



Robinson Huron Treaty LITIGATION FUND



Frequently Asked Questions

1 Who are the beneficiaries of the settlement?

Defining who a beneficiary is will be part of the work of the Office of Mizhinawe. Mizhinawe will seek feedback from community members and will make recommendations to leadership on principles for defining beneficiary status.

2 Which First Nations will receive the settlement and why is it limited to them?

The Restoule Litigation was filed on behalf of the 21 First Nations that are in the Robinson Huron Treaty Territory. When the case is finally resolved, each of the 21 First Nations in the Robinson Huron Treaty Territory will get a share of the proceeds from the past compensation amount. You can find a list of the communities on our website here.

3 Why are the proceeds from the proposed settlement being distributed collectively?

The current settlement is for past compensation only – compensation that should have been paid over the last 170 years.

Anishinaabe leadership included the annuity clause in the 1850 Robinson Huron Treaty to provide for future generations. Over the last 170 years, our communities have faced many challenges – education, healthcare, and economic opportunities – through the ongoing legacy of colonialism. This proposed settlement is an opportunity for our communities to grow, prosper, and provide that good future for our children.

In the Stage 1 trial, Justice Hennessy found the annuity was a collective amount owed to the Robinson Huron Treaty Anishinaabek. This finding was upheld by the Ontario Court of Appeal. This means that the annuity is for the collective benefit of all the Robinson Huron Treaty Anishinaabek; however, there is a portion that will be distributed to individuals for their own individual benefit.

4 How can the community give their input on the proposed settlement and its distribution?

Over the summer of 2023, the Robinson Huron First Nations together with the Mizhinawe will begin a community engagement process that includes consultations with First Nation members and Treaty beneficiaries to share more information and answer questions about the pro-posed settlement.

These sessions will be led by the Honourable Harry S. LaForme in the Office of Mizhinawe for the Robinson Huron Treaty First Nations. Based on the information sessions, the Mizhinawe will prepare a report and recommendations on implementation of the settlement agreement for the Robinson Huron Chiefs and Trustees within the next 6-8 months. You can check the RHTLF website for more information on the Role of the Office of Mizhinawe, details of the process and the Treaty Litigation Fund.

5 Will there be an increase to the \$4 amount that individual beneficiaries receive?

The current negotiations are only addressing the period of 1850 to the present. The Crown will continue to distribute \$4.00 to beneficiaries until an agreement is reached on the future implementation of the Augmentation Promise. The go forward approach to resource revenue sharing and annuities will be negotiated after we finalize the past compensation agreement.

6 Who will be responsible for the individual and collective disbursement of annuities?

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. The First Nations will be responsible for distributing the funds to individual beneficiaries.

7 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.

8 Who will ratify the current settlement?

The settlement agreement will be approved by the Robinson Huron Treaty Anishinaabek using the procedures set out in the Trust Indenture. That approval process stipulates that the Trustees will aim for consensus on approval. If consensus cannot be achieved a vote approving the settlement agreement will be passed if 70% of the Trustees vote in favour of the settlement agreement.

The Governments of Canada and Ontario will complete their own internal approval processes to seek approval to sign the proposed settlement.

9 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.

Mizhinawe will be sharing details of the settlement agreement with communities and members on a confidential basis. However, the agreement will not be a public document.