

The Trilateral Agreement in Respect of Reforming the 1965 Agreement (referred to as the “Trilateral Agreement”) is a provisional agreement reached by Chiefs of Ontario, Nishnawbe Aski Nation, and Canada that details how the parties will work together to drive forward comprehensive reform of the *1965 Indian Welfare Agreement*.

Background

1965 INDIAN WELFARE AGREEMENT

In 2016, the CHRT ordered Canada to reform the *1965 Indian Welfare Agreement* (the “1965 Agreement”) – a cost-sharing agreement between Canada and Ontario that sets out the formula Canada uses for reimbursing Ontario for the cost of delivering social assistance, childcare, homemaking, and child and family services on-reserve.

Work to reform the 1965 Agreement has not yet begun.

The provisional Final Agreement on Long-Term Reform of the First Nations Child and Family Services Program in Ontario (referred to as the “Ontario Final Agreement”) contains a commitment from Canada to work with COO and NAN on an expedited basis to pursue reform of all program areas covered under the 1965 Agreement with the Government of Ontario – not just child and family services on-reserve. The Trilateral Agreement picks up where the Final Agreement leaves off, detailing how COO, NAN, and Canada will work together.

The Trilateral Agreement would come into effect on April 1, 2025 if it is ratified by NAN Chiefs-in-Assembly and COO Chiefs-in-Assembly at the upcoming Special Chiefs Assemblies (details below).

The Trilateral Agreement contains the following commitments:

- commitment by COO, NAN, and Canada to **create a work plan** outlining how we will reach out to the Government of Ontario and identifying substantive subjects for discussion with the Government of Ontario by May 31, 2025
- **funding to COO and NAN** to carry out the activities set out in the work plan. This funding includes amounts to support engagements, research, legal fees, and the Special Chiefs Assemblies required to ratify any reformed agreement.
- commitment that Canada will take the position that COO and NAN be given the opportunity to **fully participate in discussions** with Canada and the Government of Ontario in respect of reforming the 1965 Agreement
- commitment by Canada to not amend, replace, or terminate the 1965 Agreement or enter into a Reformed 1965 Agreement **without consultation with COO and NAN**
- commitment by Canada to **make best efforts to reach an agreement on a reformed 1965 Agreement with Ontario by March 31, 2027** and to discuss next steps with COO and NAN if a reformed agreement cannot be reached by that date
- Outside of the Ontario Final Agreement, ISC has committed to continue to fund First Nations in Ontario to access funding at actuals to support the unmet need for First Nation Representative Services to First Nation children and families residing off-reserve until March 31, 2027, subject to Canada’s approval processes and terms and conditions. Funding for post-March 31, 2027 is to be negotiated.

Next Steps

Information Sessions

COO and NAN will be hosting a virtual information session to help communities understand the Trilateral Agreement and the Ontario Final Agreement. Leadership and technicians have two opportunities to attend the information session:

- Thursday, February 13th from 10:30-12:30pm Eastern
- Friday, February 21st from 10:30-12:30pm Eastern To register, please visit: www.chiefsmeeting.com/fncfsinfo

COO and NAN will also be hosting one last virtual update session for Ontario Chiefs on the Trilateral Agreement and the Ontario Final Agreement on February 14th from 1:00-2:00pm Eastern.

To register, please visit: www.chiefsmeeting.com/fncfschiefs.

Votes at Special Chief Assemblies

NAN is holding a Special Chiefs Assembly on February 25th where the Trilateral Agreement and the Ontario Final Agreement will be put to approval votes by NAN Chiefs. To register, please visit: form.123formbuilder.com/6734960/nan-special-chiefs-assembly-final-settlement-agreement.

COO is holding a Special Chiefs Assembly on February 26th where the Trilateral Agreement and the Ontario Final Agreement will be put to approval votes by the Ontario Chiefs in Assembly. For more information, please visit: www.chiefsmeeting.com/cooscafa. COO SCA meeting materials, including the agenda and draft resolutions ratifying the Trilateral Agreement and the Ontario Final Agreement, will be uploaded to the COO SCA webpage soon.

Contact

If you have any questions, please contact:

Finn Simard
COO Director of Social Services,
Chiefs of Ontario
Email: finn.simard@coo.org
Phone: (416) 597-1266
Mobile: (437) 428-5378



**Nishnawbe
Aski Nation**
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