



ANNUAL GENERAL ASSEMBLY
July 9, 10, 11, 2024, Montreal, QC

Resolution no. 50/2024

TITLE: Bringing Our Own Children Home Under Our Governance

SUBJECT: Children and Families

MOVED BY: Chief Leroy Denny, Eskasoni First Nation, NS

SECONDED BY: Chief Roderick Gould Jr., Abegweit First Nation, PE

DECISION Carried by consensus.

WHEREAS:

- A.** Recalling and agreeing with the Chiefs in Canada 1981 Declaration, stating as follows.
- i. "We the original peoples of this Land know the Creator put us here. The Creator gave us Laws that govern all our relationships to live in harmony with nature and mankind. The Laws of the Creator define our rights and responsibilities. The Creator gave us our spiritual beliefs, our Languages, our culture, and a place on Mother Earth which provided us with all our needs. We have maintained our freedom, our Languages, and other traditions from time immemorial. We continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the Land upon which we were placed. The Creator has given us the right to govern ourselves and the right to self-determination. The right and responsibilities given to us by the Creator cannot be altered or taken away by any other Nation."
- B.** Acknowledging that international law recognizes the nationhood of the Cree, Dene, Nakota Sioux, Saukteaux/Ojibway in Treaty No. 6 (West) in the official United Nations General Assembly Declaration on the Rights of Indigenous Peoples, the International Labor Organization Convention 169, the International Convention on the Rights of the Child, and the Organization of American States Declaration on the Rights of Indigenous Peoples, among other international normative standards.
- C.** Further to Article 19 of the *United Nations Declaration on the Rights of Indigenous Peoples*, and specifically noting the internationally and domestically recognized right of Free, Prior and Informed Consent, which requires full disclosure and consultation of all those Indigenous Peoples who may be affected by any action, agreement, policy, legislation or other similar instrument.

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- D.** The family is a natural and fundamental group unit of society. Indigenous Peoples have the right to preserve, maintain, and promote their own family systems. States shall recognize, respect, and protect the various Indigenous forms of family, in particular the extended family, as well as the forms of matrimonial union, filiations, descent, and family name. In all cases, gender and generational equity shall be recognized and respected. [Sourced from OAS Declaration]
- E.** In matters relating to custody, adoption, severance of family ties, and related matters, the best interests of the child shall be a primary consideration. In determining the best interests of the child, courts and other relevant institutions shall take into account the right of every Indigenous child, in community with members of his, her, or their people, to enjoy his, her, or their own culture, to profess and practice his, her or their own religion or to use his, her or their own language and in that regard shall look to the Indigenous law of the peoples concerned and shall consider their points of view, rights and interests, including the positions of individuals, the family, and the community.
- F.** Emphasizing that sections 25 and 35(1) of the *Constitution Act, 1982* recognizes and affirms existing Aboriginal and Treaty rights.
- G.** Federal historical legislation that pertains to our ancestors and children in Indian Residential Schools and to our current child family services have been impacted in our livelihood through the ripple effects of residential and intergenerational traumas.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

- 1.** Request the support of the Assembly of First Nations (AFN) to ensure all Peoples, Tribes and Nations are allowed to exercise their own jurisdiction and sovereignty when bringing their children home, without interference from provincial, territorial and/or federal governments.
- 2.** As First Nations, we hereby recognize and affirm the natural laws, customs, traditions, and protocols of each First Nation and undertake the reciprocal recognition of each First Nation's natural laws, customs, traditions and protocols so as to ensure the proper expression of each Nation's distinct identities through the children, youth, and families of those Nations.
- 3.** Affirm that each Nation can draft and adopt their own child and family service law that pertains to their own mandate and laws with reference to their own constitution and that the individual and collective rights recognized under Treaties bind the Federal Crown to provide goods and services and all other incidental rights required to maintain healthy First Nations in Canada.

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