

February 28, 2025

Sent by e-mail

National Chief Cindy Woodhouse Nepinak
Assembly of First Nations
46 Irene Roundpoint Lane
Akwesane, Ontario K6H 0G5
E-mail: nationalchief@afn.ca

Greetings AFN National Chief Woodhouse Nepinak:

RE: Immediate Need for Action

On behalf of the National Children's Chiefs Commission (Commission), I am writing once again to urge the Assembly of First Nations (AFN) to take immediate action to re-engage in negotiations toward long-term reform of the First Nations Child and Family Services (FNCFS) program and Jordan's Principle. As we have highlighted in our previous correspondence, time-sensitive matters are currently unfolding at the Canadian Human Rights Tribunal (CHRT) that require our urgent and unwavering attention.

Specifically, the Caring Society's motion on Canada's non compliance with the consultation protocol and reconciliation, which is directly tied to Long Term Reform, has strict timelines that must be adhered to in order to avoid further delays in securing justice for First Nations children. The Caring Society's motion is fully aligned with AFN Resolution 90/2024 TBIR #3, which directs Canada to obtain a new negotiation mandate within thirty (30) days of the resolution passing. Furthermore, TBIR #4 calls for support to regions, parties, and the Commission to undertake legal action should Canada fail to obtain this new negotiation mandate within the specified timeline.

In alignment with these First Nations-in-Assembly resolutions, the NCCC has also submitted a letter of support for the motion. However, further urgent action is required, as outlined in our letter to you dated February 19. As a crucial first step, we request that you immediately instruct your legal counsel, Adam Williamson, to collaborate with our legal counsel, Scott Smith and Liam Smith, in the ongoing CHRT proceedings.

At the same time, the NCCC is actively seeking to establish a letter of commitment with Canada. This letter would set out immediate commitments and a framework for the renewal of negotiations. However, we are facing a significant roadblock: Canada is refusing to engage with the NCCC, citing confusion regarding the role of the Commission. As you are aware, the First Nations-in-Assembly have provided clear and unequivocal instructions regarding the Commission's role, as reflected in the following AFN Resolutions:

- AFN Resolution 60/2024 TBIR #2(a) calls for the Commission to work openly and transparently to provide strategic direction and oversight of the Long-Term Reform agreements negotiations.
- AFN Resolution 61/2024 TBIR #1 directs the Commission to renegotiate the draft FSA in accordance with the instructions of First Nations-in-Assembly.
- AFN Resolution 89/2024 TBIR #4 mandates the Commission to meet as soon as practicable to immediately commence work on long-term reform agreements.
- AFN Resolution 88/2024 TBIR #1 directs Canada and the AFN to publicly and fully commit to respecting and following the direction of First Nations-in-Assembly arising from Resolutions 60/2024 and 61/2024.

There is no reasonable justification for the confusion expressed by Minister Hajdu regarding the role of the Commission, unless she is questioning the authority of the First Nations-in-Assembly. It is imperative that the AFN take immediate steps to clarify the role of the Commission, and reassert the directives of First Nations-in-Assembly.

To that end, we have enclosed a draft letter to be sent jointly from the Commission and the AFN to Canada. This letter will provide unambiguous instructions regarding the role of the Commission and reinforce our shared commitment to ensuring the long-term reform of FNCFS and Jordan's Principle, as mandated by the First Nations-in-Assembly.

I am requesting an immediate response from you—no later than 1:00pm (EST) on Monday, March 3—confirming your willingness to jointly send the attached letter to Canada. I am also requesting an immediate response within the same time period regarding a rescheduled joint meeting of the AFN Executive and the National Children's Chiefs Commission.

The Commission looks forward to your immediate action on this matter and to collaborating with the AFN to achieve meaningful progress on behalf of First Nations children and families.

Sincerely,



Chief Pauline Frost
Chair, NCCC

c: NCCC
AFN Executive