



Robinson Huron Treaty LITIGATION FUND

September 8, 2025

Update from RHTLF on Misinformed and Misguided Action Against RHT Chiefs and Councils

Recently, some members of the RHT First Nations communities have initiated court applications to challenge the decisions from their Chiefs and Councils regarding Per Capita Distributions and setting aside some compensation funds for “community collective” and future generations purposes. The position being advanced in the legal challenges is that all the RHT annuities monies belong to individual members, which is misinformed.

From the start of the legal proceedings -- through the filing of the Annuity Statement of Claim, the submission of Expert and Elder evidence and legal arguments – it has been clear that Anishinaabe treaty rights are collective rights. This is true under Anishinaabe law, the common law and international law. The contribution of the views of Elders establishes the importance to look forward for seven generations.

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.

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 a strategy to diminish annuity payments. It was also part of the assimilationist policy of the Crown at the time to dismember and undermine First Nations. This policy remained in effect and was also reflected in enfranchisement provisions in the Indian Act and the White Paper Policy of 1969.

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

Sheguindah
First Nation

Sheshegwaning
First Nation

Thessalon
First Nation

Wahnapiatae
First Nation

Wasauksing
First Nation

Whitefish River
First Nation

Wiikwemkoong
Unceded Territory

Zhiibaahaasing
First Nation

As the *Restoule* case established, the original intention of our ancestors was to build a prosperous nation; to secure collective benefits from the development and settlement of lands and resources within our Treaty territory; and to ensure that Anishinaabe communities and families maintain strong connections to our Treaty territory both for the sake of our 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 a breach of the Treaty, intended to diminish the Anishinaabe as self-governing First Nations. There is now 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.

More importantly, as RHT Anishinabek, we shouldn't lose sight of the go-forward implementation of the augmentation promise. That has the potential to be even more valuable, but we need to remain united in advancing our collective interests.

The recent court applications are driven by discontent among some members of the communities, which is based on misinformation. The applications are based on arguments that Canadian law protects the individual rights of individual members against the collective rights of the full membership of the community. It advances principles reflected in the *Canadian Charter of Rights and Freedoms* which is founded on common law and common law principles. However, the *Charter* itself contains a provision which recognizes and shields Aboriginal and treaty collective rights against the assertions of individual rights. One such collective right is the right of self determination, which is recognized in the *UN Declaration on the Rights of Indigenous Peoples*.

Rather than utilizing the services of an organization that prides itself in battling First Nations leaders, the RHT First Nations leaders encourage our members to use access to your own leadership and requests for information and dialogue as the means for ensuring accountability and transparency. RHT leadership has relied on Anishinaabe law, ceremony and support from the ancestors to secure Robinson Huron Treaty implementation.

Robinson Huron Treaty Litigation Fund - Litigation Management Committee