



Robinson Huron Treaty LITIGATION FUND

January 15, 2026

Communique

Robinson Huron Treaty Anishinaabek Intervention in the Atikameksheng Boundary Claim

Today the Robinson Huron Treaty Litigation Fund (RHTLF) filed its motion, based on the direction of the Robinson Huron Treaty (RHT) Chiefs and Trustees who voted in favor for the Robinson Huron Treaty Anishinaabek to intervene in the Atikameksheng Anishnawbek's Boundary Claim. The decision was made to intervene because the Atikameksheng Boundary Claim has the potential to significantly delay and diminish go-forward annuities for the other 20 RHT First Nations and their 39,000 members.

The Chiefs and Trustees have instructed the RHTLF and its Legal Team to intervene as an added party in the Atikameksheng Boundary Claim to protect Treaty-wide interests of the other RHT First Nations - as we move ahead with the go-forward negotiations for implementation of augmented annuities of the Robinson Huron Treaty. The annuity promise of the Treaty is a collective right.

On October 1, 2025, in *Atikameksheng Anishnawbek v Attorney General of Canada and His Majesty the King in Right of Ontario*, Court File No. CV-08-00366890, Justice Morgan of the Ontario Superior Court of Justice issued the following Order:

UPON NOTING THAT, Atikameksheng Anishinabek's Fresh as Amended Statement of Claim, issued January 22, 2022, seeks a declaration of title and an order of possession over an additional 2670 square kilometers to their current reserve in the Sudbury area that has not been disposed of by Canada or Ontario to Bona Fide Purchasers for value without notice ("Claimed Land") as set out in "Appendix A" of the Fresh as Amended Statement of Claim, attached.

AND UPON FURTHER NOTING THAT, Phase 1 of the trial of the Boundary Claim is scheduled to commence in November 2026;

AND UPON noting the consent of the parties.

THIS COURT ORDERS THAT:

1. This Order, the Fresh as Amended Statement of Claim, and the plain language description of the Fresh as Amended Statement of Claim attached hereto as Schedule A, is to be provided via email to all groups identified in Schedule B to this order, to be directed to each group and to their legal counsel via contact information provided by the parties to this proceeding.

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
Shesheganing
First Nation
Thessalon
First Nation
Wahnapiatae
First Nation
Wasauksing
First Nation
Whitefish River
First Nation
Wiikwemkoong
Unceded Territory
Zhiibaahaasing
First Nation

2. Any motion to intervene made pursuant to Rule 13.01 or 13.02 of the Ontario Rules of Civil Procedure arising from paragraph 1 of this Order, must be brought by serving on the parties to the herein Action a Notice of Motion together with supporting affidavit material and filing of same, by January 15, 2026. [emphasis added]

3. If a motion is filed in accordance with paragraph 2 of this Order, the moving party will be added to the service list and advised of any future scheduling.

The Notice of Litigation, appended as Schedule “A”, indicated that the Notice was being given because:

Portions of the Claimed Lands are Crown land on which First Nations signatories to the Robinson Huron Treaty may exercise harvesting rights granted pursuant to the Robinson Huron Treaty, and on which Métis communities may also exercise recognized s. 35 harvesting rights. Atikameksheng’s position is that this land was set aside for the exclusive use and benefit of Atikameksheng.

Portions of the Claimed Lands are part of the land base upon which future annuities augmentation may be based for all the Robinson Huron Treaty First Nations. Atikameksheng’s position is that this land was set aside for the exclusive use and benefit of Atikameksheng. [emphasis added]

The plain language meaning of the Order is that Atikameksheng’ First Nation is asserting a claim of additional reserve land of approximately 703,000 acres compared to the currently surveyed reserve of 43,000 acres - effectively seeking an additional 660,000 acres.

The community seeks declaratory and compensatory relief, including possession or title-related remedies for unsold Crown lands, and equitable compensation tied to current fair market value for lands previously sold to third parties.

If portions of the claimed lands are found in evidence and law to be reserve lands, those lands may fall outside the RHT territory for Go-Forward annuity calculations.

The judicial order from Justice Morgan acknowledges that the lands being claimed as additional reserve lands may affect the harvesting and annuities treaty rights of the other 20 RHT First Nations. This may result in reducing and excluding the claimed lands of Atikameksheng the treaty-wide wealth base used to calculate future augmentations.

The RHTLF is uniquely positioned to provide the court with a balanced perspective that respects the rights of ALL 20 Lake Huron First Nations to increase the size of their reserve lands, and the *collective interests* relating to the annuity's augmentation promises under the Treaty.

It should be noted that the Go-forward annuities implementation may also be delayed pending resolution of Atikameksheng’s litigation.

The Court set a deadline of January 15, 2026, for motions to intervene.

Phase one of the Boundary Claim is scheduled for hearing in November 2026.

Robinson Huron Treaty Litigation Fund