
Assembly of First Nations

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Assemblée des Premières Nations

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ANNUAL GENERAL ASSEMBLY
July 23, 24 & 25, 2019, FREDERICTON, NB

Resolution no. 31/2019

TITLE: Ontario Specific Process to Bill C-92, *An Act Respecting First Nations, Inuit, and Métis Children, Youth, and Families*

SUBJECT: Child Welfare

MOVED BY: Chief Elaine Johnston, Serpent River First Nation, ON

SECONDED BY: Chief Wayne Christian, Splatshin First Nation, BC

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity
 - ii. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - iii. Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
- B. First Nations have a sacred responsibility for the well-being of their children, youth, and families, and First Nations exercise this sacred responsibility through their inherent rights and jurisdictions that pre-exist Canada.
- C. On June 21, 2019, *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act) received Royal Assent.

Certified copy of a resolution adopted on the 25th day of July 2019 in Fredericton, New Brunswick

PERRY BELLEGARDE, NATIONAL CHIEF

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- D. Chiefs of Ontario Special Chiefs Assembly Resolution 07/19 reflects Ontario First Nations' opposition to the Act. The resolution rejected the Act for the following reasons:
- i. The Act does not affirm First Nations inherent rights over their children and families, rather it transforms our inherent rights into Canadian Law.
 - ii. The Act fails to guarantee federal funding for the full development, implementation, and operationalization of First Nations' Child and Family laws and systems.
 - iii. The Act imposes the *Canadian Charter Rights and Freedoms* and the *Canadian Human Rights Act* on First Nations' jurisdiction.
 - iv. The Act imposes federal standards and rules that limit any proposed First Nations' jurisdiction.
- E. The Ontario Chiefs Committee on Social has been mandated to provide technical and legal assessment on the Act. Ontario's Chiefs Committee on Social have determined that regardless of what policy or legislation Canada passes, any and all ultimate decision-making rests with the consent of rights holders.
- F. Ontario First Nations want to discuss and exercise an Ontario-specific strategy to assert jurisdiction outside of the Act, which affirms First Nations' inherent rights and responsibility to the well-being of their children, youth, and families.

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

1. Affirm that the honour of the Crown requires Canada to act with honour, integrity, good faith and fairness in their dealings with First Nations peoples and Nations.
2. Call upon Canada to hold and fund discussions and negotiations directly with Ontario First Nations, which will include discussions on funding for the development, implementation, and operationalization of First Nations laws and systems outside of *An Act respecting First Nations, Inuit and Métis children, youth and families* (the Act), consistent with the principle of substantive equality and actual needs. These negotiations shall be guided by Ontario First Nations' political processes. Affirm that no national and/or provincial organization shall decide on the implementation pathway in Ontario without the consent of First Nations of Ontario, including consent in the development of regulations under the Act.

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3. Direct Canada and the Assembly of First Nations (AFN) to ensure that established Nation-to-Nation and First Nation regional tables are prioritized over any AFN national table processes in regards to negotiations and discussions to work outside and inside of the Act.
4. Direct Canada and the AFN to ensure that any national table process shall affirm and assert in a manner that guarantees transparency and accountability with the rights holders, as it relates to the Act.
5. Affirm that First Nations rights, title and jurisdiction shall be respected, including First Nations who choose to or not to participate in the Act.

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