

E-WIINDAMAAGEJIG



The ROBINSON HURON NEWSLETTER

Robinson Huron First Nation Leadership calls on Canada to do better

After witnessing the House of Commons emergency debate on Enbridge's Line 5 crisis, members of the Robinson Huron Waawiindamaagewin Political Working Group released a statement, calling on Canada to do better and include all their treaty partners when making infrastructure plans and decisions. Line 5 runs under the Straits of Mackinac; many Robinson Huron First Nation communities rely on these waters. Nearly 70 years old, Line 5 consists of two pipelines identified as being at the end of their useful life.

Ogimaa Duke Peltier of the Wiikwemkoong Unceded Territory on Manitoulin Island stated, "The continued operation of this ageing pipeline presents a real and present danger not just for indigenous communities on both sides of the border, but to all peoples that live and rely on these lakes. Canada needs to do better when it comes to infrastructure planning and work with all their treaty partners, not just when it is convenient, or the court orders them to."

Michigan Governor, Gretchen Whitmer, announced in the Fall of 2020 that she would revoke an easement granted in 1953 that allows Line 5 to operate under the Straits of Mackinac. The Canadian government has stated that it does not believe that Enbridge needs to comply with the May 12 deadline and stated that it is considering

making an intervenor submission supporting Enbridge in ongoing American court proceedings to keep the pipeline operational.

Canada did submit an amicus curiae in support of the Enbridge Energy defendants. An amicus curiae (literally, "friend of the court") is someone who is not a party to a case who assists a court by offering information, expertise, or insight that has a bearing on the issues in the case. The decision on whether to consider an amicus brief lies within the discretion of the court. Canada's argument focused on a pipeline treaty from 1977 with the United States, allowing Canada to request negotiations with the U.S. to keep the line operational.

Ogimaa Sayers of Batchewana First Nation stated, "This is a slap in the face of treaty rights holders across Canada. Canada is fighting to uphold a pipeline treaty from 1977 while continually ignoring historical treaty commitments to First Nations people across Canada."

2021 ZIGWAN OGIMAAK ASSEMBLY

The quarterly RHW Ogimaak Assembly, hosted virtually, will provide a forum for the Robinson Huron First Nation Ogimaak to gather and discuss important issues facing the treaty territory and create resolutions on these matters. It is also a forum for Treaty leadership to guide the decision-making process on current RHW programs and projects. The Assembly is open to all RHW Ogimaak and updates will be provided to communities at the conclusion of the Zigwan Assembly.

RHT Annuities Litigation: *Stage Two Appeal Schedule*

Ontario has appealed Justice Hennessy's Stage 2 decision in *Restoule v. Canada* (Attorney General), 2020 ONSC 3932, namely, that the plaintiffs' claims are not barred by Ontario's limitations legislation and that Ontario does not benefit from the doctrine of Crown immunity. Canada has not appealed the decision. Justice Hennessy's Stage Two decision can be accessed at <https://bit.ly/34qA9J4>. The Ontario Court of Appeal will hear Ontario's appeal June 1-3, 2021.

Live streaming of hearings:

The entire hearing will be held virtually. Our lawyers have been authorized by the Court of Appeal to share the link below and you can share it as well.

However, we are reminded that it is strictly prohibited to record the proceedings. Please note the following warning from the Court:

"Unless permission is given by the court, it is an offence under s. 136 of the Courts of Justice Act, R.S.O. 1990, c. C.43, punishable by a fine of not more than \$25,000 or imprisonment of up to six months, or both, to record any part of the hearing, including by way of screenshot/capture and photograph, as well as to publish, broadcast, reproduce or disseminate any such recording."

» **Live streaming link:**
<https://bit.ly/2Szi5Kg>
Webinar ID: 664 0211 7346
Passcode: 182408



Robinson Huron Treaty LITIGATION FUND

Schedule of hearing

Tuesday, June 1, 2021

- 9:45 a.m. Opening Ceremony by Leroy Bennett
- 10:05 a.m. Submissions by Ontario
- 1:00 p.m. Break for lunch
- 2:15 p.m. Submissions by Ontario

Wednesday, June 2, 2021

- 10:00 a.m. Submissions by Ontario
- 11:00 a.m. Submissions by Canada
- 12:05 p.m. Submissions by Huron Plaintiffs
- 1:00 p.m. Break for lunch
- 2:15 p.m. Submissions by Huron Plaintiffs

Thursday, June 3, 2021

- 10:00 a.m. Submissions by Superior Plaintiffs
- 12:35 p.m. Submissions by Biigtigong Nishnaabeg First Nation
- 12:55 p.m. Break for lunch
- 2:10 p.m. Submissions by the Assembly of First Nations
- 2:30 p.m. Submissions by the Indigenous Bar Association
- 3:10 p.m. Submissions by Ontario
- 3:55 p.m. Closing Ceremony by Leroy Bennett



Questions or comments about our newsletter?

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