
Community Approval Requirements	Mandatory referendum for designation or surrender under Indian Referendum Regulations	Community meeting or vote only if required by Land Code
Registry System	Indian Lands Registration System (ILRS)	First Nations Land Registry System (FNLRS)
Required Forms	• ILRS Transfer of Interest Form • Affidavit of Execution • Council Resolution • Survey Plan • Statutory Declaration	• FNLRS Transfer of Interest Form • Affidavit of Execution • Council Resolution • Survey Plan • Statutory Declaration
Procedural Steps	1. Initiation 2. Council Resolution 3. Community Referendum 4. Documentation 5. Submission to ISC 6. Ministerial Approval 7. Registration in ILRS 8. Notification	1. Initiation 2. Council Resolution 3. Community Approval (if required) 4. Documentation 5. Submission to FNLRS 6. Registration 7. Notification
Key Differences	Requires Ministerial approval and Orders in Council Governed by federal regulations Takes months longer	Governed by Land Code No Ministerial approval required Greater autonomy for First Nation Much shorter duration

A. Glossary

Policy and Governance Concepts

Term	Definition
Council Resolution	A formal decision adopted by Chief and Council authorizing actio Code
Legislation	Laws enacted by a governing body, providing the legal framework implementation.
Regulation	Detailed rules issued under legislation to govern specific activities or processes
Policy	A formal statement of principles and intentions guiding decisions and actions within a specific domain
Policy Instrument	A tool or mechanism used to implement policy objectives, such as legislation, regulations, codes, or agreements

First Nation Land Management Concepts

Term	Definition
Framework Agreement	The agreement between First Nations and Canada that enables F manage their lands outside the Indian Act
Instrument	A legal document used to record land transactions (e.g., Transfer Affidavit)
Land Code	A community law governing land management under the FAFNLM Act
Registry Abstract	A summary record of registered land transactions in the First Nations Land Registry System
Survey Plan	A certified plan defining land boundaries
Transfer of Interest	Legal conveyance of rights in land under the Land Code.

B. Land Management Policy Instruments

Table 11 identifies many of the policy instruments that authorize land management activities in Ontario First Nations.

Table 11. Land Management Policy Instruments

Instrument Category	Instrument Name	Description / Purpose	Example Usage
Treaties & Agreements	Robinson-Huron Treaty (1850)	Governs land rights and resource sharing in Northern Ontario	Confirm obligations before approving land use changes
	Williams Treaties (1923)	Covers land cessions in Southern Ontario	Ensure compliance when drafting land transfer policies
	Framework Agreement on First Nation Land Management (FAFNLM)	Enables First Nations to opt out of Indian Act land provisions and adopt Land Codes	Basis for creating community Land Codes
	Co-management Agreements	Shared stewardship of protected areas	Apply when managing lands adjacent to parks
Legislation	Framework Agreemnent forFirst Nations Land Management Act (FAFNLMA)	Provides authority for Land Codes	Reference in policy authority section
	Indian Act	Governs reserve land management for non-FNLMA communities	Required for land transfers under Indian Act
	Environmental Assessment Act (Ontario)	Applies to land use changes impacting environment	Include compliance steps in procedures
Regulations & Standards	FNLMA Regulations	Operational requirements for Land Codes	Guide procedural compliance

Instrument Category	Instrument Name	Description / Purpose	Example Usage
	Environmental Assessment Regulations	Federal/provincial compliance	Checklist for land development proposals
Policies and Programs	Reserve Land and Environment Management Program (RLEMP)	Capacity-building for land governance	Identify training resources
	Indigenous Forestry Initiative	Supports sustainable land use	Consider for forestry-related land use
	Additions to Reserve Policy (ISC)	Governs ATR processes	Reference when drafting ATR policy
Land Codes	Community Land Code under FAFNLM	Primary instrument for self-managed land governance	Central reference for all land transac

C. Land Transaction Glossary

Land management supporting tools

Table 12 provides examples of 12 types of land transactions that may be requested of a Land Manager to help implement. The glossary defines each transaction type and comments on the difference in context for the transaction:

1. Under the Indian Act
2. Under a Land Code established through the FAFNLMA.

Table 12. Types of Land Transaction Requests

Transaction Request	Definition	Context
Land Transfer	The reassignment of rights or interests in reserve land from one party to another (e.g., between band members).	Under a Land Code, the First Nation manages the process; under the Indian Act, ISC approval is required.
Lease	A contractual agreement allowing a person or entity to use reserve land for a specified period in exchange for rent or other compensation.	Land Code allows direct leasing by the First Nation; Indian Act requires land designation and ministerial approval.
Permit	Authorization for temporary or limited use of land (e.g., for events, seasonal activities, or short-term access).	Under a Land Code, permits are issued by the First Nation; under the Indian Act, ISC may issue permits.
Land Use Change	A request to change the designated use of a parcel of land (e.g., from residential to commercial).	Governed by land use plans under a Land Code; under the Indian Act, changes may require federal approval.
Easement	A legal right to use a portion of land for a specific purpose (e.g., utility lines, access roads).	Easements can be granted by the First Nation under a Land Code; under the Indian Act, ISC must approve.

Transaction Request	Definition	Context
Right-of-Way	A type of easement allowing passage through land, often for infrastructure like roads or pipelines.	Managed locally under a Land Code; federally approved under the Indian Act.
Land Designation	A process under the Indian Act where a First Nation votes to designate land for leasing purposes.	Required only under the Indian Act; not applicable under a Land Code.
Land Exchange	The swapping of reserve land for other land, often to improve land use or access.	Procedures defined in the Land Code; under the Indian Act, requires federal involvement.
Expropriation	The taking of land for public or community purposes, with compensation.	Permitted under a Land Code with defined procedures; generally not permitted under the Indian Act unless by Canada.
Succession or Inheritance	Transfer of land interests due to the death of a holder.	Governed by the Land Code's provisions; under the Indian Act, ISC administers estates.
Mortgage or Security Interest	Use of land interest as collateral for a loan.	Permitted under a Land Code with safeguards; highly restricted under the Indian Act.
Development Proposal	A request to develop land for housing, commercial, or community purposes.	Reviewed and approved locally under a Land Code; under the Indian Act, subject to federal review and approval.

D. Comparing Indigenous Land Management Regimes

Table 13 compares the legal basis, territory covered, land governance models and self-government status of the three indigenous land management regimes in Canada.

Table 13. Indigenous Land Management Regimes

Regime	Legal Basis	Territory Covered	Land Governance Model	Self-Government?
Indian Act / RLEMP	Indian Act	Reserve lands	Minister-led; delegation possible, but constrained	❌
FNLMA / FAFNLM Act (Land Code)	Framework Agreement FAFNLM Act	Reserve lands	Community-developed land laws via Land Code	🟦 Partial
Comprehensive Self-Government	Constitution Act, (Section 35) Negotiated agreements	Reserve and broader traditional territory	Full jurisdiction over land, resources, governance	✔ Fully

✅ Only those under FNLMA/FAFNLM are formally exercising land-based self-government within reserve boundaries.

❗ However, comprehensive self-government agreements can and do include broader land management powers—extending into settlement areas, resource governance, and more.