



CHIEFS AND COUNCILS SAUGEEN OJIBWAY NATION

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Treaty Claim Update to Saugeen First Nation and Chippewas of Nawash Unceded First Nation

On October 2, 2026, we attended a hearing in Toronto about our Treaty Claim. The hearing was for a motion that was brought by Canada asking the Court to say we cannot get any land back as part of remedies for our Treaty Claim.

We want to first acknowledge for those that attended the hearing or watched online, that it was a difficult experience. Those of us that were in the courtroom that day, we made the decision to walk out of the hearing. There were many statements made about our history, our relationship to our lands and Anishinaabe inaakinogewin that were offensive and caused deep hurt.

We are not obligated to stay in the house of our oppressor, and we felt walking out of the courtroom was the way we could send a message to Canada and to Ontario about the statements that were being made. We should not have to fight Canada and Ontario in court on this motion or in general about whether or not lands and compensation are needed to remedy the Crown's failure to keep its treaty promise to us. This should be dealt with through negotiations. We have called on Canada and Ontario to negotiate with us over the past several years. Our calls have been ignored.

Our decision to walk out of the hearing does not and will not have an impact on what the court will ultimately decide in this motion. We will not have a decision from the Court about this motion for a few months. And we will not know the outcome until the decision is actually released.

Joint Council will be organizing a meeting for members about the Treaty Claim. Information about time, date and location will follow. In the meantime, we wanted to provide membership an update about not only what happened today, but also how this fits in with our Treaty Claim in general, and what we can expect next.

For more information, you can also go to: honourthetreaty.ca

The Treaty Claim

The Treaty Claim is about the Crown's Treaty 45 ½ promise to protect the Peninsula for the Saugeen Ojibway from settlers. In 1836, the Crown asked us to open up our lands in our Territory south of Owen Sound, and in exchange, they promised to protect our lands on the Peninsula from the encroachment of whites forever.

The Crown broke that promise. They did not do what they could have and should have done to stop settlers from stealing timber and squatting on our lands. In 1854, they came back to us, saying that they could not protect our lands. The solution, they said, was to open up the lands on the Peninsula for sale to settlers. The result was Treaty 72.

In 1994, we brought a claim in the Ontario courts, saying that the Crown broke its treaty promise to protect the Peninsula and so breached its honour. The claim also said the Crown breached its honour in the way that it negotiated Treaty 72.

In 2021, the Ontario court issued a decision agreeing with us that there was a breach of the honour of the Crown. The Court found that the Crown's failure to diligently implement its Treaty promises to protect the Peninsula breached obligations flowing from its honour. The Court also found that the remarks made by a Crown official breached the Crown's honour as well.

We are now in the second phase of the Treaty Claim which is about the remedies Canada and Ontario must give us for those breaches.

Remedies and the October 2 Hearing

Right now, even though we have a decision from the court saying that the Crown breached its honour and failed to keep its promise, we don't have any decision from the court saying what we get as a remedy for those breaches.

As a remedy, we are claiming that we should get the lands that are still owned by Ontario and Canada on the Peninsula. We are not seeking any private lands. We are also claiming compensation, but the priority for us is and has always been the return of our lands.

We have made repeated attempts to negotiate a resolution with Canada and Ontario since the Court released its decision in 2021. But, Canada and Ontario have refused to come to the table.

We are preparing now with our legal team for a trial about what remedies are appropriate. But Canada decided to bring a motion that asks the Court to decide before the trial that we cannot have lands back to remedy the Crown's broken promises.

The hearing on October 2, 2026 was about Canada's motion, and we attended at the courthouse in Toronto. Many of our members were in attendance, and we know many more were watching the livestream.

It was an extremely difficult day. We were reminded once again that we are fighting for our rights and our lands in the colonial courts.

There were many statements made today that were painful to hear. Statements were made that question our relationship to our lands, and that were dismissive of the value and even existence of our Anishinaabe inaakinogewin and so question who we are as a People. It was disrespectful to the members in attendance and watching online. We know it caused hurt.

It is a reminder that we are fighting for our rights in a system that does not understand who we are or respect our laws and protocols. And we should not have been in the Court about this today. We were there because Canada forced this motion to Court. There is a better way forward. **Canada is wrong for bringing this motion, trying to take land off the table as a remedy.** We expect more from our treaty partner, and call for them to live up to their obligations to us in an honourable way.

We already have a decision from the Court that confirms that the Crown breached its honour. That it did not fulfill its treaty promise to protect the Peninsula for us. That should be more than enough for Canada and Ontario to come to the table, live up to the words they preach about reconciliation, and reach a negotiated resolution with us about remedies.

Next Steps

We do not yet have a decision from the Court on this motion, and we don't expect to get a decision for a few months. When we get the decision, we will update all of you on what comes next.

In the meantime, we will continue to urge Canada and Ontario to do the honourable thing. Stop insisting on making us fight in a court that doesn't understand who we are and what our perspective is. We made treaties with the Crown on the basis of our Anishinaabe inaakinogewin, and when they are breached, they need to be repaired by invoking the principles of our Anishinaabe inaakinogewin.

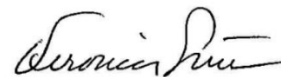
We will continue to call on Canada and Ontario to come to the table, in the spirit of renewal and respect to reach an agreement – outside of court – about remedies for the breaches of the Crown's honour and the Crown's breach of their solemn treaty promise to protect our lands on the Peninsula.

Miigwetch,



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