ANNUAL GENERAL ASSEMBLY
July 15, 16, & 17, 2008, Quebec City, QC

Resolution no. 26/2008

SUBJECT:	Matrimonial Property Rights
MOVED BY:	Chief Shane Gottfriedson, Kamloops Indian Band, BC
SECONDED BY:	Chief Lynda Price, Ulkatcho Indian Band, BC
DECISION:	Carried by consensus.

WHEREAS:

A. Chiefs-in-Assembly passed resolution 72/2006 that called on the AFN to stop participating in the consultation process and work with the government to reorient the process so that it would be consistent with the relationship set out in the *First Nations - Federal Crown Accord on the Recognition and Implementation of First Nation Governments;*

B. This would mean, among other things, that the government engage in direct discussions with First Nations on solutions that respect, uphold and implement inherent Aboriginal and Treaty rights;

C. The AFN submitted a report to the federal government entitled "*Reconciling First Nations and Crown Jurisdiction over MRP on Reserves and Addressing Immediate Needs of First Nations Families"* that raised these issues and setout a process for real engagement that would result in First Nations driven solutions;

D. The Ministerial Representative on Matrimonial Real Property submitted a report on March 9, 2007 and included important considerations and recommendations regarding consultation and First Nation jurisdiction;

E. In spite of the views of First Nations and many of the recommendations of its own Ministerial Representative, the Government drafted and introduced Bill C-47 on March 4, 2008; and

F. Bill C-47 contains clauses that provide the Federal Government with control over the First Nation law making process through a "verification officer" and is therefore fundamentally inconsistent with the First Nation inherent right to self government.

Certified copy of a resolution adopted on the 17th day of July, 2008 in Quebec City, QC.

Phil Fontaine, National Chief

THEREFORE BE IT RESOLVED that:

1. Chiefs-in-Assembly re-assert the clear position of First Nations that resolution of this important matter requires the recognition and implementation of First Nation jurisdiction and immediate measures to address root causes of the problems encountered by individuals and communities.
2. Chiefs-in-Assembly reject Bill C-47 and the approach taken by the Federal government as it did not fulfill the duty of the Crown to consult and to accommodate the views and interests of First Nations.
3. Chiefs-in-Assembly demand that the Federal Government withdraw Bill C-47 and provide First Nations with resources to properly develop and implement a meaningful process that respects First Nation jurisdiction and existing First Nation processes addressing MRP.
4. Chiefs-in-Assembly mandate AFN to establish a coordinated advocacy strategy to engage thoroughly in the Parliamentary process on Bill C-47 including strategic legal analysis, communication strategies and the alignment of other organizations and interests and the coordination of national and regional advocacy efforts.
5. Chiefs-in-Assembly direct the National Chief to meet with the Minister and members of the Parliamentary Committee on Aboriginal Affairs to bring forward this position and to work towards establishing an alternative approach that respects the First Nation position.
6. Chiefs-in-Assembly maintain that the Federal Government must consult directly with First Nations whose inherent Aboriginal and Treaty Rights will be adversely impacted by Bill C-47.
7. AFN provide regular updates to all First Nations on this matter.

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Phil Fontaine, National Chief