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| TITLE: | First Nations Approaches to Matrimonial Real Property |
| SUBJECT: | Matrimonial Real Property on Reserves |
| MOVED BY: | Chief Shane Gottfriedson, Kukpi7, Tk'emlúps te Secwépemc, BC |
| SECONDED BY: | Chief Wayne Christian, Kukpi7, Splatsin First Nation, BC |
| DECISION: | Carried by Consensus |

WHEREAS:

A. The division and allocation of Matrimonial Real Property is an important concern for all First Nations; and,

B. First Nations have unextinguished and inherent jurisdiction for law-making with regard to the treatment of Matrimonial Real Property in their communities; and,

C. The Government of Canada has introduced legislation in this area on three occasions – most recently as Bill S-4, *Family Homes on Reserves and Matrimonial Interests or Rights Act*; and,

D. First Nations have consistently affirmed that this legislation in its current form is fundamentally flawed, does not respect First Nations jurisdiction and will not serve to provide greater certainty or assist First Nation families in the event of disputes over Matrimonial Real Property; and,

E. Effective solutions to Matrimonial Real Property on reserves will only come from First Nations themselves. Imposition of solutions will not address these matters.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Call upon Canada to work with First Nations on a First Nations-driven approach to Matrimonial Real Property, to include:
    a. Clear and full recognition of First Nations' law making authority in this area;

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b. Removal of any role for a “verification officer” with regards to recognizing or implementing First Nations’ laws;
c. Support for First Nations to develop their own community-based mechanisms and institutions for dispute resolution and the administration of justice.
d. Removal of the requirement to hold a referendum for First Nations to enact their own Matrimonial Real Property laws, as no other level of government is required to do so.
e. Removal of the voting threshold requirement, as no other level of government in Canada has a voting threshold and it is not required at the municipal, regional or other levels.

2. Further call upon Canada to increase resources for the protection of First Nations families, including expanding the network of emergency and second-stage shelters, and providing enhanced family violence prevention supports.

3. Mandate the AFN to establish a coordinated advocacy strategy to engage thoroughly in the Parliamentary process on Bill S-4, *Family Homes on Reserves and Matrimonial Interests or Rights Act,* including strategic legal analysis, communication strategies and the alignment of other organizations and interests and the coordinator of national and regional advocacy efforts.

4. Direct the National Chief to meet with the Minister of Indian Northern Affairs and members of relevant Senate and House of Commons committees to work towards establishing an alternative approach to Bill S-4 that respects First Nations’ jurisdiction and takes into consideration concerns raised by First Nations regarding this matter;

5. Call upon the AFN to provide regular updates to all First Nations on this matter.

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