

INFO FOR NN'S WEBSITE

NETMIZAAGGAMIG NISHNAABEG'S ABORIGINAL TITLE CLAIM (Land Claim)

COURT FILE NO.: CV-07-0018-00

Background

Netmizaaggamig Nishnaabeg (Formerly, Pic Mobert) never surrendered their lands to the Crown governments. Netmizaaggamig Nishnaabeg (NN) is not a signatory to the 1850 Robinson Superior Treaty and NN's historic Chiefs did not attend Treaty negotiations in 1850. In other words, NN still holds "title" or has ownership of our lands. This is the basis of our Aboriginal Title Claim (land claim).

Key Dates

1979 NN first filed a collective comprehensive land claim with other First Nations who also never ceded their lands or signed a treaty. Canada rejected this claim.

1984 A backup case was filed in the Ontario Superior Court, known as the Lake Superior Claim.

2006 Netmizaaggamig Nishnaabeg and the other 5 First Nations brought separate legal actions against Canada and Ontario seeking a declaration of unextinguished and exclusive Aboriginal Title on the basis of not being signatories or adhering to the 1850 Robinson Superior Treaty.

2010 Justice McCartney ordered that Biigtigong Nishnaabeg (Pic River) would proceed as a test case on a trial of the treaty issue; the five other FNs including NN were intervenors. This made Biigtigong Nishnaabeg the Plaintiff. These Nations became known as the Michano Six include NN, Biigtigong Nishnaabeg (BN), Rocky Bay (BZA), Sandpoint (BNA) Long Lake 58, and Pays Pat.

2016 The First Nations and Canada and Ontario began discussions to try to find a resolution outside of the court process.

2017 The First Nations and Ontario and Canada signed onto what is called a Framework Agreement. After the Framework Agreement was signed, the First Nations, and Canada, and Ontario, began settlement negotiations. These negotiations generally can include land, compensation and land rights.

- Negotiations between Canada, Ontario and NN are confidential and cannot be shared publicly.
- NN provides periodic community updates in Sault Ste. Marie, Thunder Bay, and NN where band members can be updated in more detail and ask questions.
- Negotiations between NN, Ontario and Canada are ongoing.

COMMUNITY TRUST DEVELOPMENT

- NN will be developing a community trust to hold the funds that eventually come from any compensation from the Aboriginal Title Claim and the Annuities Claim.
- There is currently a community trust development process underway. This includes setting up a committee who will consult with community members and make recommendations for what the trust terms may be. The committee members will not be the actual trustees of the Community Trust, but they will assist to develop recommendations to Council.
- This process will take time to ensure that it is done in a good way. NN wants to be ready before any compensation funds are received from the government.

ANNUITIES CASE (referred to as Restoule)

COURT FILE NO.: 2001-0673

ROBINSON SUPERIOR FIRST NATIONS ANNUITY INFORMATION WEBSITE:

<https://rstannuitylitigation.ca/>

BACKGROUND

In 1850 two different Treaties were signed. One between the Lake Superior Anishinaabeg and the Crown called the Robinson Superior Treaty and one between the Lake Huron Anishinaabeg and the Crown called the Robinson Huron Treaty.

Netmizaaggamig Nishnaabeg did not sign any Treaty with the Crown, but our territory lies in the area of the Robinson Superior Treaty.

Both Treaties have a clause that states that the Anishinaabeg would get increased annuity payments as the Crown's revenue from the lands grew. This happened only once in 1874, where it was increased to \$4 dollars. It was agreed that these annuities would be paid in perpetuity (forever).

The Crown never increased the annuities after 1875 despite being legally obligated to do so. That is what the Restoule (Annuities Case) and the current negotiations are about; the Crown must exercise its discretion by fulfilling its treaty obligation to the Anishinaabeg of Lake Superior for past annuities owed.

The Restoule Annuity case is about past compensation from 1850 to the date of the trial judgment which is to 2018. The Crown and the 12 Lake Superior Nations will determine how future annuities will be paid through a separate negotiation process.

Netmizaaggamig has what is called a “**contingent interest**” in the Restoule Annuity case because it is not yet an actual Robinson Superior treaty signatory. However, as NN is currently in settlement negotiations that may result in adhering (joining) the treaty (but will have to surrender its lands first and negotiate its title case) it has a strong interest and involvement in the case and negotiations.

CURRENT STATUS

The Crown and the First Nations have until January 26th to negotiate a deal on past annuities. Any compensation from the Crown would not flow right away on or immediately after the 26th because the government has a process to follow to release the funds which could take a number of months to complete.

These negotiations are only between the 12 Lake Superior Nations in the Robinson Superior Treaty area. The Robinson Huron Treaty is a different group of First Nations who already reached a settlement with the Crowns for past annuity compensation.

The Supreme Court of Canada has determined that annuities are a collective payment on behalf of each First Nation. Annuity payments are not individual payments. Any Annuity entitlement will go to each of the 12 First Nations.

COMMUNITY UPDATE MEETINGS

We have community update meetings planned for January 3rd, 2025 in TBAY, January 4th in NN and January 11th in Sault Ste. Marie. We encourage you to attend and ask any questions you may have.

For more information click here: <https://rstannuitylitigation.ca/>