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September 20th 2009

Dear Members,


Re: We Wai Kai Nation – LAND CODE VOTE, September 24, 25 & 26th, 2009

I am writing this letter to express my support for our Land Code. I encourage all Members to vote 'Yes' for our Land Code this week. Some of you may have concerns about the Land Code. As a lawyer, a member of Council, but most importantly as a Member of this community, I want to let you know why I feel this opportunity is so important for us as a community.

Having a Land Code means Membership taking over control of our land management from Indian Affairs as we establish our own laws. These laws will ensure that Chief and Council are accountable to us for all land and resource related decisions; including economic development related decisions and for all decisions regarding the revenues generated from our lands and resources. A Land Code is our first step to moving forward together as a 'community', making our own decisions based upon what we want as Members and where we want to go. This is our time to take back control of our community's future direction.

Some of you may know my husband, Tim. Twenty years ago he began working for Westbank First Nation in the Okanagan when the land management initiative started. It started because Westbank was experiencing incredible conflict between the community, the Council, Indian Affairs and non-members living on Westbank Lands. In an out of court settlement, Canada agreed that alternatives to land management under the *Indian Act* would be developed. This led to the *First Nations Land Management Act*. In Canada, there are now 27 communities managing their own lands and controlling





their own governments (Chief and Council's) through appropriate and enforceable laws (the Land Code). I lived with my husband at Westbank and saw the change for the better that has occurred. The same will be true here.

There are many other First Nations that now want to develop Land Codes but unfortunately there are financial and other limitations on how many can develop a Land Code at any one time. Our community is fortunate to have this opportunity and we need to take advantage of it.

While there are many reasons to vote 'Yes' please consider how it will affect you personally. The Land Code will provide legal recognition of ownership to your home and your legal right to occupy your lot. Today, our rights as Members are non-existent. You may not be aware, but today we live at the pleasure of Chief and Council and the Crown and there is no legally enforceable record of our property interests (no registry) just a filing cabinet at the band office. This is our legal reality. The Land Code will provide us with legal certainty so that when we want to leave our home to a family member when we die, or want to sell it or give it to another Member, that is our choice; not Council's and not the Minister's.

Some of you have expressed concern to me that our lands will lose their reserve status with a land code and that we will be taxed. I wish to confirm that the status of our lands does not change and will remain 'lands reserved for Indians' under s. 91(24) of the Canadian Constitution. Also, our tax exemption, under s. 87 of the *Indian Act*, is not affected and there is no jurisdiction under the land code for Chief and Council to impose a tax on our people.

A Land Code is a big step for our community, but a critical one. If any of you are still uncertain about how the Land Code will benefit our community or have any questions or concerns please feel free to call me on my cell phone (604) 328-1129.

Yours truly,



Jody Wilson Raybould

