



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

Wahnapiitae
First Nation

Wasauksing
First Nation

Whitefish River
First Nation

Wiikwemkoong
Unceded Territory

Zhiibaahaasing
First Nation

Update for Robinson Huron Treaty Beneficiaries

December 1, 2023

Supreme Court of Canada Hearing

As you know, Ontario appealed the decision of Justice Hennessy's stage 1 and 2 decisions to the Ontario Court of Appeal. That Court upheld Justice Hennessy's Decision and Ontario appealed that Decision to the Supreme Court of Canada.

The appeal at the Supreme Court of Canada was heard on November 7 and 8, 2023, in front of nine Justices. It is impossible to predict how the Court will rule; but from the questions and reactions of the Judges, the RHT lawyers think the case went very well for the Anishinaabe. Ontario was trying to argue that fulfilling the augmentation promise should be left to the discretion and honour of the Crown. However, Ontario's lawyer was challenged by the Judges as to why the Crown has failed to fulfill the treaty promise over the last 160 years.

The Supreme Court of Canada should issue its Decision in approximately 6 months, i.e., in May or June 2024, but it could be longer. The Decision will not affect the Settlement Agreement for past compensation. However, it does have the potential to affect the go-forward negotiations regarding the application of the augmentation promise into the future.

Update on Signing the Settlement Agreement

The Robinson Huron Treaty Litigation Fund is pleased to share that both Canada and Ontario are nearing completion of their internal approval processes regarding the Settlement Agreement that was announced on June 17, 2023.



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The Government of Canada anticipates their parliamentary process for the passage of the Supplementary B Estimates Bill authorizing payment of their share of the compensation could be complete by the end of the third week of December if everything proceeds according to the parliamentary calendar. This will enable the Minister of Crown-Indigenous Relations to receive the final authority to sign the Settlement Agreement.

The Government of Ontario is aiming to complete their financial work and final approval process by the middle of December. Again, these last steps by Ontario will authorize the Minister of Indigenous Relations to sign the Settlement Agreement.

The Robinson Huron Chiefs and Trustees are aiming to meet after Christmas to sign the Settlement Agreement. There is a sequence set out in the Settlement for the signing of the Agreement which starts with the Robinson Huron Chiefs and representative plaintiffs. Thereafter, Ontario signs, then Canada signs.

Once the settlement agreement is signed by the parties, the parties will appear before the Chief Justice of the Ontario Superior Court of Justice to get a court order for Ontario and Canada to pay \$10.0 B in past compensation in return for the RHT Anishinaabek discontinuing the past compensation portion of the claim.

At this point, we are on track to sign the settlement before the end of December 2023 or in early January 2024.

With respect to the community engagements, the Litigation Management Committee is sending information to the Leadership to assist in the planning of community engagements as follow up to the summer sessions.