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
Wahnapitae First Nation
Wasauksing First Nation
Whitefish River First Nation
Wiikwemkoong Unceded Territory
Zhiibaahaasing First Nation

March 5, 2025

COMMUNIQUE

Robinson Huron Treaty & Settlement - Collective Rights Not Individual Rights

Recently, social media posts have been circulating that reported that the 21 RHT Chiefs rewrote the Robinson Huron Treaty regarding the "collective" portion of the Treaty, and such was achieved through the Settlement Agreement for Past Compensation. That is completely wrong.

The Robinson Huron Treaty has not been revised or changed in any way or manner as a result of the Settlement Agreement for Past Compensation. The Past Compensation Settlement Agreement has been shared in RHT communities' 'members only' portals as well as the inclusion of information that refutes previous allegations that the Settlement Agreement has changed the Robinson Huron Treaty.

The misinformation promotes the view that the Robinson Huron Annuities are 'individual rights' therefore the funds should only be for individuals and not for collective sharing to address community needs and the needs of future generations.

From the start of the legal proceedings through the filing of the Statement of Claim, the submission of evidence and legal arguments, the position advanced, 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.

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

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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.

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. It also created a divide between Anishinaabe leadership and their people.

Over the last 174 years, our communities have faced many challenges in – poor education outcomes, poor health and wellness, individual and family stress from addictions and low employment – through the ongoing legacy of colonialism. This settlement is 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.