



**Ottawa, April 21, 2022** – A decision was issued today by Justice Sébastien Grammond of the Federal Court in files T-221-19 and T-1192-19:

**IN THE MATTER OF  
OJIBWAY NATION OF SAUGEEN v. HILDA DEROSE et al  
and  
RON MACHIMITY SR. et al v. OJIBWAY NATION OF SAUGEEN et al**

**Translation of Summary into Anishinaabe**

The Federal Court is committed to being more accessible to Indigenous people when they wish to bring legal disputes for resolution by the Court. For example, many Court hearings are held directly in the Indigenous community or via webcast from a Courthouse; and where appropriate, Court procedure is adapted to make space for Indigenous protocols and legal traditions. In selected cases, the Court also makes its decisions more accessible by having a summary prepared and recorded in the Indigenous language of the parties. The Court thanks the language keeper who assisted with preparation of this summary in Anishinaabemowin.

[1] Since at least 1997, the Ojibway Nation of Saugeen [ONS] has operated under a system whereby its Chief and Headmen are chosen for life. In recent years, a number of ONS citizens have insisted that, according to this system, citizens have the power to remove the Chief and Headmen. The incumbent Chief and Headmen have denied that the citizens have such power.

[2] At a traditional gathering of ONS's citizens held on June 20 and 21, 2019, resolutions were adopted to remove the incumbent Chief, Edward Machimity, and the incumbent Headmen, Eileen Keesic and John Sapay. Resolutions were also adopted to

[1] Apii 1997 gii-izhiseg igi Anishinaabeg Zaagiing gaa-ayaawaad Zaagiing [ONS] amii ezhisewaad Odoogimaakaanimiwaan gaye odininiima' enipiji-agindizowaad ji-niigaanishkamowaad imaa. Noongomiike dash aaninda ONS Zaagiing gaa-onjiiwaad Anishinaabeg ikidowag ji-gashkitoowaapan ji-webaakonaawaad ini Ogimaakaan gaye odininiima'. Awe dash gaa-ayaad imaa Ogimaakaan gaye odininiima' ikidowag gaawiin igi Anishinaabeg odaa-gashkitoosiinaawaa iwe ji-izhichigewaad.

[2] Gii-maawaji'idiwag Anishinaabeg ONS Zaagiing gaa-onjiiwaad June 20 gaye 21 gii-inaginzod 2019 gii-izhiseg, daabishkoo gaa-gii-izhichigenaaniwang mewinzha, e-gii-inaakonigewaad ji-webaakonaawaad ini Ogimaakaan Edward Machimity gaa-

## Federal Court



## Cour fédérale

appoint Ron Machimity Sr. as Chief, and Joyce Medicine, Betty Necan, Darlene Necan and Desiree Jacko as Headmen.

[3] Both sides have applied to the Court to determine who the lawful Chief and Headmen are. The Court decides that the resolutions adopted at the traditional gathering are valid and that the council led by Ron Machimity Sr. is the lawful one.

[4] The Court's conclusion is based on the interpretation of the Convention that embodies the rules governing the selection of ONS's Chief and Headmen. A holistic reading of this document reveals that ONS's supreme political authority resides with ONS citizens, assembled in a traditional gathering. Therefore, the leadership review provisions of the Convention must be interpreted as giving citizens the power to remove the Chief and Headmen. It would be illogical to give the Chief and Headmen the final say over their own removal.

izhinikaazonid gaye odininiima', Eileen Keesic gaye John Sapay. Gii-odaapinigaadewan gaye inaakonigewinan jinninaabishkaagewaad ogoweniwag Ron Machimity Sr. jii-ogimaakaaniiwid ono jii-odininiimid Joyce Medicine gaye Betty Necan gaye Darlene Necan gaye Desiree Jacko.

[3] Amii dash gaa-izhi-niizhwewaanagiziwaad gaa-izhi-gagwejimaawaad imaa Dibaakonigewigamigong gaa-ayaanid jii-ikidonid awenen awe debwe wegimaakaaniiwid gaye niigaaniiwaad. Iwe Dibaakonigewigamigong gaa-ayaawaad da-ikidowag ini inaakonigewinan gaa-gii-ozhichigaadegin imaa gii-maawaji'idiwaad Anishinaabeg edebwemagakin odinaakonigewiniwaan gaye awe Ron Machimity Sr e-ogimaakaaniiwid debwe.

[4] Gaa-dibenaagoziwaad imaa Dibaakonigewigamigong gii-ikidowag aaniin enaakonigenaaniwang aaniin ge-izhi-onwaazowaad ONS Zaagiing Ogimaakaan gaye odininiima'. Gii-aginjiigaadeg owe ozhibii'igan, amii ezhising. Igiweniwag Anishinaabeg gaa-izhi-dibendaagoziwaad ONS Zaagiing inendaagoziwag jii-izhichigewaad gaa-gii-izhichigewaad gii-maawaji'idiwaad daabishkoo gaa-gii-izhichigewaad odaanaang mewinzha. Amii dash enendaagwak jii-gashkitoowaapan jii-aanji'aawaad Ogimaakaan gaye odininiima'. Gaawiin daa-inendaagwasinoon awe Ogimaakaan gaa-ayaad noongom gaye



odininiima gegoon ji-ikidowaad giishpin ji-ayaawaapan imaa gemaa gaawiin.

[5] The Court also concludes that the June 2019 resolutions are a valid exercise of this power and dismisses the procedural objections made by the council led by Edward Machimity. Sufficient notice of the traditional gathering was given. Moreover, Edward Machimity and his Headmen could not purport to terminate the traditional gathering and leave the meeting before the citizens had an opportunity to discuss their removal. Lastly, there was no specific quorum requirement for the traditional gathering. The 29 members of voting age who signed the unanimous resolutions constituted a substantial proportion of ONS's voters.

[5] Amii gaye ekidoomagak iwe Dibaakonigewigamig imaa June 2019 gii-izhiseg, gaa-gii-ozhichigaadegin inaakonigewinan e-gashkichigaadeg ji-izhichigenaaniwang iwe gaye dash gaawiin edebwesig awe Edward Machimity gaa-gii-ikidod imaa. Deminik gii-ikidonaaniwan ji-maawaji'iding. Gaye dash Edward Machimity gaye odininiima' gaawiin ogii-gashkitoosiinaawaa ji-gibitinamowaad gii-maawaji'idinid ini Anishinaabe' gaye jinnagadamowaad iwe maawaji'idiwin jibwaa-dazhindamowaad igi anishinaabeg e-wii-webaakonaawaad Ogimaakaan. Ishkwaawaach dash, gaawiin gii-ikidonaaniwan-anzinoon aaniin minik imaa ge-gii-maawaji'idiwaapan Anishinaabeg jinnendaagwak bizaanigo iwe jidoodamowaad. Gii-nishtana-shi-zhaangachiwig gaa-dedaso-biboo-newaad ji-aazhidebii'igewaad igi Anishinaabeg gaa-gii-atoowaad owiinzowiniwaan imaa gakina iwe einendamowaad ji-izhisenig, e-baatiinowaad iwe einendamowaad.

An audio recording of this summary in Anishinaabemowin is available on the Court's website at:

<https://www.fct-cf.gc.ca/en/pages/media/webcast>

A copy of the decision can be obtained via the website of the Federal Court:

<https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/521327/index.do>.