

SUMMARY OF THE MEMBERTOU LAND CODE

The purpose of the Land Code is to set out the rules by which Membertou will exercise control over reserve lands, waters and resources.

RATIFICATION

The *Land Code* has been developed by the Community for the Community does not come into force unless the Members approve both the Land Code and the Individual Agreement.

CONTENTS OF THE LAND CODE

Membertou will have the right to govern in matters integral to our culture, identity, traditions, language, and with respect to our relationship to the lands; this Land Code will be the fundamental Land law of the Membertou.

Preliminary Matters

The title, definitions and interpretation are set out in sections 1 & 2.

Authority to Govern and Purpose

Jurisdiction and Authority

The Land Code establishes Membertou's jurisdiction over all rights and resources in reserve lands, natural resources, and land revenues.

Purpose

The purpose of the Land Code is to set out the rules that apply to Membertou land.

Membertou Land

Lands under the Land Code are known as Sydney Indian Reserve No. 28A, Membertou Indian Reserve No. 28B and Caribou Marsh Indian Reserve No. 29.

Legislative Authority

Law-Making Powers, Procedures, and Publication

The Community may make land laws respecting the reserve lands and resources subject to the *Land Code*. Members must be given notice before land laws are passed and be involved in the development or approval of certain types of land laws.

Enforcement

Membertou will have the jurisdiction to compel observance of and compliance with land laws, rules and obligations.

Community Engagement and Approvals

Community Approval

Certain land laws and other important land matters must be approved by the community before they can take effect, such as:

- enacting a Land Law respecting a community plan or subdivision plan; any development affecting a cultural site or an environmentally sensitive property; enacting a Land Law respecting environmental assessment and protection; enacting a Land Law respecting the transfer and assignment of rights and Interests in Membertou Land; and respecting any other matter, Land Law or class of law that Council, by Resolution, declares to be subject to this section.

Protection of Land

Acquisition by Mutual Agreement

The right of Membertou to expropriate can only be exercised after a good faith effort to acquire, by mutual agreement, the interest or licence.

Clear Rules for Acquisition

The Land Code provides clear and transparent rules for expropriation, notification, compensation and public reporting.

Voluntary Exchange of Land

The Land Code and *Framework Agreement* protect against loss of reserve land by surrender for sale and expropriation.

Accountability

Conflict of Interest

Decision makers dealing with any matter related to Membertou land must disclose the conflict of interest and not take part in that matter.

Financial Accountability

An annual report will be prepared and published for the Members.

Land and Natural Resources Administration

Lands Staff

Council may delegate authority to the Lands Office/staff to carry out functions necessary for day-to-day administrative operations of Membertou lands.

Governance Committee

The Governance Committee will assist with the development of the land administration system.

Interests and Licenses in Land

Registration of Interests

An interest or licence in Membertou land is not enforceable unless it is registered in the First Nation Lands Register.

Existing Interests

Any interest or licence in Membertou land that existed when this *Land Code* takes effect will continue in force.

Residency and Access Rights

Sets out the rights of residency and access for Members, their families, invited guests, lessees and their invitees. The public may access for social or business purposes.

Dispute Resolution

Intent and Purpose

The intent of the dispute resolution process is to ensure that all persons occupy Membertou Land harmoniously with due respect to the rights of others.

Processes

A dispute may be resolved through facilitated discussions, negotiation, mediation or by final arbitration.

Other Matters

Offences and Enforcement

The summary conviction provisions of the Criminal Code apply to offences under the Land Code, unless some other procedure is provided for by a land law.

Coming into Force

Commencement

This Land Code shall take effect if the community approves this Land Code and the Individual Agreement with Canada.