

TRIBAL COUNCIL RESOLUTION
OKANAGAN NATION JURISDICTION OVER CHILDREN AND FAMILIES
February 07, 2003

WHEREAS: Indigenous people have the collective right to live in freedom, peace and security as distinct peoples and to full guarantees against genocide of any other act of violence including the removal of indigenous children from the families and communities under any pretext; and

WHEREAS: The Okanagan *Syilx* Nation is the Indigenous Nation of Okanagan territory; and

WHEREAS: The Okanagan Nation Alliance has an undeniable responsibility and mandate to ensure the cultural integrity, safety and well-being of all indigenous children and families; and

WHEREAS: The Okanagan Nation has the overall jurisdiction to govern the affairs of Child and Family Welfare and as an interim measure the Okanagan Nation Alliance has committed to participate in the regionalization of child welfare under the Province of British Columbia auspice; and

THEREFORE BE IT RESOLVED:

That the Okanagan Nation Alliance Interior Region Aboriginal Authority representative directs the Interior Region Aboriginal Authority to prioritize the following:

That a Legal opinion be undertaken and provided to all respective Chiefs of the Interior Region Nation's and other respective members which will address the following:

1. what is the legislative umbrella for the Aboriginal Authorities?
 - (i) if all of the requisite legislation authorizing the Authorities is not yet in place, what amendments should the IRAA recommend?
2. does the Province have the constitutional jurisdiction to establish Aboriginal Authorities?
3. assuming that the First Nations want to protect their inherent rights to care for their children:
 - (i) how does the provincial IRAA impact on those aspirations?

- (ii) what changes are needed to the proposed IRAA in order to protect First Nations' aspirations:
 - (a) in the short term?
 - (b) in the long term?
 - (iii) what, if any, mechanisms are available for First Nations to utilize in order to protect these aspirations? (Examples of mechanisms might be Band By-laws, First Nation Laws, amendments to the *Indian Act*, or federal child welfare legislation.)
4. assuming that the First Nations participate in the IRAA, what agreements could be in place, or what other recommendations are there to:
- (i) ensure that this participation is transitional?
 - (ii) ensure that each First Nation has sufficient autonomy to address their particular needs?
 - (iii) ensure that this participation does not diminish or otherwise derogate from the inherent right of self-government or any other right protected by s. 35 of the *Constitution Act, 1982*.
5. what is the constitutional role of the federal government in relation to the well being of Okanagan children?
- (i) and does the role differ for children living on or off reserve?

WHEREAS: The Okanagan Nation Chiefs Executive committee recognize and acknowledge that this initial legal analysis is not an exhaustive list;

WHEREAS: That the Interior Region Aboriginal Authority will submit to the Chiefs in a timely manner copies of this analysis for their review and consideration;

FINALLY BE IT THEREFORE RESOLVED

That the Okanagan Nation Alliance fully adopt and endorse the Union of British Columbia Chiefs position paper "*Calling forth our future*" as the principal statement guide that will assist with the development and practice of an Okanagan Nation Child and Family Services policy.