



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

Press Release

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Robinson Huron Treaty First Nations once again urge Premier Ford to focus on negotiations by suspending Ontario's appeal to the Supreme Court of Canada

Robinson Huron Treaty Territory – Today, the Supreme Court of Canada released its decision to proceed with hearing Ontario's appeal of the Robinson Treaties annuity case. Now, the Robinson Huron Treaty Litigation Fund (RHITLF) call on Premier Ford to honour the promise he made during his election campaign to negotiate a settlement of the Robinson Treaties Annuity case. The RHITLF further urges the Premier to put the appeal into abeyance to allow the parties to negotiate a settlement of the longstanding case.

The Supreme Court of Canada has granted Ontario the opportunity to argue its appeal despite the findings of the trial judge that the best outcome for the annuity case is for the parties to negotiate a settlement of the claim, a decision which was supported by the Ontario Court of Appeal.

Canada did not appeal and has committed to negotiate a settlement of the case.

“Ontario's appeal is disappointing,” said Chief Duke Peltier of Wikwemikong First Nation. He noted that it potentially delays reconciliation and prolongs the denial of justice for the Robinson-Huron Treaty beneficiaries who have been waiting over a century and a half to benefit from the promises set out in the treaty for resource revenue sharing.



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The initial trial concluded that the Crown has a mandatory and reviewable obligation to increase the Treaties' annuities when the economic circumstances warrant reflecting a fair share of the value of the net Crown resource-based revenues generated from the territory.

The Judgement went on to say that the treaty parties should negotiate a settlement, noting that the Anishinaabe and the Crown have an opportunity to determine what roles those historic promises will play in shaping their modern treaty relationship.

The Ontario Court of Appeal upheld the trial decision and also encouraged the parties to negotiate a settlement. The majority decision of the Court of Appeal strongly urged the parties to negotiate a modern agreement for the implementation of the Treaty, finding that this is more likely to produce a strong, renewed Treaty relationship and that true reconciliation will not be achieved in the courtroom.

“Regardless of the Supreme Court’s decision to grant leave of appeal to Ontario, we fully expect the Court to come to a similar conclusion that the Crown promise for resource revenue sharing is an enforceable obligation and encourage reconciliation through a negotiated settlement,” said Chief Dean Sayers of Batchewana First Nation.

“For over 20 years the Supreme Court of Canada has been stating that reconciliation is a key imperative embodied in section 35 of the Constitution Act, 1982, which affirms aboriginal and treaty rights,” Chief Sayers added. “The honourable course of action for Canada and Ontario is to work with us to achieve a negotiated settlement and not delay the inevitable that the Crown made a commitment in the Robinson-Huron Treaty and the law requires the Crown to live up to their legal obligations.”

The case is scheduled to proceed to stage 3 in October with the focus being on determining the value of the compensation owed and the respective liabilities of Canada and Ontario.

“It is a fundamental value of the Anishinaabe, and we believe it to be a fundamental value of Canadians that when the government, when the leadership of the community, makes promises to the people, the government must keep those promises” said Chief Sayers.



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“Stage 3 of the case must proceed, we have heard the support from the Canadian public of fair compensation for our lands and we are optimistic about the stage 3 proceedings.”