



BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

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BCAFN SPECIAL CHIEFS ASSEMBLY
Nicola Valley Institute of Technology, Merritt, BC
March 7 & 8, 2019

Resolution 01/2019

SUBJECT: SUPPORT FOR BILL C-92: *AN ACT RESPECTING FIRST NATIONS, INUIT AND MÉTIS CHILDREN, YOUTH AND FAMILIES*

MOVED BY: BONNIE LEONARD, PROXY FOR SPLATSIN INDIAN BAND

SECONDED BY: CHIEF MICHEAL LEBOURDAIS, WHISPERING PINES INDIAN BAND

DECISION: CARRIED
OPPOSED: CHIEF MARCEL SHACKELLY, NOOAITCH
ABSTENTION: CHIEF CYNTHIA DICK, TSASHAHT NATION

WHEREAS:

- A. The Truth and Reconciliation Commission's (TRC) 94 Calls to Action have been supported by the Chiefs of BC and Canada;
- B. the TRC's first 5 Calls to Action address the legacy of residential schools and the ongoing humanitarian issues pertaining to the continued over-representation of First Nations children in provincial and territorial child welfare systems, as well as the systemic denial of rights of those children and of First Nations peoples and communities to protect the children and transmit the culture, language and family customs to those children, and to have proper legal recognition of the collective right to set family law and policy for First Nations peoples;
- C. the Canadian Human Rights Tribunal has found Canada to be in breach of its human rights obligations to First Nations' children and has issued four compliance orders stating that Canada must improve its laws, policies and practices to allocate appropriate funds and support the rights of First Nations peoples, consistent with the *United Nations Declaration on the Rights of*

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A handwritten signature in blue ink, appearing to read "Terry Teegee".

Terry Teegee, BC Regional Chief

Indigenous Peoples (the UN Declaration) and other international and domestic human rights standards;

- D. at an emergency meeting on Indigenous child welfare on January 25-26, 2018, the Federal Government committed to six points of action in working with Indigenous partners to address the over-representation of Indigenous children in care in Canada. These specific actions included continuing to fully implement all orders of the Canadian Human Rights Tribunal, reforming child and family services, and exploring the potential for co-developed federal child welfare legislation;
- E. the *UN Declaration*, which the government of Canada has adopted unconditionally, and has, alongside the government of BC, committed to implement, provides the framework to address the underlying problems that have caused the legacy of residential schools, such as outmoded, racist and offensive doctrines of the cultural and moral superiority of European society, doctrines of discovery and *terra nullius*, and colonial approaches that impose the beliefs and will of the settler society on First Nations peoples;
- F. the province and the First Nations Leadership Council (FNLC) signed a Reconciliation Charter that committed the parties to work in partnership to achieve First Nations Child Welfare Reform via a Tripartite Working Group (TWG) made up of Canada, British Columbia and the First Nations Leadership Council to implement concrete actions to support legislative reform, program and policy development and an effective fiscal model to support First Nations Child Welfare in BC;
- G. by BCAFN Resolution 06/2017: *Indigenous Nations Jurisdiction over Children and Families*, the BCAFN Chiefs-in-Assembly recognized that each First Nation has the right to determine and develop their own child, youth and family safety and well-being models, legislation, regulations, policies and practice standards, and fully supported any and all First Nations in exercising their respective jurisdiction and authority over the care and well-being of their children, youth and families;
- H. by BCAFN Resolution 12/2018: *Support for Option One set out in the Options Paper on First Nations, Inuit and Metis Child Welfare and Child and Family Wellness Legislative Options*, the UBCIC Chiefs Council identified Canada's obligation to provide sustained, culturally-based and needs-based funding and co-developed legislation that will enable First Nations to fully exercise their right to care for their children, youth, and families. This legislation would provide a lasting framework for funding and supporting Indigenous children, youth and families, and would directly engage and involve First Nations as proper Title and Rights Holders;

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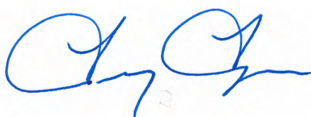
Terry Teegee, BC Regional Chief

- I. Prime Minister Justin Trudeau told First Nation Chiefs at the December AFN Special Chiefs Assembly that an Indigenous child welfare bill would be tabled by the last week of January 2019; and
- J. the proposed legislation, Bill C-92 *An Act respecting First Nations, Inuit and Métis children, youth and families* was tabled, and had first reading on February 28, 2019.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly support the affirmation of inherent Aboriginal and treaty rights provided in Bill C-92 and welcomes the recognition-based model to support First Nations self-determination for First Nations governments to pass laws, enforce laws and put in place coordination arrangements for all aspects of child and family services, based on First Nations laws, priorities, customs, traditions and practices;
2. the BCAFN Chiefs-in-Assembly directs the Regional Chief to continue to advocate for a political transition process so that the First Nations title and rights holders can fully benefit immediately from a recognition-based approach in the legislation and this will lead to immediate and meaningful change, and a pathway to end the legacy of the child welfare system that has been imposed, with particular emphasis on appropriate short and long term fiscal arrangements, technical and other support mechanisms so that full benefit of change be made available to BCAFN member Nations and our children, youth and families;
3. the BCAFN Chiefs-in-Assembly direct the Regional Chief to advocate for specific reference to Jordan's Principle and CHRT Legal Orders in the legislation at Committee level and seek proper statutory funding basis for assuming jurisdiction for First Nations;
4. the BCAFN Chiefs-in-Assembly directs the Regional Chief, working with the Union of BC Indian Chiefs and the First Nations Summit as part of the Tripartite Working Group on First Nations Child and Family Welfare in BC, to create a detailed transition strategy to meet the needs of First Nations in BC for review and input by the Chiefs in advance of the next BCAFN Chiefs meeting, where a final draft transition strategy will be considered for endorsement through resolution; and
5. the BCAFN Chiefs-in-Assembly directs the Regional Chief, working with the Union of BC Indian Chiefs and the First Nations Summit as the First Nations Leadership Council, to provide regular reports to First Nations in BC of any progress in the legislation.

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