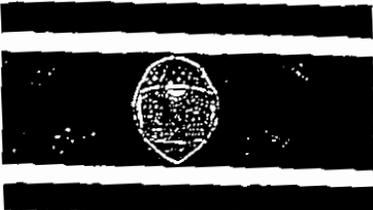


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October 17, 2001

Via facsimile (709) 729-0121

Bev Clark  
Assistant Deputy Minister, Policy and Program Planning  
Department of Health and Community Services  
P.O. Box 8700  
Confederation Building, West block  
St. John's, NF A1B 4J6

Via facsimile (902) 661-6237

Ian Gray  
Acting Director, Newfoundland/Labrador Secretariat  
Department of Indian and Northern Affairs  
Atlantic Region  
PO Box 160  
Amherst, NS B4H 3Z3

Dear Bev and Ian:

**Re: Child and Family Services Agreements: Band Councils as Parties**

We have now had an opportunity to review the proposed trilateral agreement between Canada, Newfoundland and the Health Labrador Corporation, and the proposed bilateral funding agreement between Canada and Health Labrador Corporation.

It is essential that our two Band Councils be involved in the negotiation of and become parties to these agreements on behalf of our First Nations. The reason is simple. These draft

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agreements do not have as their objective, returning responsibility for design, management and control of child and family services to our two First Nations (by creating First Nations Child and Family Services Agencies or FNCFS agencies). Rather, the objective is for Health Labrador Corporation to provide child and family programs and services to our communities. HLC will do so, consistent with Newfoundland's principles for child welfare.

Only as an add-on will Canada, Newfoundland and HLC work jointly towards creating Innu FNCFS agencies (s. 7(3) of trilateral agreement). Even if creating these agencies were the focus of the agreement, which we believe it must be, it would be entirely inappropriate for the 3 current parties to be doing the work towards creating these agencies alone. The two Bands must be party to creating these agencies.

We also note a significant inconsistency between the two draft agreements. The principles for providing programs and services in Part 3 of the trilateral agreement (the trilateral principles) do not reflect the principle that DIAND has committed to expanding FNCFS agencies in these communities, as in DIAND Policy Directive 20-1. The trilateral principles do not support creating Indian designed, controlled and managed services, as in DIAND Policy Directive 20-1. However, in the bilateral funding agreement, Part E, s. 1.1, Health Labrador Corporation is, on paper, committing to providing child care services in accordance with DIAND Policy Directive 20-1.

We believe the central focus of the substantive agreement should be to develop the capacity in our two communities to create one or two Innu FNCFS agencies, while continuing to deliver services. For that reason, the agreement must include our two First Nations. The intention of this agreement should be that, at its conclusion, legal authority will be given to one or more Innu FNCFS agencies for Labrador. We are not interested in reaching "protocol agreements" referred to in s. 6(b) of the trilateral agreement, to deliver Newfoundland's programs and services in our communities merely in a way that is modified to make them "culturally appropriate" (as referred to in section 2 of Part E of the funding agreement).

DIAND's First Nations Child and Family Services Program estimates that by 2001-2002, 91% of on-reserve population in Canada will be receiving services from FNCFS agencies. We do not want to be among the 9% that will be stuck, for a long time, in the position of not having our own First Nations-run agency or agencies. We look forward to a positive and expeditious response.

Yours very truly,

Chief Paul Rich

Chief Simon Tsakaposh

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