

NATIONAL ROUNDTABLE ON ADMINISTRATIVE LAW

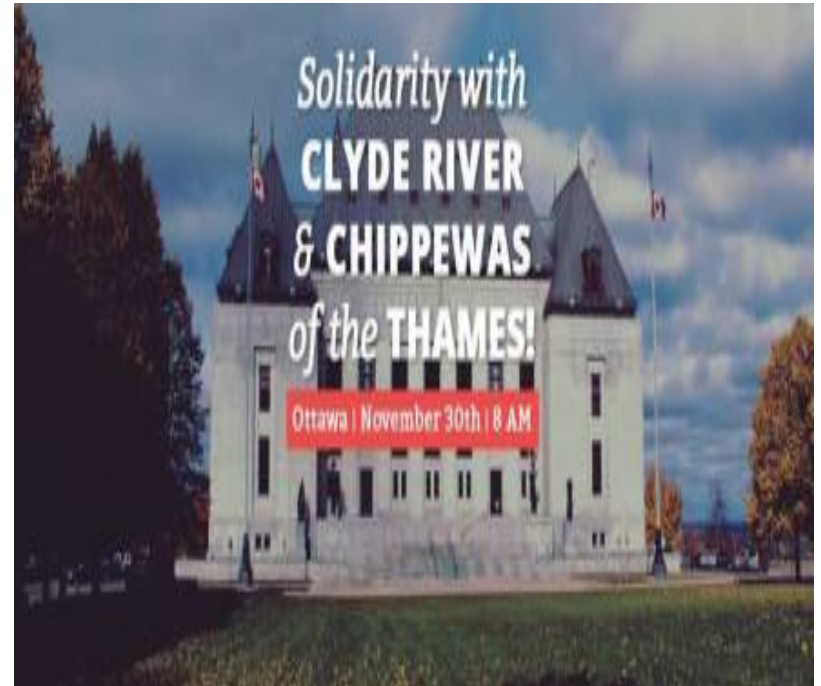
Pushing the Bounds of Administrative Law to Get Closer to Justice

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Date: June 02, 2018

OVERVIEW:

- On **November 30, 2016**, the citizens of Chippewas of the Thames appeared before the Supreme Court of Canada to assert their Aboriginal, Treaty and Title rights.



OVERVIEW:

- On July 26, 2017 the Supreme Court ruled the Chippewas had been properly consulted and the Crown could rely on the National Energy Board process to satisfy the Crown's duty to consult.

OVERVIEW:

- The principles, as set out in the Chippewas of the Thames decision, do not address how Aboriginal, Treaty and Title claims are potentially impacted by the project.
- The NEB, the Crown and the Court provide no clarity on this important issue.

How Did We Get Here:

The honour of the Crown is a recognition of the continuing Nation-to-Nation relationship with the Chippewas of the Thames



NATION TO NATION

- Chippewas of the Thames First Nation is the single signatory to the Longwoods Treaty of 1822. In addition, Chippewas of the Thames is signatory along with other First Nations to the following treaties: London Township, 1796; Sombra, 1796; McKee 1790 and Treaty #29, 1827.

NATION TO NATION

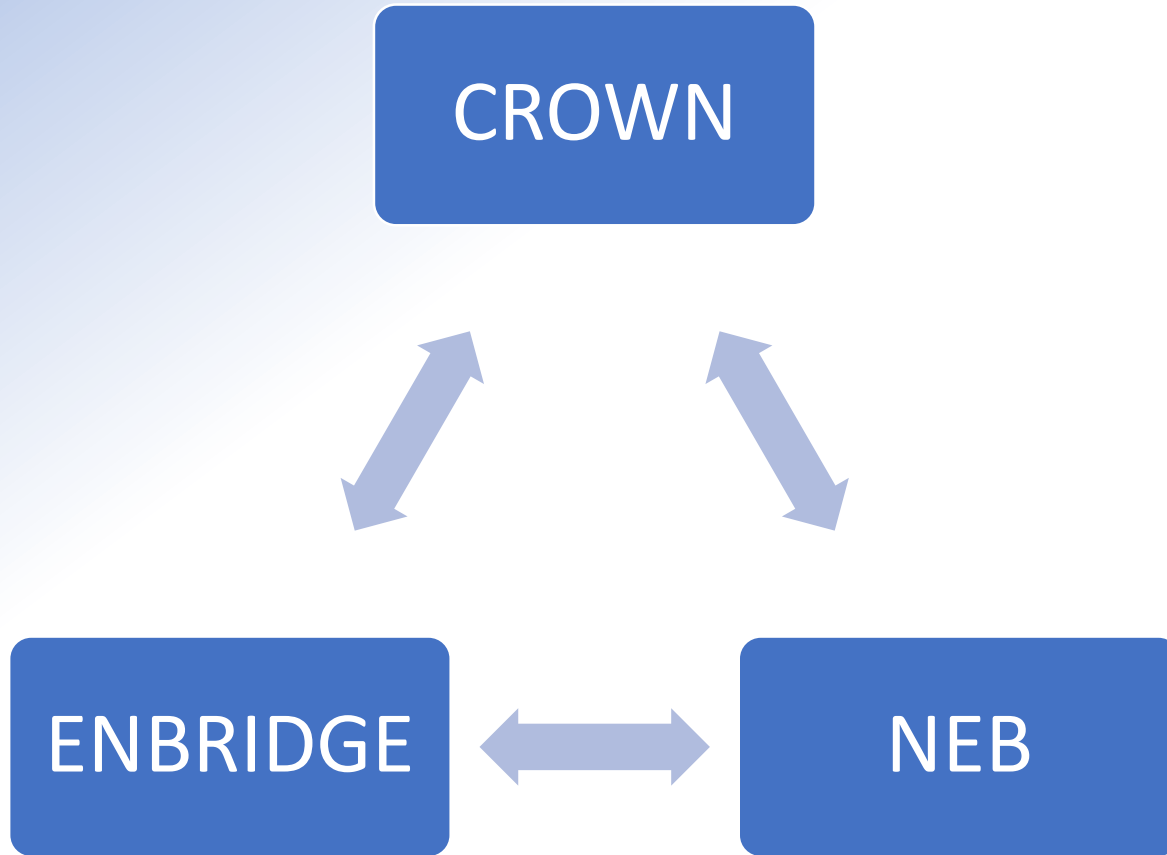


How Did We Get Here:



How Did We Get Here:

- The Chippewas of the Thames, were attempting to overturn the National Energy Board's approval of modifications to an Enbridge pipeline that snakes across its traditional territories.
- The modifications increase Line 9's capacity by 25 per cent, and allow it to carry heavy crude oil — elevating the risk of a spill to 90 per cent.



RECONCILIATION ?

- the Supreme Court has repeatedly stated that the goal of its Aboriginal rights jurisprudence is reconciliation between Canada and Indigenous nations.

COLONIALISM

- Rather than illuminating a path toward an equitable relationship, the court's reasoning reveals a constricted vision of justice: a vision that enables continuing despoliation of Indigenous lands, instead of providing a strong check against it.

Chi-Miigwetch.