

Background:

The team will continue to work with Cowichan Tribes membership to develop the Quw'utsun Tumuhw – Land Code.

Land Code Committee:

Albie Charlie, John Charlie, Ernie Elliott, Larry George, Diane Modeste, Chief William Seymour and Rhonda Sullivan.

Next Steps:

From September 2015 to March 2016, the Chief, Land Manager and the Land Code Coordinator will communicate with Cowichan Tribes members.

Information will be shared through:

Community meetings with Youth, Elders and Cowichan Mustimuhw

Telephone communication for both on and off reserve members

Share information through Cowichan Tribes website.

If you or, your families are interested in an information session, please contact Joe Elliott at 250-748-3196 (lands dept) or email;

Joe.Elliott@cowichantribes.com

What is a Land Code?

A Land Code will be the land law of Cowichan Tribes and will replace the land management provisions of the Indian Act. It provides increased protection of reserve lands. Under the land code, the reserve can never be made smaller, and there is no loss to reserve land. The land code does allow the reserve to be expanded.

Develop a Land Code to replace the 34 land management provisions of the Indian Act

Cowichan Tribes will enter into an Individual Agreement with Canada that describes the specific of the transfer of administration between Canada and the Band

Community will need to ratify the Land Code and individual Agreement in order to take control of our lands through a community vote.

This Agreement is not a treaty and does not affect treaty rights or other constitutional rights of the First Nation.

Reserve land will remain to be held by Her Majesty and are set apart for the use of and benefit of the Nation. The lands are still protected and federal responsibility under section 91(24) of the Constitutional Act, 1867. Reserve land remains protected against future surrender for sale.

Cowichan Tribes**Quw'utsun Tumuhw-
Land Act**

**(Land Code of the
Cowichan Tribes)**

***Quw'utsun Tumuhw- Land Code
Cowichan Tribes (CT) –Land Code
Committee is working on a Cowichan
Tribes Land Code.***

*Cowichan Tribes Land Code will
replace the land management
provisions of the Indian Act.*

***Community consultation sessions
will continue in the Fall of 2015.***

*Membership input to the Cowichan
Tribes Land Code is appreciated and
essential to the process*





Quw'utsun Syuw'en'

Quw'utsun mustimuhw are the first people of this tumuhw, we were bestowed this land, water, seas, minerals and all resources in our traditional territory. The Cowichan people are the keepers of, and have the responsibility to look after, what we have been given by the creator.

All life is sacred and we have the responsibility to look after our resources for today and tomorrow.

Indian Act History

The Indian Act was developed over time through separate pieces of settler law: the gradual Civilization Act of 1857 and the Gradual Enfranchisement Act of 1869. In 1876, these acts were consolidated as the Indian Act

The Indian Act is a Canadian federal law that governs in matters pertaining to Indian status, bands, and Indian Reserves lands. The Act is highly invasive: It authorizes the Canadian federal government to regulate and administer the affairs and day-to-day lives of registered Indians and reserve lands.

"The great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other speedily inhabitants of the Dominion as they are fit to change."- John A Macdonald, 1887

Quw'utsun Tumuhw- Land Act



Cowichan Determination

Since the first settlers arrived and the first pieces of legislation were passed, Cowichan Tribes have resisted oppression and sought active participation in defining and establishing our rights

First Nation Land Management Act – Framework Agreement -

This is a Government to Government agreement with Canada. This Agreement established a process to exercise our control and have decision making over our lands and resources.

February 12, 1996, a Framework Agreement was signed by the Minister of INAC and 13 First Nations, including Cowichan Tribes. June 1999, Bill C-49: the Framework Agreement was ratified to support First Nations that were interested in developing a Land Code.

Land Code Process

The Framework agreement is a First Nation driven process. Cowichan Tribes will develop and ratify our own land code that reflects our laws, priorities, and traditions. All voting members are involved in the land code ratification. Nothing is finalized without the community via referendum.

Quw'utsun Tumuhw – Land Code Future Benefits

The Quw'utsun Tumuhw process is reclaiming our Quw'utsun Syuw'en', the original people governing our lands.

Cowichan Tribes will be able to make timely business and administration decisions. Will not have to wait for AANDC approval

Address and deal with matrimonial real property

Set out rules and procedure for Cowichan Tribes members and others to use and occupy Cowichan Tribes lands.

The benefits of the Quw'utsun Tumuhw will enable Cowichan to enact and enforce sound environmental management and protection laws.

*A land code **will not affect** any treaty rights or Aboriginal rights and we will still retain our tax exemption status. The land code will not affect Certificate of Possession land status.*

Cowichan Tribes- Lands Department

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