

INDEPENDENT VERIFIER

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WAHNAPITAE FIRST NATION

LAND CODE RATIFICATION

INDEPENDENT VERIFIER



- “Where a First Nation develops a proposed land code and resolves to submit it to the community for approval an independent person will be appointed as a verifier.” (FA clause 8.1)
- Jointly appointed by First Nation and ISC, but independent of both
- Administered by Lands Advisory Board Resource Centre

INDEPENDENT VERIFIER



Qualifications (FA clause 44.4)

- Unbiased and free from conflict of interest
- Knowledge or experience to act:
 - Law degree 1987
 - Adjunct Professor University of Northern BC
 - Since 1999: Technician (11 Land Codes), Advisory (4 Land Codes)
 - Verifier or A/Verifier (17 Votes, 15 Ratified Codes)
 - Ratifications in progress (10 Land Codes, 4 active)

INDEPENDENT VERIFIER



Role of Verifier

- “Verify” that proposed Land Code and community approval process document conform with Framework Agreement and *Framework Agreement on First Nations Land Management Act*
 - FA Clause 5
 - Initialed Individual Agreement, etc.
 - But not involved in drafting documents
- Dispute Resolution
 - Between First Nation and Canada (except funding)
 - Challenges to the ratification vote

INDEPENDENT VERIFIER



Role of Verifier (continued)

- Monitor ratification process
 - Fair opportunity for informed vote (“FPIC”)
 - Third party notification
 - Procedural amendments
- Support to Ratification Officer
- Certify approved Land Code into law
- Prepare Master File
 - Recommend: c.c. everything

INDEPENDENT VERIFIER



- Guided by:
 - Framework Agreement on First Nations Land Management Act
 - Community Ratification Process document
 - BCR's
 - Strict timelines
 - Formal documentation
- Summary: an independent procedural “insurance policy”
- Comments and Questions?