



Pikangikum First Nation

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October 20, 2020

Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Fl
Toronto, ON M7A 2S9

Attention: The Honourable Doug Downey, Attorney General of Ontario

Ministry of Energy, Northern Development and Mines
77 Grenville Street, 10th Floor
Toronto, Ontario
M7A 1B3

Attention: The Honourable Greg Rickford, Minister of Energy, Northern Development and Mines

Minister of Crown-Indigenous Relations
House of Commons
Ottawa, ON
K1A 0A6

Attention: The Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations

Minister of Justice and Attorney General of Canada

House of Commons
Ottawa, Ontario
K1A 0A6

Attention: David Lametti, Minister of Justice and Attorney General of Canada

VIA MAIL

Dear Ministers:

Re: Treaty Relationship between the Crown and Pikangikum First Nation

As you know, on October 2, 2020, the Ontario Court of Justice released an important decision for our First Nation, entitled *R. v. Turtle et al.*, in a case brought forward by six of

"As long as the grass grows, and the rivers flow, and the sun shines."

our members about their right to equality under Canada's criminal laws. We intervened in that case to remind the Crown that our Treaty relationship was founded on an agreement of mutual assistance and collaboration in administering criminal justice, and that we must be consulted on all aspects of criminal justice in our community. We intervened to remind the Crown that it has a constitutional obligation to conduct deep consultation with our First Nation about the administration of criminal justice.

What is important about this decision is that it affirms what our members, Elders, Chiefs, and Councillors have been saying for decades: the challenges our community faces, including crime, mental health and addictions is "the direct extension of the corrosive effects of colonialization". It affirms that our leadership and Elders have been ignored for too long.

The Ontario Court of Justice made clear that carrying on as the Crown has, is not an option:

[W]here the Pikangikum people's traditional lifestyle has been disrupted by over harvesting, the systematic separation of children from their parents in residential schools, upsetting delicate family structures and ancient oral traditions, causing widespread dependency, substance abuse, violence and an epidemic of youth suicides, while the government refuses to fulfil its solemn treaty promise to assist, any legal regime of that government that has the effect of extending the damaging effects of colonialization, will be wrongfully discriminatory.

We stand with the Ontario Court of Justice in calling on the Crown to consult with us "about how to repair our sacred relationship between peoples." We agree that we should be engaged by the Crown in a "nation-building" process to address the "constitutional responsibilities between First Nations and government", with respect to administering justice.

We further stand with the Ontario Court of Justice in calling on the Crown to fulfill its Treaty obligation to deal with liquor and drugs on-reserve. It has failed to do so for decades, and its results have been devastating.

The only way to truly understand and address the issues plaguing our members and to correct the discriminatory effect of the law is to directly involve our First Nation, on a nation-to-nation basis, in devising the appropriate solutions. As Justice Gibson found, the *status quo* risks further departure from the Crown's treaty obligations – and a corresponding detrimental impact on our people.

The Crown knows it has a duty to consult us on criminal justice issues. It is time that we work together to develop an approach to criminal justice that restores our Anishinaabe laws and traditions and takes serious aim at the issues undermining the safety and well-being of our community.

To this end, we propose to develop a memorandum of understanding (MOU) with Canada and Ontario to set in motion a formal set of processes aimed at finding solutions to the challenges our members face, based on our inherent rights protected by Treaty Five. These processes should be consistent with the recommendations set out in the 2011

Coroner's Report, and our First Nations Comprehensive Community Health Plan – which Canada and Ontario supported.

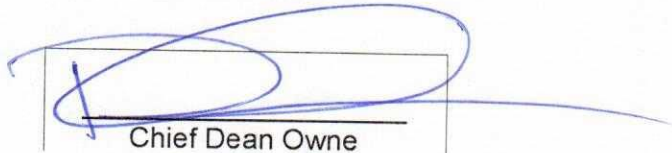
In our view, the next step is to identify the key individuals to lead a Pikangikum-specific task force who will be provided a clear mandate to develop the terms of this MOU and a plan for implementation. We have identified our representatives and are prepared to move forward with this important work.

The issues set out in *R. v. Turtle et al.*, among others, require immediate attention and we urge you not to turn away from this truth. This is an opportunity to rebuild the relationship our forefathers intended. It is an opportunity to renew the Treaty Relationship. Let's get to work. We look forward to hearing from you directly about next steps in developing a process as we have proposed.

Please follow up with Chief Owen directly at deanowen.pikangikum@gmail.com and copy the First Nation's legal counsel, Luke Hildebrand, at lhildebrand@majorlaw.ca.

Miigwech,

**Chief & Council
Pikangikum First Nation**



Chief Dean Owne