



Cour fédérale



Federal Court

the First Nations agree not to sue Canada with respect to the failure to comply with the provisions of the treaties regarding the creation of reserves.

izhisek.niigaan azhaa Onakonigade Kanada, me 'iwe, ozhibiigade onakoonigewin gawiin chii nakwenawing Kanada gagii biigonamwaad agwiidii' inaan nitaam gagii majitwaad.

Cb³ ΔL <PΠσ⁹Δα³ βαC, <σσσσσΔ ΔδLΔα³ ▽b ρLΓJL<⁻ βαC Δ▽σ Δρ ▽b bPΔρ ΔCJ<ρ³ bPJ <▽α"ρbσ<P<³ ΔL αδCL⁹Δσ⁻ bPJ <▽α"ρbUb<³ Δ⁰δσβα³x

mitâtahtomitanaw kâhkatikwanâskiy isi Nistam-Iyiniwak iskonikana, pâsci kinwêwsîs iskoyikohk. Ôma nahêyih towin mîna miciminikâtêw pakitêyihcikatêwin ta-miyokanawâpamow Kânata, êwako ôma, Nistam-Iyiniwak têpakêyimow namôya ta-atânimêw Kânata asici nisitohcikatêwin ohci ôma kasâkôcihikot ta-pimitisaha asici ôma ostêsimâwoyasiwêwin ohci ka-osihcikatêkihk ôhi iskonikana.

[2] While the implementation of the Agreement was well underway, Canada realized that it has a duty to consult with other Indigenous groups, most importantly the Métis, before adding land to the applicant First Nations' reserves. Consulting with the Métis, however, caused significant delays in the reserve creation process.

[Niish] Megwaa oakonigewaadt, Kanada giimamikweisiwagk chii ganonawaadt Anishishinabe gamamobing, Abita'igoshaan, chibwaa pakwenimogaswaad giiozhiibiiyanawa muzineganaan anishinabegk' ishkoonigaan. Chii gawedjimwaadt Abita'igoshaan, ayii daash, Gii bapejisek chii ozhichigadegin megwaa Ishkoniganaan.

[2] Γb⁻ b⁻b⁻P⁻ρ⁻b⁻U⁻P⁻<³ Δ▽ αδCL⁹Δ³ bΔJ ΛΓ⁻ρ<³, βαC Δρσ"ᵀCΔαα<³ ▽ΔJ⁻σ⁻ ρCJ⁻CJ<ρ³ <σσσσσ<³, Δ⁹σ<³ L<⁻ b⁻⁴ Δ⁻⁴dUΔσσ<³, L⁻⁴ αPσbU⁻P³ <⁻P³ bΔJ αC▽⁻ρbU⁻P³ <σσσσσΔ Δ⁰δσβα³x CJCCLb⁻δ<⁻ Δ⁻⁴dUΔσσ<⁻, ρδ⁻, Δρ<Vρ⁻⁴ b<▽α"ρ<U⁻P³ Δ⁹σ<³ Δ⁰δσβα³ bΔJ ΛΓ⁻⁴x

[2] Ata ôma ka-pimohtêmakahk nahêyih towin ka-kî-mâcihtâhk, Kânata miskwêyih tam êkwânima ê-kî-ayâw nâkatêyih tamowin ta-pîkiskwacikêt asici kotak Nêhiyaw mâmawohkamâkêwa, mâwaci âsônê Âpihtawikosisânak, pâmwayês ta-âniskoscikatêk askiy isi natotamâkêw Nistam-Iyiniwak iskonikana. Pîkiskwacikêwin asici Âpihtawikosisânak, mâka, itocikêmakan mitoni êyikohk otamiyowin pîhci ôma iskonikan ka-osihcikatêkihk paminikêwin.

[3] Unsatisfied with this, the applicant First Nations resorted to the Agreement's dispute resolution process. An adjudicator heard the matter and decided that Canada had breached the Agreement. Among other

[Niswe] gawiin gii'bagosendagosinooon, Gii nagakamiiyogk Anishinabek ozaam gawiin anakonigewin gwewik izhisesinooon. Gitchii Onakonige'inine ogii waabadaan Kanada giiga'wezhibiidegk. Minwaa kegoo,

[3] ▽b βα"▽⁻ρbU⁻ Δ▽, bPJ⁻P⁻b⁻Λ"Δ⁹<⁻ <σσσσσΔ ΔδLΔα³ Δρ <<ρ³αα< Δ▽σ αδCL⁹Δσ⁻ bΔJLρ⁻⁴ LΓδσ⁹Δσ⁻ ΛJρ⁹Δσσx ΔΔααδσ⁹Δσσ ΔρΛρ³C³

[3] Âtawêyih tamowin asici ôma, awa natotamâkêw Nistam-Iyiniwak âpacihtaw ôma nahêyih towin mawinêskâkêwin sôhkêyih tamowin paminikêwin. Owiyasiwêw pêhtam ôma nâkatohkêwin mîna kîsêyih tam

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reasons, the adjudicator found that Canada had inserted an additional step, not contemplated by the Agreement, in the reserve creation process, without first obtaining the consent of the other parties. According to the adjudicator, this constitutes an “event of default.”

Ogiimikaan Onakonige’inine Kanada ogii’tagotonaa minaa pakaan kegoo, gawiin gii’tagotesinoon, mega ozhii onakonigadegwin ishkoonigaan, Gawiin ogii’wiidamasi. Ikidaa gitchii Onakonige’inine, me ‘we shigaa “gawiin onatesinoon.”

[4] Where an event of default continues for more than 180 days, the Agreement gives the First Nations the right to apply to a Court to have the releases declared void. This is what the applicant First Nations are seeking in the present proceeding. Canada acknowledges that they are entitled to make such a request. It argues, however, that the Court’s power to issue such a declaration is discretionary and that the Court should decline to void the releases.

[Niwin] Iishpin onatesinoogk giitwaam midaswe’izhi nishwasimidanah giizhigaak, Anishinabek ta anikebiigiwaagk chii’ bagidinamwaad. Me iwe naandwedagwaad Anishinabek giitwaam ga’onashayaag. Kanada giinakwetamoog. Omiigadanwa, Mino ikidong, Kitchii Onakonige’igamigk nagakamiin ate imma.

▷▽σ βρ Δργσρρ ▽β ▷ρ ▷ττCρ βαC  
▽ρΛδα\ αdCLqΔσσx dCPρτ βγ qdaτ,  
◁▽▷▷αdσqΔσσσ ▷ρΓΓβρ βαC ▽ρ ▷ρ  
◁JSnaJΔ\ αρ▷CJΔσσσ, ▽β ▽ρΔρ  
◁JSnσbUP< ΔL αdCLqΔσ\, ΔL  
◁▽α"ρbUPρ Δυdσbaτ ΛJρqΔσ\, ▽β ΛαL  
▽ρ°ρ UVCLJΔ\ Δ▽σ dCPρτ βρ ◁JSργΔ\~x  
ρΔρn Cυ ◁▽▷▷αdσqΔσσσ, ▷▽ρ ρΔρ  
Δργ Δ▽ “ραΛαL.β.δ.Δ\ ΔqσΔ\ βρ  
◁σ▷C◁b.δ.Δ\~x”

[4] ρυΛτ Δ▽. α.ΛαLqΔτ ΔqσΔ\ βρ  
◁σ▷C◁b.δ.Δ\ ◁σΛΓγ\ ◁ΔJSΓ 180 ρJSβ\,  
▷▽. αdCLqΔτ ▷βΓσdΔ\ ◁σJSσσΔ  
▷dLΔατ ΓσdρΔσσσ ρα▷CCLΔ\ ΔL  
▷αdσqΔbΓd\ ΔqσΔ\ <ρnσqΔατ  
ραJSΔUPρ ▽β ργ.δ.ργρx ◁Γ ▷▽σ  
βJυρτΛ"ΔqΔ\ ◁σJSσσΔ ▷dLΔατ  
αC▽τCJΔ\ ΔL δδ' bΔJSΛΓγσ\x βαC  
▷ρqτCαΔ\ ▽Δργσ\ Δ▽σ ρρα▷CCLσ\~x  
Δρ▷Lβτ Cυ, υd\, Δ▽σ ▷αdσqΔbΓd\  
▷naJS▽ΔσΔ\ ρΔ▽α"▷Δ\ Δ▽σ  
▷αJS▽Δσσσ CPΔ▽σσbU Δ▽ ▽β

êkwânima Kânata kî-pîkonam ôma nahêyihowin. Tastaw kotaka kîkway ka-tôcikêmakahk, awa owiyasiwêw miskam êkwânima Kânata kî-pohtastaw ayiwâk yahkohtêwin, namôya wâh-wâpahcikatew ohci nahêyihowin, pîhci ôma iskonikan ka-osihcikâtêkikh paminikêwin, êka nistam kî-ohci kâhcitinikatêw têpakêyimowin ohci kotak mawinêhikewak. Itêyihâtakwan isi owiyasiwêw, ôma kî-itocikêmakan “patâpahcikêwin.”

[4] Ita ispîhk patâpahcikewin ka-ahkami kiki ayiwâk mitâtahtomitanaw ayinânêwomitanaw kîsikâw, ôma nahêyihowin mêyâwak Nistam-Iyiniwak miyikosiwin ta-natota isi Wiyasiwêwinohk ôhi pakitêyihamowina ta-nakinikâtêk. Êwako ôma natotamâkêw Nistam-Iyiniwak ka-natonahkik pîhci ôma mêkwâc wiyasiwêwin. Kânata nisitawinam êkwânima kaskihtamasowak ta-natohtahkik êkwânima. Kîhkâhtotam, mâka, êkwânima ôma Wiyasiwêwinohk ô-sôhkâtisiwin ta-mêkit itowahk wîhtamâkêwin êkwânima sêhkê ô-têyihamowin êkwa Wiyasiwêwinohk ta-kî-



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of a dispute resolution process that it bargained for.

[7] The Court therefore issued a declaration that the releases given to Canada by the applicant First Nations are void and ineffective.

[Nishwase] Gitchii Onakoonigek ogii ozhiibiiyanawaa ogii mina waan Kanada gawiin egoo izhi minosesinoon.

ba<C<CJ<f' 9P ΔS aaΛDCL9aσ<'  
<<b' ΔL adCL9Δσ'x bΔ' b4 CPΔf a'2C  
ΔP><Δ' Δ∇σ 9da' 9Δf Δ'4p' ΔL Lf4Δσ'  
LΓ\_σσ9Δσ' bΔSΛΓ4' bP' b9N∇<f'  
9da'x

[7] Δadσ9ΔbΓd' ΔP<PNaσ<'  
ΔaJ∇Δσσ Δ9σ<P' <PNa9Δa' bP  
Γ9<f' baC Δ9σ<P' Δf bP]P\_σΛ"Δ9σ'  
<σJσσΔ' ΔdLΔa' CPΛf4<P' ∇b' bΔ'  
C7\_σ"P4<P'x

mâ miskôcikâtêwin ohci kotak itapisiniwin isi ôma nahêyhtowin. Namôya mîna ta-kî-wiyotam ohci mâkohtâwin ôma mawinêskâkêwin sôhkêyhtamowin paminikêwin ka-pakosêyimot.

[7] Wiyasiwêwinohk êyiwêhk mêkiw wîhtamâkêwin êkwânihi pakitêyhtamowina ka-mêkihk isi Kânata ohci natotamâkêw Nistam-Iyiniwak êkwânihi ê-nakinikâtêk mina namôy âpatan.

An audio recording of this summary in the Cree language is available on the Court website at: <https://www.fct-cf.gc.ca/en/pages/media/webcast>. An audio recording in Ojibwe will be posted as soon as possible.

A copy of the decision can be obtained via the Web site of the Federal Court: <https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/495987/index.do>.