



# Robinson Huron Treaty LITIGATION FUND

Atikameksheng  
Anishnawbek

Aundeck Omni  
Kaning

Batchewana  
First Nation

Dokis First Nation

Henvey Inlet  
First Nation

M'Chigeeng  
First Nation

Magnetawan  
First Nation

Mississauga  
First Nation

Nipissing  
First Nation

Ojibways of  
Garden River

Sagamok  
Anishnawbek

Serpent River  
First Nation

Shawanaga  
First Nation

Sheguiandah  
First Nation

Sheshegwaning  
First Nation

Thessalon  
First Nation

Wahnapiatae  
First Nation

Wasauksing  
First Nation

Whitefish River  
First Nation

Wiikwemkoong  
Unceded Territory

Zhiibaahaasing  
First Nation

## Communique

March 6, 2025

### Re: Robinson Huron Treaty - Collective Rights

Treaty rights are collective rights, and in this case the right to the annuity is held by the collective Robinson Huron Treaty Anishinaabek.

From the start of the legal proceedings through the filing of the Annuity Statement of Claim, the submission of evidence and legal arguments, based on Anishinaabe law, customs and traditions, international law and the perspective of the common law is that Anishinaabe rights are collective rights. The research work, the contribution of the views of elders and the analysis of the applicable law, establishes the collective nature of the rights.

If the research work or analysis of the law established that the rights were primarily individual rights, such view and position would have been advocated, but that is not what resulted from the preparatory work.

When our ancestors participated in the Treaty Council at Bawaating in 1850, they did so with the goal of providing a brighter future for our people. Justice Hennessy's decision also highlighted that Chief Shingwaukonse was a leader with a vision for his people. He recognized that times were changing and that it would take new and creative strategies to preserve and sustain his people's cherished way of life. He pressed for a settlement of Anishinaabe claims and focused on plans for self-determination and self-sufficiency for his people.

Justice Hennessy's decision was clear that annuities under the Robinson Huron Treaty are a collective Treaty entitlement. Moreover, the annuities are not subject to a cap of \$4.00 per person as argued by the Crown. Her decision on this point was affirmed by the Ontario Court of Appeal.



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The Supreme Court of Canada confirmed the collective nature of annuities when it held that the annuities were to be paid to the "Chiefs and their Tribes", according to the Treaty.

The Crown, in effect, transformed the annuities to individual payments when it misinterpreted the treaty as putting a cap on annuities at \$4.00 per person and started paying annuities to individuals. This was part of the assimilationist policy of the Crown at the time to dismember and undermine First Nation governments and was also reflected in enfranchisement provisions in the Indian Act and also the White Paper Policy of 1969.

The original intention of our ancestors was to build a prosperous nation and secure collective benefits from the development of lands and resources and settlement within our territory and that Anishinaabe people and their families are strongly connected to the communities they live in and to their ancestors and future generations.

After 1855, the Crown breached the Treaty by individualizing Treaty payments and capping them at \$4.00 per person. This was financially beneficial to the Crowns as several community members didn't collect their annuity payments. But more importantly, this was a breach of the Treaty which diminished the Anishinaabe as self-governing First Nations. There is now an opportunity for our communities to grow, prosper, and provide a good future for our children and future generations through the application of the compensation funds to community collective and future generation purposes.