



Robinson Huron Treaty LITIGATION FUND

1. Robinson Huron Chiefs and Trustees Vote to Approve Settlement

The Agreement-in-Principle for the Settlement Agreement on past compensation was approved by Chiefs and Councils of 19 of 21 First Nations on August 31 and was consecrated in Pipe Ceremony at a Treaty Renewal Ceremony September 9 at Bawaating.

The Chiefs and Trustees debated the decision to approve the Settlement Agreement for the Robinson Huron Treaty Anishinaabek on past compensation on August 31, 2023. Following the debate, each Chief and Council met to direct their Trustee to vote on the Agreement-in-Principle and move forward to final approval of the Settlement Agreement. 19 First Nation Trustees and the Trustee at Large voted to approve the Settlement Agreement. One Trustee opposed the Settlement Agreement and one Trustee abstained.

Through this process, we sought consensus. This vote meets the threshold required to formally approve the Settlement Agreement on behalf of all Robinson Huron Treaty First Nations, Robinson Huron Treaty Anishinaabek and beneficiaries pursuant to the Trust Indenture and Settlement Agreement. However, we are still awaiting the 21 Council Resolutions acknowledging and agreeing to be bound by the approval decision in accordance with the Trust Indenture. All 21 Council Resolutions are required before Canada and Ontario will sign the Settlement Agreement.

2. September 9 Pipe Ceremony

The Robinson Huron First Nations announced in the presence of Ancestors that the date of the Pipe Ceremony will be the effective date for entitlement to First Nation per capita distributions for all RHT First Nations: September 9, 2023 (if the Settlement is finalized and executed by all parties).

On September 9, over 1000 citizens came together in person in Bawaating and many joined online to be part of this historic moment. Minister Rickford for Ontario, Minister Anandasangaree for Canada and their negotiators attended the Treaty Renewal Ceremony and committed to move forward with their approval process after witnessing the Pipe Ceremony.

The Governments of Canada and Ontario are awaiting the 21 Council Resolutions in order to move forward with the process of completing their own internal approval processes to appropriate the funds and seek approval to sign the proposed settlement.



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If all the approval documentation is complete, Canada, Ontario and the 21 First Nations expect to be able to sign the Final Settlement Agreement in November 2023. If the documentation is delayed, it will delay the signing and the distribution of funds.

Once the settlement has been finalized, more information about the ongoing negotiations and the future of the proposed settlement will be shared online, through the media and in-person in your area. Please reach out to your Chief and Council for information on future sessions.

3. Community Engagement Sessions

First Nations have heard from the Mizhinawe community information process undertaken prior to the First Nations agreeing to settlement that their citizens want to continue engagement on determining the balance between the collective and per capita for their First Nation share of past compensation. The First Nations will now move or continue with their own First Nation engagements.

As has been repeated in every First Nation community information session, Justice Hennessy who was upheld by the Ontario Court of Appeal, held in law that:

[463] I find that the parties did not intend to limit increases to the annuities to \$4 per person. The best possible interpretation of the parties' common intention, the one that best reconciles their interests, is that the Crown promised to increase the collective annuities, without limit, in circumstances where the territory produces an amount as would enable the Government to do so without incurring loss. I find that this treaty promise, contained in both the Robinson Huron Treaty and Robinson Superior Treaty, is a treaty right protected by s. 35 of the Constitution Act, 1982.

[464] Further, the common intention was that the reference to £1 (equivalent of \$4) in the augmentation clause is a limit only on the amount that may be distributed to individuals, and this distributive amount is a portion of the collective lump sum annuity payable to the Chiefs and their Tribes.

In both common law and Anishinaabe law, the augmentation clause was intended for the collective benefit and that a portion of that amount may be distributed to their citizens. All 21 First Nations have agreed to now focus their work on their communities and determine how they shall allocate their portion of the past compensation amount of the settlement coming to their communities in the coming months.



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We are grateful for their work to hold these sessions and share information on the settlement and what it means for our communities. These sessions opened important conversation with communities, and we want to continue that.

The Mizhinawe and his team have delivered initial recommendations to the Chiefs and Trustees. We are working now to find ways to bring those recommendations and what we heard from community members in these sessions to the next stage.

We heard from you – our community members – about the need for more communication at a community level. We heard from many community members that you want to communicate directly with your Chiefs and Council to have your questions answered and to receive more information. Consequently, the Chiefs decided to discontinue the role of Mizhinawe. In the fall, we will continue to hold sessions with the communities at a local level to provide more information and answer your questions.