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February 24, 2025

Sent via E-mail

Canadian Human Rights Tribunal
240 Sparks Street, 6th Floor West
Ottawa, ON K1A 1J4
Attention: Ms. Judy Dubois, Registry Officer

Dear Ms. Dubois:

**Re: FNCFCS and AFN v. AGC
Your File No. T1340/7009**

We write as counsel for Chiefs of Ontario (“COO”) in response to the Panel’s letter dated February 10, 2025 that sought the views of the Parties on issues relating to concluding long-term reform and ending the Tribunal’s jurisdiction over the complaint, and further to the request of counsel for the First Nations Child and Family Caring Society (the “Caring Society”) requesting a change in the order of submissions and deadlines, by email dated February 19, 2025.

Specifically, the Panel’s letter indicated that while the Tribunal has been flexible thus far and while there has been an emphasis on consultation, in the face of years of delay other options may be considered to move forward with long-term reform in accordance with the best interest of First Nations children. The letter requested the Parties’ views on this matter.

COO is amenable to an extension of time as to Caring Society’s submissions, no matter what the Panel’s decision is regarding timelines and order of submissions. COO takes no position as to order of submissions and timelines in the motion.

On behalf of our client, we provide an update and context to our participation in submissions on this matter, and as to the status of Long-Term Reform of the FNCFS program in Ontario for all parties’ information and as context for our response to the Panel’s query.

The Status of National Long-Term Reform of the FNCFS Program

In July 2024, the Assembly of First Nations, COO, Nishnawbe Aski Nation (“NAN”), and Canada reached a draft Final Agreement on Long-Term Reform of the FNCFS Program (the “national agreement”). The national agreement provided for \$47.8 billion to implement national reforms to the FNCFS Program.

On October 9 and 10, 2024, NAN Chiefs-in-Assembly and Ontario Chiefs-in-Assembly ratified the national agreement at their Special Chiefs Assemblies. On October 17, 2024, the national agreement was voted on by the First Nations-in-Assembly of the AFN and rejected.

Since then, as the Caring Society has reported in its motion regarding Canada’s consultation on Long-Term Reform, there have been no negotiations toward a new national agreement, and Canada has reported it has no mandate to enter into negotiations on the terms proposed.

The Status of Long-Term Reform of the FNCFS Program in Ontario

COO respects that the Chiefs in other regions were not agreeable to move ahead with the proposed reforms, as is their right. COO and NAN have been working closely together on long-term reform that suits the needs of First Nations in Ontario and as mandated by our respective Chiefs-in-Assembly to do so. Ontario Regional Chief Abram Benedict and Grand Chief Alvin Fiddler formally invited Canada to enter into negotiations to achieve reform to the FNCFS Program in Ontario. On December 30, 2024, Canada announced to COO and NAN it had received a mandate to negotiate with COO and NAN to implement the reforms contained in the rejected national agreement, but specifically in Ontario.

A provisional Ontario Final Agreement and the Trilateral Agreement Respecting the 1965 Agreement were reached on February 10, 2025 and will be the subject of ratification votes by the NAN Chiefs and Ontario Chiefs-in-Assembly on February 25 and 26, 2025 respectively.

If the draft agreements are ratified by the NAN and Ontario Chiefs, COO expects to bring a joint motion in March—along with NAN and Canada—seeking a Tribunal order that the draft Ontario Final Agreement and the Trilateral Agreement Respecting the 1965 Agreement meet the Tribunal’s prior orders and consequently that the Tribunal’s jurisdiction over the long-term reform of the FNCFS Program in Ontario (but not Jordan’s Principal) is ended. We have conferred with counsel for NAN and Canada and anticipate that after the filing of the motion we can work with all Parties and the Panel to determine a filing schedule for evidence and the hearing of the motion.

COO’s Position

So, it is provisionally and with great hope that I can convey that COO and NAN hope to present a plan for long-term reform of the FNCFS program in Ontario in the near future,

and as such COO does not take positions on the order or date of submissions in the matter of the Panel's request for submissions about long term reform at this time. COO reserves its right to make submissions on this question and will do so on any timeline set by the Panel.

COO would appreciate an opportunity to update the Panel by February 28, 2025 on the status of the ratification of the two draft agreements.

We trust the above is satisfactory. If there are any questions about COO's position, please advise and we will do our best to address them.

Yours truly,
Olthuis, Kloor, Townshend LLP



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MW/slz

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