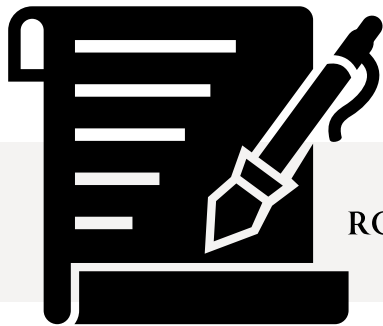


# Annuities



## F.A.Q.



### ROBINSON SUPERIOR ANNUITY FREQUENTLY ASKED QUESTIONS

#### 1. WHAT IS THE ANNUITIES CASE ABOUT?

The Robinson Superior Treaty (RST) and Robinson Huron Treaty (RHT) were both made in 1850 between the Crown and Anishinaabeg Chiefs from the areas north of Lake Superior and Lake Huron. Under each treaty the Crown promised to provide yearly payments (the annuity) in exchange for the Anishinaabeg allowing Euro-Canadians into their territories.

According to both treaties, the Crown was obligated to increase the annuity, as revenues increased from the treaty territories. This was done only once in 1875, which increased the payment to \$4 per person.

#### 2. HOW DO WE COLLECT ANNUITIES IF WE DIDN'T SIGN THE TREATY?

Netmizaaggamig Nishnaabeg were not present or represented when the RST was made in 1850, so NN never ceded or surrendered any part of our territory. NN is in the process of negotiating an Aboriginal title claim with five other First Nations against Ontario and Canada. This process is moving toward a negotiated settlement that would include

NN adhering to the RST, and thus becoming entitled to past and future annuity payments.

#### 3. WHAT HAPPENS IF THE ANNUITIES CASE IS SETTLED BEFORE OUR ABORIGINAL TITLE CLAIM IS SETTLED?

If the RST annuities case is settled before our Aboriginal title claim, Netmizaaggamig Nishnaabeg's annuity monies will have to be guaranteed until we become treaty signatories.

#### 4. ABOUT THE ROBINSON-SUPERIOR ANNUITIES CASE

The Robinson Superior and Robinson Huron annuities cases were heard together in Stages 1 and 2 trials. Stage 1 determined that the Crown was obligated to increase annuity payments.

Stage 2 determined that the Crown governments have no defense. Stage 3 started for the Lake Superior First Nations in January, 2023 while the Lake Huron First Nations went into confidential settlement talks with Ontario and Canada. Stage 3 will decide which Crown government pays (Ontario, Canada or both) and how much they owe to the First Nations as a result of the Crown's treaty breach of not raising annuities.

## 5. WHAT IS THE CURRENT STATUS OF THE CASE?



Though the RHT First Nations have reached a settlement agreement with the Crowns, the 12 Lake Superior First Nations proceeded with Stage 3 of their trial. It commenced January on 30th, 2023 and thus far has proceeded positively for the First Nations' side. Final submissions in court will be made in September of 2023, but it is expected that a decision by Justice Hennessy will not be received until 2024. When it is received, there is a high likelihood of appeals, which would take years.

The judge's previous Stages 1 and 2 decisions were also appealed to the Ontario Court of Appeal, which mainly upheld them, but then Ontario appealed further, to the Supreme Court of Canada. These Supreme Court of Canada appeals will be heard in November of this year.

## 6. WHAT ARE THE ANNUITIES?

An annuity is a collective entitlement under the RST. It was originally set at "five hundred pounds" of "good and lawful money of Upper Canada" (approximately \$2,000). However, there is an individual component to the collective annuity. In Stage 1 of the annuities trial Justice Hennessy found that the reference to a cap equaling \$4 per person in the treaty, "is a limit only on the amount that may be distributed to individuals, and this distributive amount is a portion of the collective lump sum annuity payable to the Chiefs and their Tribes." The court found that the individual distributive amount may be increased, but that the collective annuity must be increased by the Crown, when the economic circumstances warrant. These findings were upheld by the Ontario Court of Appeal.

## 7. WHAT IS THE ROBINSON-HURON SETTLEMENT AND HOW DOES IT IMPACT NETMIZAGGAMIG NISHNAABEG?

There are 21 Lake Huron First Nations involved in the RHT annuities case. They went into settlement discussions in January and did not proceed with Stage 3 of their trial.

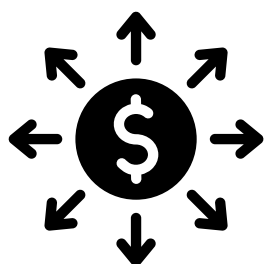
A settlement agreement was announced on June 17, 2023. They will receive 10 billion dollars for past annuity monies owed by the Crown. This settlement is separate from the Lake Superior First Nations case, but because there are many similarities between the two cases it is a positive signal.



## 8. WHAT ABOUT SETTLEMENT NEGOTIATIONS FOR THE ROBINSON-SUPERIOR AREA?

NN would support the Crown governments and the 12 First Nations in the RST case to negotiate a settlement provided it is fair and suitable. This means that the First Nations and the Crowns could agree on a compensation amount outside of court, as the RHT First Nations did.

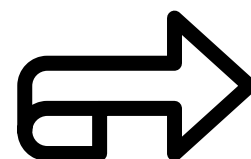
## 9. HOW WILL ANNUITIES COMPENSATION BE DISTRIBUTED?



Whether as a result of a court decision or a negotiated settlement, any compensation for past annuity monies will be paid, probably in lump sum form, directly to each First Nation. It will be up to the Chiefs and Councils, as elected leaders, to decide how this compensation is to be managed and allocated, including questions about disbursement to individual members. Because this compensation will involve a large one time only amount, it is important to have community input into what principles should be applied.

## 10. WHAT ABOUT FUTURE ANNUITIES?

Note that the current litigation and negotiations are focused on past annuities; annuities going forward must still be worked out between the parties. There will be further discussions between the Lake Superior First Nations and the Crowns for Ontario and Canada, as annuities are a perpetual obligation of the Crown.



## 11. HOW DOES THIS RELATE TO COMPENSATION FROM NN'S ABORIGINAL TITLE CLAIM?



NN's Aboriginal title claim is moving toward a settlement involving land, land rights, and financial compensation. This compensation will be separate from compensation in the annuities case, but because it too is expected to be a large one time only amount it will be important to have community input into what principles should be applied to its management and allocation. Work is already underway aiming toward creation of a trust or trusts, and it is expected that a community advisory committee will be set up to look at options and develop recommendations.

12. WHERE IS THE  
BOUNDARY BETWEEN  
THE ROBINSON  
SUPERIOR AND  
ROBINSON HURON  
TREATIES AND WHY DOES  
IT MATTER?



In June, 2022, Netmizaggamig hosted several Lake Superior and Lake Huron Chiefs at the powwow grounds in order to discuss and determine the boundary between the Lake Huron treaty and Lake Superior treaty. This was necessary because the texts from both treaties are imprecise on where that boundary is located. The Superior and Huron Chiefs met in a Zagaswe'idiwin, a Treaty Council. These historic councils were an integral part of Anishinaabe governance, diplomacy and decision making, that were revived for this important work.

Over the following months various treaty councils were held from Sault Ste. Marie to Red Rock in order to determine a without prejudice agreement on a boundary between the two treaties. Ultimately, by consensus, the Chiefs decided on a boundary for the purpose of past annuities compensation only. The boundary between the RHT and RST for other purposes will still need to be determined by the chiefs at a later date. Deciding where the boundary between the treaties is will be necessary, as annuities are calculated by how economically productive each treaty area is.

