



## Robinson Huron Treaty LITIGATION FUND

SERPENT RIVER FIRST NATION



### ***FOR IMMEDIATE RELEASE 17/06/2023***

Since 1850, Canada and Ontario have failed to respect the nation to nation relationship and their commitments in the 1850 Robinson Huron Treaty. With this settlement, we are moving forward together on the path of reconciliation.

Since 2012, the Robinson Huron Treaty Litigation Fund, representing the 21 Robinson Huron First Nations, has been in litigation with the governments of Ontario and Canada for failing to increase annuities payments as the resource revenue in the Treaty territory grew.

The Ontario Superior Court of Justice and the Ontario Court of Appeal ruled in favour of the Robinson Huron First Nations and beneficiaries during the first two stages, finding that Canada and/or Ontario had a mandatory obligation to increase the annuity payments, if they can do so without sustaining loss.

We know reconciliation cannot be achieved in the courtroom. We are glad that the federal and provincial governments heard us and have been working with us since April 2022 at the negotiation table to find common ground to resolve these matters.

We have recently reached a proposed settlement to resolve claims related to past annuities – compensation that should have been paid for the past 170 years.

**Between the Federal and Provincial governments a settlement of \$10 billion dollars has been reached.**

This proposed settlement is a major milestone in the process and a key step toward renewing our nation-to-nation relationship that is rooted in mutual respect, cooperation and partnership. We look forward to continuing to work with Canada and Ontario to address the past and strengthen our treaty relationship going forward.

We have been calling on Canada and Ontario to honour the commitments they made in the Treaty for the last 170 years. Our communities have struggled economically, culturally, and socially because of this breach of Treaty. The compensation from this settlement will ensure a stronger and brighter future for our People and our Nations.

## **Next Steps**

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**Our Mission** *Serpent River First Nation will use all available financial, human, natural, technological and cultural resources to achieve self-sufficiency through the efforts of all Community Members. Our strong and unique cultural and spiritual identity will drive us to ensure a healthy community that is safe and secure for all generations.*

As the next step, the Robinson Huron First Nations together with the Mizhinawe will begin a community engagement process that includes consultations with First Nation members and Treaty beneficiaries to share more information and answer questions about the proposed settlement.

These sessions will be led by the Honourable Harry S. LaForme in the Office of Mizhinawe for the Robinson Huron Treaty First Nations. Based on the findings from the information sessions, the Mizhinawe will prepare a report and recommendations for the Robinson Huron Chiefs and Trustees within the next 6-8 months.

The Governments of Canada and Ontario will also need to complete their own internal approval processes to seek approval to sign the proposed settlement.

The proposed settlement will not be final until it is approved by all parties and the claim for past compensation has been discontinued by the Ontario Superior Court.

Once the settlement has been finalized, information about what the settlement means for you and your community will be shared online, through the media and in-person in your area.

Please check our social media or website for accurate, up-to-date information on the negotiations or a settlement amount.

## Benefits of Negotiations

Through negotiation, we have been able to meet with the governments of Canada and Ontario to come to a solution that works for everyone.

Negotiated settlements are an opportunity for Canada and Ontario to address past wrongs and honour treaty obligations. This settlement is a chance to renew our treaty relationship – while also finally providing the compensation that makes it possible for the Robinson Huron First Nations to invest in a brighter future for their communities and grow the local economies in the Treaty territory.

Everyone in Treaty territory benefits through this settlement. We want to help build strong, vibrant communities and this settlement will help us get there.

## Collective rights and the Distribution of Annuities

We have inherent rights as Anishinaabe people and have never surrendered jurisdiction over our lands and water. Treaties affirm these rights, and provide the outline for a framework for peaceful coexistence and sharing of resources. We hope this settlement is a symbol of the commitment of both Canada and Ontario to respect and uphold these rights.

In the Stage 1 trial, Justice Hennessy found the annuity was a collective amount owed to the Robinson Huron Treaty Anishinaabek. This finding was upheld by the Ontario Court of Appeal. This means that the annuity is

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for the collective benefit of all the Robinson Huron Treaty Anishinaabek; however, there is a portion that can be distributed to individuals for their own individual benefit.

The current negotiations are only addressing the period of 1850 to the present. The Crown will continue to distribute \$4.00 to beneficiaries until an agreement is reached on the future implementation of the Augmentation Promise. The go forward approach to resource revenue sharing and annuities will be negotiated after the finalization of the past compensation agreement.

Initially, the Crown distributed the annuity to each Chief and it was for the leadership of that community to decide how to distribute any funds amongst individuals. It was not until 1855 that the Crown chose to distribute the annuity in cash to individuals .

Anishinaabe leadership included the annuity clause in the 1850 Robinson Huron Treaty to provide for future generations. Over the last 170 years, our communities have faced many challenges – education, healthcare, and economic opportunities – through the ongoing legacy of colonialism. This proposed settlement is an opportunity for our communities to grow, prosper, and provide that good future for our children.

When the case is finally resolved, each of the 21 First Nations will get a share of the proceeds from the past compensation amount — compensation that should have been paid over the last 170 years. The collective nature of the annuity requires funding and investment for community development and to ensure a bright future for the generations to come. There is also an individual component to the annuity and the First Nations will distribute this money to individuals. This amount has not yet been determined.

The compensation will be distributed to the leadership of the 21 First Nations based on a distribution agreement adopted by First Nation Chiefs and Councils. The First Nations will be responsible for distributing the funds to individual beneficiaries.

## Confidentiality

Before the negotiations began, Canada, Ontario and the Robinson Huron Treaty Territory Leadership signed a Negotiations Protocol Agreement. This agreement requires all discussions at negotiations be kept confidential. This confidentiality allows the parties to speak frankly to one another at the negotiation table – and has made this proposed settlement possible. Once the proposed settlement has been signed and the Superior court dismisses the case, the final process requirements will be implemented .

**A copy of the draft agreement cannot be shared with the communities right now as it has still not been finalized and is confidential pursuant to the confidentiality requirements in the Negotiation Protocol.**

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We know the community is eager for details. As we move further in the process, we will share more information with community members.

## **When/how future annuities will be addressed**

This proposed settlement is a step in the right direction to reaching a decision on future annuities but we recognize that a lot of work still needs to be done to renew our treaty relationship. This includes the need to explore forward-looking arrangements on treaty annuities and we hope that our work on the proposed settlement can set the stage for future discussions on these issues.

There is much work to be done to advance these important discussions and map the way forward together toward a negotiated resolution.

We look forward to continuing to move forward together in the spirit of reconciliation, respect, co-operation and partnership.

## **More details about the First Nations' consultation with members**

Consultations will take place over the summer. The Mizhinawe's office will consult with the office of each First Nation to schedule a consultation.

You can check the [RHTLF website](#) for more information on the Role of the Office of Mizhinawe, details of the process and the Treaty Litigation Fund.

## **What can you do now?**

You can reach the Membership Clerk at 705-844-2418 ext. 260 to update your contact information. This will assist the Membership Clerk to ensure you are kept up to date with the most current information on the annuities.

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