

ASSEMBLY OF MANITOBA CHIEFS CHIEFS ASSEMBLY

CERTIFIED COPIES OF ADOPTED RESOLUTIONS

**ASSEMBLY OF MANITOBA CHIEFS
Special Chief's Assembly
CFS Long-Term Reform**

**CANAD INNS DESTINATION CENTRE
CLUB REGENT CASINO HOTEL
1415 Regent Avenue West, Winnipeg, Manitoba
Winnipeg MB**

October 7, 2024

ASSEMBLY OF MANITOBA CHIEFS

Special Chiefs Assembly
CFS Long-Term Reform

CANAD INNS DESTINATION CENTRE
CLUB REGENT CASINO HOTEL
1415 Regent Avenue West, Winnipeg, Manitoba

October 7, 2024

CERTIFIED RESOLUTION

OCT-24.01	First Nations Service Delivery in the Final Settlement Agreement on Long-Term Reform of the First Nations Child and Family Services Program
OCT-24.02	Funding Components in the Final Settlement Agreement on Long-Term Reform of the First Nations Child and Family Services Program
OCT-24.03	Dispute Resolution Processes in the Final Settlement Agreement on Long-Term Reform of the First Nations Child and Family Services Program
OCT-24.04	The Recognition of Rights in the Final Settlement Agreement on Long-Term Reform of the First Nations Child and Family Services Program

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October 7, 2024

CERTIFIED RESOLUTION

**OCT-24.01
Page 1 of 4**

RE: FIRST NATIONS SERVICE DELIVERY IN THE FINAL SETTLEMENT AGREEMENT ON LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY SERVICES PROGRAM

WHEREAS, the Assembly of Manitoba Chiefs (AMC), through the Chiefs-in-Assembly, is mandated to protect First Nations' inherent right to self-determination and self-government and to promote, preserve and protect Aboriginal and Treaty Rights for First Nations in Manitoba; and

WHEREAS, First Nations' inherent rights and responsibilities for First Nations children have never been surrendered or transferred, so jurisdiction must be restored to First Nations; and

WHEREAS, AMC has a long history of advocating for child welfare reform which is grounded in Chiefs-in-Assembly Resolutions dating back over 30 years, including Resolution NOV-17.02: Memorandum of Understanding Between the AMC and Canada on Child Welfare, where Chiefs-in-Assembly directed Grand Chief's Office to advocate for adequate resources to restore First Nations jurisdiction in the area of families and children; and

WHEREAS, the Chiefs-in-Assembly passed Resolution FEB-24.10: Implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act* ("UNDA"), which directs the AMC Secretariat to ensure Canada's consistency with the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP"), which states:

Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals 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.

Article 3: Indigenous peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.

OCT-24.01

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RE: FIRST NATIONS SERVICE DELIVERY IN THE FINAL SETTLEMENT AGREEMENT ON LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY SERVICES PROGRAM (cont.)

Article 7.2: Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

WHEREAS, the 1991 Aboriginal Justice Inquiry Report recommended First Nations would take back control of their own child welfare, devoted to rebuilding families and supporting children through cultural ways, involving community and parents, with increased funding and training; and

WHEREAS, the first five Calls to Action in the Truth and Reconciliation Commission's Final Report (2015) address child welfare; and

WHEREAS, in January 2016, the Canadian Human Rights Tribunal (CHRT) decision: First Nations Child and Family Caring Society of Canada (FNCFCFS) et al. v. Attorney General of Canada, ordered Canada to reform the discriminatory FNCFS Program; and

WHEREAS, Canada has negotiated the Final Settlement Agreement ("FSA") on Long-term Reform of the FNCFS program with the Assembly of First Nations (AFN), Chiefs of Ontario, and the Nishnawbe Aski Nation (NAN), which aims to end the program's discriminatory practices and to ensure that First Nations children, youth, young adults, and families receive culturally relevant and equitable support services tailored to their specific needs; and

WHEREAS, AFN is hosting a vote to accept or decline the FSA on October 16-18, 2024, in Calgary, Alberta.

THEREFORE BE IT RESOLVED, that the Chiefs-in-Assembly calls on the Assembly of First Nations to amend the FSA related to service delivery (removed words are struck through with a line like this, and additional words are indicated as **underlined and bolded**):

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RE: FIRST NATIONS SERVICE DELIVERY IN THE FINAL SETTLEMENT AGREEMENT ON LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY SERVICES PROGRAM (cont.)

1. To strengthen accountability of FNCFS Agencies to First Nations, rather than ISC, by ensuring that funding is provided directly to First Nations:

39. ISC shall allocate funding under the Reformed FNCFS Funding Approach ~~between First Nations and FNCFS Agencies~~ **directly to First Nations** in a manner that respects recognizing the inherent and constitutional rights of First Nations in relation to child and family services.

~~40. The parties intend the allocations set out in this section to encourage collaboration between First Nations and FNCFS Agencies, recognizing that child and family services is a space in which both First Nations and FNCFS Agencies are active and to which each brings unique strengths. Funding shall be provided with a view to First Nations and FNCFS Agencies working together to promote the holistic well-being of children and families.~~

2. Strengthening accountability of FNCFS Agencies to First Nations, rather than ISC, by removing the requirement for First Nations and FNCFS Agencies to submit child and community well-being plans to ISC.

134: Accountability of FNCFS Agencies to the First Nations they serve is one of the principles of this Final Settlement Agreement. To uphold this principle, ~~and through its funding agreements with FNCFS Agencies under the Reformed FNCFS Program, ISC shall require FNCFS Agencies to~~ shall ~~co-~~develop a single child and community well-being plan **for approval by** with its affiliated First Nation(s). The Plan must **be approved by the affiliated First Nations(s) in writing no later than** submitted by June 30, 2026, and extend until March 31, 2029, subject to annual updates, **or further direction by the First Nation(s)**, as necessary.

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RE: FIRST NATIONS SERVICE DELIVERY IN THE FINAL SETTLEMENT AGREEMENT ON LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY SERVICES PROGRAM (cont.)

3. Ensuring that reporting requirements are reflective of each First Nations goals and priorities:

43. No later than June 30, 2025, First Nations shall ~~be required to~~ provide ISC with a multi-year plan regarding the implementation of services it is funded for under the Reformed FNCFS Funding Approach, with the exception of FNCFS capital. **This plan will be based on the unique priorities and needs identified by each First Nation.** A template plan, **offered as a guide only,** ~~for this purpose~~ is attached at Appendix 4. **The template plan is not prescriptive, allowing for flexibility and customization aligning with each First Nation's priorities.**

4. Ensuring regional representation **on all committees** in order to ensure practice guidelines, service standards, and implementation are informed by the unique needs of diverse First Nations.

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CERTIFIED RESOLUTION

CERTIFIED COPY
*of a resolution adopted
on October 7, 2024
Winnipeg, MB*

Moved by: Chief Angela Levasseur
Nisichawayasihk Cree Nation

Seconded by: Chief Jason Daniels
Swan Lake First Nation



Acting Grand Chief Betsy Kennedy

CARRIED

**ASSEMBLY OF MANITOBA CHIEFS
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**OCT-24.02
Page 1 of 7**

**RE: FUNDING COMPONENTS IN THE FINAL SETTLEMENT AGREEMENT ON
LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY
SERVICES PROGRAM**

WHEREAS, the Assembly of Manitoba Chiefs (AMC), through the Chiefs-in-Assembly, is mandated to protect First Nations' inherent right to self-determination and self-government and to promote, preserve and protect Aboriginal and Treaty Rights for First Nations in Manitoba; and

WHEREAS, First Nations' inherent rights and responsibilities for First Nations children have never been surrendered or transferred, so jurisdiction must be restored to First Nations; and

WHEREAS, AMC has a long history of advocating for child welfare reform which is grounded in Chief-in-Assembly Resolutions dating back over 30 years, including Resolution NOV-17.02: Memorandum of Understanding Between the AMC and Canada on Child Welfare, where Chiefs-in-Assembly directed Grand Chief's Office to advocate for adequate resources to restore First Nations jurisdiction in the area of families and children; and

WHEREAS, the Chiefs-in-Assembly passed Resolution FEB-24.10: Implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act* ("UNDA"), which directs the AMC Secretariat to ensure Canada's consistency with the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP"), which states:

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.

Article 3: Indigenous peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.

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**OCT-24.02
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**RE: FUNDING COMPONENTS IN THE FINAL SETTLEMENT AGREEMENT ON
LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY
SERVICES PROGRAM (cont.)**

Article 7.2: Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

WHEREAS, the 1991 Aboriginal Justice Inquiry Report recommended First Nations would take back control of their own child welfare, devoted to rebuilding families and supporting children through cultural ways, involving community and parents, with increased funding and training; and

WHEREAS, the first five Calls to Action in the Truth and Reconciliation Commission's Final Report (2015) address child welfare; and

WHEREAS, in January 2016, the Canadian Human Rights Tribunal (CHRT) decision: First Nations Child and Family Caring Society of Canada (FNCFCS) et al. v. Attorney General of Canada, ordered Canada to reform the discriminatory FNCFS Program; and

WHEREAS, Canada has negotiated the Final Settlement Agreement ("FSA") on Long-term Reform of the FNCFS program with the Assembly of First Nations (AFN), Chiefs of Ontario, and the Nishnawbe Aski Nation (NAN), which aims to end the program's discriminatory practices and to ensure that First Nations children, youth, young adults, and families receive culturally relevant and equitable support services tailored to their specific needs; and

WHEREAS, AFN is hosting a vote to accept or decline the FSA on October 16-18, 2024, in Calgary, Alberta.

THEREFORE BE IT RESOLVED, that the Chiefs-in-Assembly calls on the Assembly of First Nations to amend the FSA related to the funding components (removed words are struck through with a line like this, and additional words are indicated as **underlined and bolded**):

**ASSEMBLY OF MANITOBA CHIEFS
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**RE: FUNDING COMPONENTS IN THE FINAL SETTLEMENT AGREEMENT ON
LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY
SERVICES PROGRAM (cont.)**

1. All funding allocations to First Nations be determined by the recipient First Nation's population, on and off reserve, including any person that the First Nation deems to be a member or citizen of the First Nation.
 35. For the components of the Reformed FNCFS Funding Approach which under this Final Settlement Agreement are to be adjusted for population or to be calculated on a per capita basis, the population of a First Nation shall be the First Nation's population on-reserve, on Crown land, or in Yukon shall be drawn from the Indian Registration System, **on and off-reserve, in accordance with that First Nation's membership or citizenship laws, reported** as of September 30th of the year preceding the year in respect to which the population adjustment will apply.

2. All funding allocations to First Nations, including Ontario, must be distributed in a manner that reflects the principle of substantive equality. This could be done in various ways: for example:
 - all Ontario-specific funding formulas could be removed from the FSA (for example, 17, 26, 77, 78);
 - First Nations may request regional modifications such as:
 45. ~~The Parties acknowledge that a~~ A First Nation or a regional or sub-regional organization may ~~seek to discuss with Canada~~ **negotiate** modifications to the Reformed FNCFS Program and the allocations thereunder, ~~but~~ Canada shall ~~not be obligated to provide any~~ additional funding to that First Nation or regional or sub-regional organization **based on a negotiated approach in a manner that reflects the principle of substantive equality.** ~~beyond what is provided by the Reformed FNCFS Funding Approach.~~

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**RE: FUNDING COMPONENTS IN THE FINAL SETTLEMENT AGREEMENT ON
LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY
SERVICES PROGRAM (cont.)**

- Or the FSA could be amended in various sections to strengthen substantive equality, for example:

24. First Nations Representatives are advocates for First Nations in matters relating to the delivery of services to their citizens by a child welfare agency. The roles and responsibilities of First Nations Representatives are defined by the First Nations, considering the unique needs of its citizens and the duties of such representatives as provided for in applicable provincial, territorial and federal child welfare legislation. First Nations Representative Services funding is intended to:

- (a) support the cultural needs of First Nations children, youth and families;
 - (b) support connecting First Nations children, youth, and families with the lands, languages, cultures, practices, customs, traditions, ceremonies and knowledge of their First Nation and helping families access supports;
 - (c) support repatriation of children to their communities; and
 - (d) ensure that the rights of First Nations children and youth and the rights of First Nations are respected in the child and family services system; **and**
 - (e) **be distributed to all First Nations, including Ontario, in a manner that reflects the principle of substantive equality.**
3. ISC continues to accept capital funding requests pursuant to the 2021 CHRT 41 process throughout the term of the agreement, or at a later date as determined by First Nations.

59. (a): ~~Commencing on April 1, 2025~~, ISC shall ~~no longer~~ accept funding requests under the 2021 CHRT 41 process **throughout the term of this Agreement.**

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**RE: FUNDING COMPONENTS IN THE FINAL SETTLEMENT AGREEMENT ON
LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY
SERVICES PROGRAM (cont.)**

~~b) For greater clarity, ISC shall continue to process capital funding requests that are received on or before March 31, 2025 and fund those requests that are approved, pursuant to 2021 CHRT 41. Requests received shall include requests that are paused or pending approval from ISC as of March 31, 2025.~~

4. Extend the existing housing commitment of \$1.7906 billion for four fiscal years to the full 10-year term of the FSA with an additional \$2.7 billion.

103. Canada shall provide funding in the amount of ~~\$1.79~~ **an additional \$2.7 billion** ~~over fiscal years 2024-2025, 2025-2026, 2026-2027, and 2027-2028~~ **up until March 31, 2034, amounting to \$4.49 billion**, to First Nations to support the purchase, construction, and renovation of housing units in First Nations for the purposes of preventing First Nations children from being taken into care and of supporting reunification where housing is a barrier.

5. Canada entrenches the reformed FNCFS funding approach into federal legislation to ensure its longevity and stability beyond the FSA's 10-year term.

97. In considering the Reform Implementation Committee's Second Program Assessment Opinion, Canada shall ~~consider the viability of embedding~~ **embed** the Reformed FNCFS Funding Approach, and any recommended changes thereto, in legislation.

6. Expand the Dispute Resolution Tribunal's jurisdiction to order Canada to fund new components of the Reformed FNCFS Funding Approach or increase funding for existing components of the Reformed FNCFS Funding Approach.

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**OCT-24.02
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**RE: FUNDING COMPONENTS IN THE FINAL SETTLEMENT AGREEMENT ON
LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY
SERVICES PROGRAM (cont.)**

241. The Dispute Resolution Tribunal does not have jurisdiction to **make significant amendments to the Final Settlement Agreement or the FNCFS program, except in specific cases outlined in this Agreement, including:**

- ~~a. amend any provision of this Final Settlement Agreement;—~~
- ~~b. award general damages, punitive damages, or damages for discrimination;—~~
- a. **in order to fund new components of the Reformed FNCFS Funding Approach;**
- b. **in order to increase funding for existing components of the Reformed FNCFS Funding Approach;**
- c. ...

7. Paragraph 45 be amended to obligate Canada to provide any additional funding as negotiated by the First Nation or region organization that may be outside the scope of the existing funding components of the Reformed FNCFS Funding Approach.

45. The Parties acknowledge that a First Nation or a regional or sub-regional organization may seek to discuss with Canada modifications to the Reformed FNCFS Program and the allocations thereunder. but Canada shall not be obligated to provide any additional funding to that First Nation or regional or sub-regional organization beyond what is provided for by the Reformed FNCFS Funding Approach. **Canada may provide additional funding outside the scope of the existing funding components of the Reformed FNCFS Funding Approach.**

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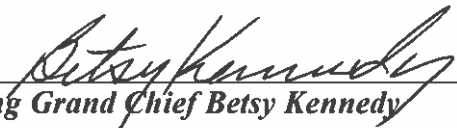
**RE: FUNDING COMPONENTS IN THE FINAL SETTLEMENT AGREEMENT ON
LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY
SERVICES PROGRAM (cont.)**

8. The Post-Majority Support Services funding commitment of \$795.8 million be adjusted for inflation annually.

31. The amount of \$795.8 million includes an amount for inflation and shall not be further adjusted for inflation. However, this amount **which** shall be upwardly adjusted **for inflation, and** in the manner set out in paragraph 32 and Appendix 12 to account for the increased costs of delivering services in remote communities, subject to the transition provisions for fiscal year 2024-2025 set out in subparagraph 52(h)(iii).

32. Where a First Nation's 2021 Index of Remoteness score is 0.4 or greater, **or where a First Nation's Isolation Index is 40%**, ISC shall upwardly adjust the funding of the First Nation and/or its affiliated FNCFS Agency for those components of the Reformed FNCFS Funding Approach that are to be adjusted for remoteness. ISC shall use the RQAF to make that adjustment. The calculation for the adjustment is detailed in Appendix 12.

CERTIFIED COPY
*of a resolution adopted
on October 7, 2024
Winnipeg, MB*



Acting Grand Chief Betsy Kennedy

Moved by: Councillor Cindy McKay
Proxy for Pine Creek First Nation

Seconded by: Councillor Marie Wood
Proxy for St. Theresa Point First Nation

CARRIED

**ASSEMBLY OF MANITOBA CHIEFS
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**OCT-24.03
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RE: DISPUTE RESOLUTION PROCESSES IN THE FINAL SETTLEMENT AGREEMENT ON LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY SERVICES PROGRAM

WHEREAS, the Assembly of Manitoba Chiefs (AMC), through the Chiefs-in-Assembly, is mandated to protect First Nations' inherent right to self-determination and self-government and to promote, preserve and protect Aboriginal and Treaty Rights for First Nations in Manitoba; and

WHEREAS, First Nations' inherent rights and responsibilities for First Nations children have never been surrendered or transferred, so jurisdiction must be restored to First Nations; and

WHEREAS, AMC has a long history of advocating for child welfare reform which is grounded in Chief-in-Assembly Resolutions dating back over 30 years, including Resolution NOV-17.02: Memorandum of Understanding Between the AMC and Canada on Child Welfare, where Chiefs-in-Assembly directed Grand Chief's Office to advocate for adequate resources to restore First Nations jurisdiction in the area of families and children; and

WHEREAS, the Chiefs-in-Assembly passed Resolution FEB-24.10: Implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act* ("UNDA"), which directs the AMC Secretariat to ensure Canada's consistency with the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP"), which states:

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.

Article 3: Indigenous peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.

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**OCT-24.03
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RE: DISPUTE RESOLUTION PROCESSES IN THE FINAL SETTLEMENT AGREEMENT ON LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY SERVICES PROGRAM (cont.)

Article 7.2: Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

WHEREAS, the 1991 Aboriginal Justice Inquiry Report recommended First Nations would take back control of their own child welfare, devoted to rebuilding families and supporting children through cultural ways, involving community and parents, with increased funding and training; and

WHEREAS, the first five Calls to Action in the Truth and Reconciliation Commission's Final Report (2015) address child welfare; and

WHEREAS, in January 2016, the Canadian Human Rights Tribunal (CHRT) decision: First Nations Child and Family Caring Society of Canada (FNCFCFS) et al. v. Attorney General of Canada, ordered Canada to reform the discriminatory FNCFS Program; and

WHEREAS, Canada has negotiated the Final Settlement Agreement ("FSA") on Long-term Reform of the FNCFS program with the Assembly of First Nations (AFN), Chiefs of Ontario, and the Nishnawbe Aski Nation (NAN), which aims to end the program's discriminatory practices and to ensure that First Nations children, youth, young adults, and families receive culturally relevant and equitable support services tailored to their specific needs; and

WHEREAS, AFN is hosting a vote to accept or decline the FSA on October 16-18, 2024, in Calgary, Alberta.

THEREFORE BE IT RESOLVED, that the Chiefs-in-Assembly calls on the Assembly of First Nations to amend the FSA related to the proposed dispute resolution process (removed words are struck through with a line ~~like this~~, and additional words are indicated as **underlined and bolded**):

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*OCT-24.03
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RE: DISPUTE RESOLUTION PROCESSES IN THE FINAL SETTLEMENT AGREEMENT ON LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY SERVICES PROGRAM (cont.)

1. Ensure that a qualified and suitable Dispute Resolution Tribunal President is appointed.

266: The President shall be appointed by the Governor in Council, on the recommendation of ~~the Minister of ISC~~ **the National Chief of the AFN, following consultation with based on the recommendations of the Parties: the First Nations-in-Assembly.** The President may be appointed for a second term.

2. Ensure representation of First Nations in the Roster of Adjudicators.

273. **The President shall give preference to persons recognized as citizens or members of a First Nation when selecting Adjudicators. In addition,** the President shall select Adjudicators who:

- (a) shall be persons who have expertise in the matters addressed by this Final Settlement Agreement; or
 - (b) shall have experience with First nations government social program, child welfare and child well-being;
 - (c) shall be practicing lawyers in good standing with a provincial or territorial governing body, or shall be retired judges; and
 - (d) shall be persons who have demonstrated objectivity, reliability and sound judgement; and
 - (e) in addition to the requirements above, individuals who are recognized Elders or Knowledge Keepers in a First Nation must be selected amongst the Adjudicators.
3. Ensure regional representation and gender parity in the composition of the Roster of Adjudicators.

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OCT-24.03
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RE: DISPUTE RESOLUTION PROCESSES IN THE FINAL SETTLEMENT AGREEMENT ON LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY SERVICES PROGRAM (cont.)

275. The President shall ~~aspire to~~ **ensure** gender parity and regional representation in the composition of the Roster of Adjudicators.

4. Empower the Tribunal to expand its jurisdiction.

241. The Dispute Resolution Tribunal does not have jurisdiction to **make significant amendments to the Final Settlement Agreement or the FNCFS program, except in specific cases outlined in this Agreement, including:**

- a. ~~amend any provision of this Final Settlement Agreement;~~
- b. ~~award general damages, punitive damages, or damages for discrimination;~~
- c. **in order to fund new components of the Reformed FNCFS Funding Approach;**
- d. **in order to increase funding for existing components of the Reformed FNCFS Funding Approach;**

CERTIFIED COPY
*of a resolution adopted
on October 7, 2024
Winnipeg, MB*



Acting Grand Chief Betsy Kennedy

Moved by: Chief EJ Fontaine
Sagkeeng First Nation

Seconded by: Chief Angela Levasseur
Nisichawayasihk Cree Nation

CARRIED

ASSEMBLY OF MANITOBA CHIEFS
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OCT-24.04
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**RE: THE RECOGNITION OF RIGHTS IN THE FINAL SETTLEMENT AGREEMENT
ON LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY
SERVICES PROGRAM**

WHEREAS, the Assembly of Manitoba Chiefs (AMC), through the Chiefs-in-Assembly, is mandated to protect First Nations' inherent right to self-determination and self-government and to promote, preserve and protect Aboriginal and Treaty Rights for First Nations in Manitoba; and

WHEREAS, First Nations' inherent rights and responsibilities for First Nations children have never been surrendered or transferred, so jurisdiction must be restored to First Nations; and

WHEREAS, AMC has a long history of advocating for child welfare reform which is grounded in Chief-in-Assembly Resolutions dating back over 30 years, including Resolution NOV-17.02: Memorandum of Understanding Between the AMC and Canada on Child Welfare, where Chiefs-in-Assembly directed Grand Chief's Office to advocate for adequate resources to restore First Nations jurisdiction in the area of families and children; and

WHEREAS, the Chiefs-in-Assembly passed Resolution FEB-24.10: Implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act* ("UNDA"), which directs the AMC Secretariat to ensure Canada's consistency with the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP"), which states:

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.

Article 3: Indigenous peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.

**ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly
CFS Long-Term Reform**

CANAD INNS DESTINATION CENTRE CLUB REGENT CASINO HOTEL
1415 Regent Avenue West, Winnipeg, Manitoba
Winnipeg MB

October 7, 2024

CERTIFIED RESOLUTION

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RE: THE RECOGNITION OF RIGHTS IN THE FINAL SETTLEMENT AGREEMENT ON LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY SERVICES PROGRAM (cont.)

Article 7.2: Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

WHEREAS, the 1991 Aboriginal Justice Inquiry Report recommended First Nations would take back control of their own child welfare, devoted to rebuilding families and supporting children through cultural ways, involving community and parents, with increased funding and training; and

WHEREAS, the first five Calls to Action in the Truth and Reconciliation Commission's Final Report (2015) address child welfare; and

WHEREAS, in January 2016, the Canadian Human Rights Tribunal (CHRT) decision: First Nations Child and Family Caring Society of Canada (FNCFCS) et al. v. Attorney General of Canada, ordered Canada to reform the discriminatory FNCFS Program; and

WHEREAS, Canada has negotiated the Final Settlement Agreement ("FSA") on Long-term Reform of the FNCFS program with the Assembly of First Nations (AFN), Chiefs of Ontario, and the Nishnawbe Aski Nation (NAN), which aims to end the program's discriminatory practices and to ensure that First Nations children, youth, young adults, and families receive culturally relevant and equitable support services tailored to their specific needs; and

WHEREAS, AFN is hosting a vote to accept or decline the FSA on October 16-18, 2024, in Calgary, Alberta.

THEREFORE BE IT RESOLVED, that the Chiefs-in-Assembly calls on the Assembly of First Nations to amend the FSA related to governance structure (removed words are struck through with a line ~~like this~~, and additional words are indicated as **underlined and bolded**):

**ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly
CFS Long-Term Reform**

CANAD INNS DESTINATION CENTRE CLUB REGENT CASINO HOTEL
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**RE: THE RECOGNITION OF RIGHTS IN THE FINAL SETTLEMENT AGREEMENT
ON LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY
SERVICES PROGRAM (cont.)**

1. Ensure regional representation **throughout all committees**, through the inclusion of a Manitoba representative appointed by the AMC.

2. Recognition of First Nations sovereignty and the rights of First Nations to free, prior and informed consent in line with the *United Nations Declaration on the Rights of Indigenous Peoples*:

Insert in General Provisions:

X. Nothing in this Agreement shall be interpreted in any manner that diminishes, alters, or infringes upon the inherent sovereignty, rights or autonomy of a First Nation. The First Nation retains its jurisdiction over its lands, resources, citizens and affairs in accordance with its laws, customs and traditions.

X. The Parties acknowledge and affirm the rights of First Nations to free, prior and informed consent on any matters that may affect their lands, territories, resources, culture, governance or citizens. No action, development or decision under this Agreement shall be taken or implemented without the free prior and informed consent of First Nations which shall be obtained through good faith consultation and collaboration.

**ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly
CFS Long-Term Reform**

CANAD INNS DESTINATION CENTRE CLUB REGENT CASINO HOTEL
1415 Regent Avenue West, Winnipeg, Manitoba
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October 7, 2024

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**RE: THE RECOGNITION OF RIGHTS IN THE FINAL SETTLEMENT AGREEMENT
ON LONG-TERM REFORM OF THE FIRST NATIONS CHILD AND FAMILY
SERVICES PROGRAM (cont.)**

CERTIFIED COPY
*of a resolution adopted
on October 7, 2024
Winnipeg, MB*



Acting Grand Chief Betsy Kennedy

Moved by: Chief Angela Levasseur
Nisichawayasihk Cree Nation

Seconded by: Chief EJ Fontaine
Sagkeeng First Nation

CARRIED