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Ontario NDP Caucus • Groupe parlementaire du NPD de l'Ontario

August 13, 2020

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1
via email: premier@ontario.ca

Dear Premier Ford,

RE: Amendments to Legislation Impacting Treaty Rights without Consultation

We write to you today to express our concerns over the changes with respect to the order revoking Declaration Order MNR-75 and the rapid passage of Bill 197, the *COVID-19 Economic Recovery Act, 2020*, and the harmful effect of these changes on the Treaty Rights of First Nations across northern Ontario.

These legislative and regulatory changes have an effect on the Inherent Aboriginal and Treaty Rights of First Nations across Northern Ontario. First Nations from across our region have reached out to our offices to share how these changes will have grave effect on the ability of communities to influence forest management planning, project assessments and the environmental assessment process on their traditional territories and Treaty lands.

The Supreme Court has been consistently clear over the course of the past four decades: the Crown must conduct itself in a manner that respects and honours the Treaty relationship. Simply put, when the government makes a decision that adversely affects this relationship, it has a legally binding responsibility to consult with Treaty parties. This duty to consult is rooted in the recognition and affirmation of these rights in s. 35 of the Constitution Act, 1982 and the honour of the Crown.

Treaty partners across Northern Ontario are requesting a more appropriate community based process rooted in the principles of environmental stewardship and protection of First Nations treaty territories, full democratic participation, transparency and accountability, and respect for Treaty rights.

The passage of Bill 197 through a Time Allocation motion completely bypassed the committee process and did not give those affected by the legislation opportunity to have their say. The committee process

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is a pillar of our parliamentary system as a mechanism for democratic participation. When removed, this action disenfranchises those we all represent.

We urge you to respond without delay to all of the First Nations who have reached out to your office with their concerns over Bill 197 and the revocation of Declaration Order MNR-75. Please copy your response to our respective offices.

Sincerely,

Gilles Bisson
MPP/député Timmins

Michael Mantha
MPP/député Algoma-Manitoulin

Guy Bourgouin
MPP/député Mushkegowuk-James Bay

Judith Monteith-Farrell
MPP Thunder Bay-Atikokan

France Gélinas
MPP/député Nickel Belt

John Vanthof
MPP Timiskaming-Cochrane

Sol Mamakwa
MPP Kiiwetinoong

Jamie West
MPP Sudbury

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cc: All First Nations in the Ministry of Natural Resources and Forestry Area of Undertaking
Ontario Regional Chief RoseAnne Archibald, Chiefs of Ontario
Grand Chief Alvin Fiddler, Nishnawbe Aski Nation
Ogichidaa Francis Kavanaugh, Grand Council Treaty #3
Grand Chief Jonathan Solomon, Mushkegowuk Council
Grand Council Chief Glen Hare, Anishinabek Nation
David Paul Achneepineskum, Chief Executive Officer, Matawa First Nations
Ian Arthur, MPP Kingston and the Islands
Peter Tabuns, MPP Toronto-Danforth