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OPEN LETTER
The Honourable Mandy Gull-Masty, P.C., M.P.
Minister of Indigenous Services
House of Commons
Ottawa, ON K1 A 0A6
Via e-mail

Re: Canada's alignment of coordination agreement funding with the Reformed First Nations Child and Family Services Program - First Nations call for accountability

Dear Minister Gull-Masty,

We write in support of Chief Archibald of Taykwa Tagamou Nation as my Council and I agree that the letter from Indigenous Services Canada regarding the realignment of coordination agreements impacts more than the situation it claims to.

You yourself have publicly stated on many occasions you will support the direction Nations choose for themselves and their families, most recently, to my knowledge, in a presentation to the Assembly of First Nations Annual General Assembly. The letter extends this support to Canada's position.

Canada's actions and Canada's words are reminiscent of Trump's signature in pencil: statements that could be intercepted by the general public, and our membership, say one thing while your actions in court, in front of the Canadian Human Rights Tribunal, and in the details of the terms and conditions of your programs say another.

For the past 40+ years, many First Nations have been working hard to achieve transparency and sufficiency in Canada's First Nations Child and Family Services Program. We have expressed our collectively concern that the structure and amount of funding under Directive 20-1 was problematic in 1991; Canada implemented it anyway. This decision led to the requirement for the Nations to pursue resolution through the Canadian Human Rights Tribunal (CHRT) and battle that took 20 years. This battle is still underway, with Canada doing everything in its power to avoid putting in place a social services framework that would allow our families and communities to heal from Canada's longstanding child welfare policies. Canada agreed in multiple legal proceedings that government policies were the root of the continued removal of children from their families. Paternalistic decrees of policy without feedback from the Nations will not fix this.

While our concerns with the impacts and implications of the August 6th letter are vast, we highlight the most critical issues below.

Inherent rights & Treaty rights

The Supreme Court of Canada decision regarding *An Act respecting First Nations, Inuit and Metis children, youth and families, 2019* confirmed that the Act affirms the inherent right of self-government recognized and affirmed by Section 35 of the Constitution Act, 1982, including jurisdiction in relation to

Indigenous child and family services. The court confirmed the Act establishes a framework through which First Nations and other Indigenous communities may exercise their legislative authority over children and family services, however the decision also acknowledged that First Nations neither surrendered nor gave up their right to make and be governed by their own laws, especially regarding child and family services.

The Supreme Court held that "the Crown must take a broad approach to the interpretation of this right, in addition to creating minimum standards applicable across Canada for how children and family services must be provided to our children."

A policy that limits the exercise of inherent rights to funding frameworks set by Canada does not do this.

The Court also implemented aspects of the United Nations Declaration on the Rights of Indigenous Peoples in Canadian law, some of which are referenced in the next section.

Canada's unwillingness to adhere to its own legislative processes

Article 38 of the UNDRIP provides that "States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of the Declaration."

Canada has incorporated UNDRIP into its own legislative framework with the *UNDRIP Act,* and yet continues to unilaterally impose policies on our people that limit our ability to achieve the ends of the declaration. Canada further interrupts the legislative processes designed by Canada with the August 6th letter. The 5-year review of *An Act respecting First Nations, Inuit and Métis children, youth and families,* while late, is currently underway. Canada has issued funds to First Nations in order to consult with their members on the impacts and any potential changes required to this legislation. The unilateral proclamation that any future negotiations for coordination agreements will be constrained renders this exercise pointless.

Canada's unwillingness to acknowledge the powers of the Canadian Human Rights Tribunal

The August 6th letter states: *"At your next coordination agreement discussion table meeting, Indigenous Services Canada (ISC) officials will provide additional information on the updated funding approach, discuss its application to your coordination agreement, and respond to any questions that you may have".*

Assuming the timing of such tables for some Nations will fall within the next year, while other Nations are in active negotiations today, it will be impossible for Canada to communicate the parametres of a reformed FNCFS program in a manner that will not further diminish the clarity and transparency of child and family services for our members. There are currently two plans in front of the CHRT, with oral hearings anticipated in the first months of 2027, and a decision summer or fall 2027 As the long term reform of Canada's FNCFS program remains under CHRT jurisdiction at this time, it is notpossible today for Canada to know what a reformed program will look like today

Certainty to staged approach has been removed

My Council and I agree with Chief Archibald's statement: *"Canada cannot apologize for removing children from our laws, families, cultures, and communities, and then use program funding to limit the jurisdiction First Nations are exercising to keep children connected to them. Recognition of jurisdiction*

without the means to implement it is not reconciliation. Fiscal arrangements for First Nations laws must therefore be sustainable, needs-based, and tied to each Nation's law, service model, and children's needs".

CLFN has diligently undertaken capacity building efforts alongside the drafting of our own law for nearly six years in an effort to take advantage of the mechanism Canada laid out. As a Nation not attached to a delegated agency, it has taken this long to build capacity, bring the workers and support staff to our community and do it right. We have in fact moved to setting up our own delegated agency this past year as an interim measure, and to be able to access the resources required to ensure our children are taken care of in a good way.

In a single sentence in her August 6th letter, the ADM's commentsrenders these efforts meaningless. It says "funding for on-reserve child and family services will align with reforms of the First Nations Child and Family Services Program", and that "this funding approach will guide fiscal discussions as negotiations toward your coordination agreement continue".

CLFN did not receive this letter, as we do not have an active coordination agreement. However we support those Nations that did receive the letter and we condemn these actions on the part of CanadaThe barriers put in place by this latest federal policy to Nations' ability to exercise their inherent jurisdiction are huge.

It is impossible to create our own framework for the protection of our children in a manner consistent with our traditions and culture if the framework is already set. Your department's letter removes all certainty to the staged approach we have been pursuing.

Canada's colonial practice of division continues

Canada's choice to send the August 6th letter to only those Nations who have an existing coordination agreement under *An Act Respecting First Nations, Inuit and Métis Children Youth and Families* limits the dispersion of information regarding a changed policy to only a subset of Nations, while all Nations in Canada will be impacted.

The decisions our Nations take with regards to exercising inherent jurisdiction are informed by the policies and legislative frameworks we are aware of. Like Canada, which observes the political and policy ecosystem it finds itself in before undertaking decisions of its own, so too do our Nations. In the absence of Chief Archibald's open letter my Nation would be unaware of the proposed shift in Canada's policy. Canada's divide and conquer tactics must stop.

From bilateral agreements with the provincial and territorial governments concerning the treatment of our children and the supports they can access to the provision of opportunities for the Nations to address past policy harms only behind closed doors and under confidentiality agreements, Canada continues to perpetuate old colonial practices of division.

In order to even begin requesting data on our own children from Alberta Children's Services, we had to go to the length of requesting a letter of permission from Canada to do so because we were not part of the underlying agreement and anticipated being caught between the two parties.

Increased Regional Uncertainty

The policies of division are alive within our own region. CLFN hosted a Chiefs' Summit on CFS for the Assembly of Treaty Chiefs on Aug 13th and 14th 2026 Many not to attend because they could not speak

candidly on the subject due to confidentiality agreements. Under this setting, Canada alone holds the full information as to what is possible, and what is not, as we continue working to protect our children.

Our children are not barrels of oil. The child that belongs to one Nation may be equally claimed by another Nations and needs to receive the same level of support in the community they they choose to reside. Our families have been here since time immemorial and have been pushed into distinct communities with administrative boundaries due to Canada's policies.First Nations communities are linked by family ties andchildren needing support may have appropriate kinship care in another community than the one they are registered to. By encouraging a regional approach to the Long-Term Reform of FNCFS, sometimes at a Treaty or individual community level, Canada is creating a situation where children have different support funding frameworks and governance depending on which community their caregivers belong to.

The discrimination found by the CHRT identified clear differences between on and off reserve services. Canada's recent approach has been to create differences between and among First Nations. Moreover, far from removing the discrimination the CHRT found in 2 CHRT 2016, these actions simply shifts the discrimination to between Nations.

In addition, Canada's actions remove the ability for Nations to access the mechanism put in place by Canada to exercise their inherent rights to care for their own children, in their own way. In multiple legal proceedings, and as recently as the multi-day hearings on the Ontario Final Agreement for the FNCFS program in that region, Canada has stated that if Nations don't want their families to be impacted by the FNCFS program they need only choose to exercise their jurisdiction. The letter of August 6th makes clear that the C-92 off-ramp from being under Canada's thumb has formally been closed.

Finally, at a time when the Alberta Separatist movement and the upcoming referendum are putting previously unknown levels of pressure on First Nations in Alberta, we have repeatedly, loudly, collectively, and legally defended the Canadian federation.. No less than half of the questions have real and serious implications for the Constitution of Canada. If we cannot trust Canada to adhere to its own legislation or respect the decisions of the Canadian Human Rights Tribunal then how can we have faith that Canada will protect s.35 of the Charter of Rights and Freedoms should the Canadian constitution be opened for negotiation?

I urge you to carefully consider the words in this letter and the recognition that I offer them in good faith, in the spirit of transparency and the awareness that Truth is required before Reconciliation. We expect a positive response from your Ministry which supports a clear path forward for First Nations led solutions to protect and care for our own children.



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