



Robinson Huron Treaty LITIGATION FUND



Frequently Asked Questions

1 What does the Supreme court appeal means for the current settlement and future negotiations?

In November 2023, the Supreme Court will be hearing Ontario's appeal for Phase 1 and 2 of the Robinson Huron Annuities Case. Ontario is appealing Justice Hennessy's interpretation of the Treaty. They are of the opinion that the wording of the treaty should be interpreted to mean that increases to the annuity are at the discretion of the Crown, and are not for the court to rule on.

The province agrees that it has to increase annuities to honour its obligations, but it wants to do so on its own terms.

This appeal does not affect the current settlement agreement-in-principle, which is for past compensation. However, negotiations on the future of the \$4/year annuity that beneficiaries currently receive might be affected by the Supreme court ruling. We will be sharing more information on the appeal as the court date approaches.

2 When will the settlement amount be distributed among communities?

The settlement agreement sets out that Canada and Ontario will pay the compensation within 60 days of the settlement agreement being signed. From there the funds will be distributed to each of the communities based on the Compensation Disbursement Agreement. We are hoping to sign the settlement in the fall of 2023 but the exact date has not been determined yet.

3 How can we access the materials that were shared at the community engagement sessions?

The presentation materials shared at the community engagement sessions can be shared with beneficiaries of the settlement on a privileged and confidential basis. Please reach out to your First Nation's band office to get access to these documents.

4 I was not able to attend the engagement session in my community. How can I give my feedback?

Community members who were not able to attend the engagement sessions can provide their feedback to the Mizhinawe's team online. Please visit our website to download the Engagement Document and email your responses to: mizhinawe@robinsonhurontreaty1850.com

5 How did we arrive at the settlement amount of \$10 Billion?

In the spring of 2022, Canada and Ontario both received a mandate to negotiate a resolution to the litigation. The Litigation Management Committee and members of the Legal Team made up the negotiations team for the Robinson Huron Treaty Anishinaabek.

On December 5, 2022 RHT's Leadership, Minister Miller and Minister Rickford met in Ottawa for ceremony. Commitments by all parties to find a negotiated resolution were made which focused out efforts to find a negotiated resolution to the claim.

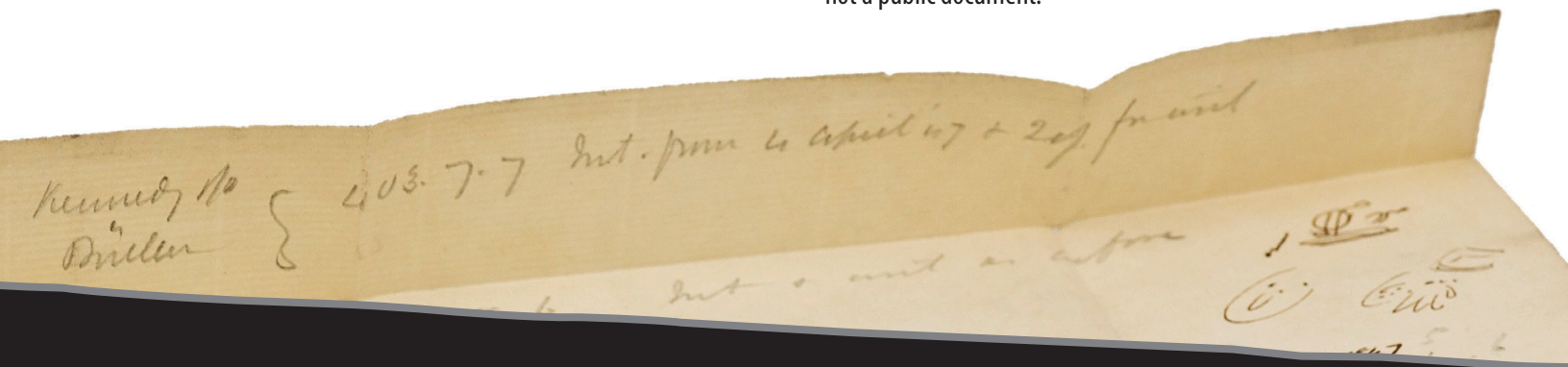
After several months of negotiation, an agreement to settle the past compensation component to the Litigation in the amount of \$10B which was announced on June 17, 2023 in Sudbury.

The negotiations were conducted on a confidential basis in accordance with signed negotiation protocol, so the details of the negotiations are subject to confidentiality.

6 Why is the settlement agreement confidential?

The draft agreement cannot be shared with the communities right now as it has still not been finalized and is confidential and subject to the confidentiality requirements in the Negotiation

Protocol. Details of the settlement agreement are available to communities and members through their First Nations members portals on a confidential basis. However, the actual agreement is not a public document.



7 The \$4 annuity was distributed directly to beneficiaries. Why is a portion of this settlement amount set aside for collective use?

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. The original intention of our ancestors was to build a prosperous nation and secure collective benefits from the development and settlement within our territory.

In Justice Hennessy's Stage 1 decision, she found that the annuity was a collective annuity. She also confirmed distributions could be made to individuals from the collective annuity.

With this settlement we need to carefully consider what a proper distribution should be so we can prosper at an individual and a community level. The Mizhinawe will assist leadership in this task.

There will be amounts shared or distributed to individuals. As a collectivity, Leadership wants to take a uniform approach to distributions to individuals.

It is also important to note that the current settlement is for past compensation only—compensation that should have been paid over the last 170 years. In the next phase of negotiations or litigation, we will discuss augmentation and distribution of the \$4/year annuity that goes directly to beneficiaries. More information on that will be shared as available.

8 How will the funds for collective distribution be used?

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. Since every community has different needs and priorities, each First Nation will consult with community members to decide how the funds for collective benefit should be used.

9 When will negotiations to increase the \$4 annuity begin?

Negotiations on future annuities have not started and will not fully begin until after the Settlement Agreement for Past Compensation has been completed.

The current proposed settlement Agreement does not address the future implementation of the Augmentation Promise. The Robinson Huron Treaty Anishinaabek, Canada, and Ontario will continue discussions in the spirit of Treaty renewal to co-develop a framework to address the implementation of the Augmentation Promise going forward.

10 Does one have to currently be receiving the \$4 annuity to qualify as a beneficiary or just be a registered band member?

Every community member who currently receives the \$4 annuity is a beneficiary of the proposed settlement. We know that many of our beneficiaries are residing outside the territory and not registered band members. If you do not currently receive the \$4 annuity, you can register with your First Nation to see if you are eligible to receive it.

11 When will the proposed settlement be finalized?

The settlement will be finalized once the Canadian Parliament formally approves the transfer of funds. Since Parliament will not be back in session until later in September, we will not be able to sign the agreement on September 9 as we had anticipated. This process is a requirement, but we do not expect it to change the amount or terms of the settlement agreement in any way. We are now hoping to sign the settlement agreement by November 2023. Once this happens, we can move forward with implementing the agreement by discontinuing the claim for past compensation with the Superior Court and discussing the next steps for future implementation of the Augmentation Clause.

12 What does the proposed settlement mean for our Treaty?

The proposed settlement is a step forward for the renewal of the Robinson Huron Treaty of 1850 and 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. Otherwise, there is no amendment or change to the Treaty resulting from the proposed settlement agreement.



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