

COMMUNITY NEWSLETTER

MAY 24, 2025



ROBINSON
SUPERIOR
TREATY
ANNUITY LITIGATION

INTRODUCTION

Since 2001, Robinson Superior Treaty First Nations have been actively pursuing litigation to hold Canadian and Ontario governments accountable for broken treaty promises, with the goal of ensuring communities share in the wealth generated from their territory over 175 years, as promised under the Robinson Superior Treaty.

The Chiefs of the Robinson Superior Treaty Nations have partnered to provide community members with reliable information and updates as this litigation continues. You can also reach out to your respective First Nation if you have any questions about the RST Annuities Litigation.



For timely, reliable updates, visit:
www.rstannuitylitigation.ca

LITIGATION BACKGROUND

In 1850, some Anishinaabe of the north shore of Lake Superior signed the Robinson Superior Treaty with the Crown (Ontario and Canada), although many of their communities did not. In exchange for access to a vast expanse of land in Northern Ontario, the Crown committed to a lump sum payment and a perpetual annuity to the Chiefs and their tribes that would increase based on the wealth that would in time be derived from the treaty territory. It later became clear that not all 12 RST First Nations whose traditional territories overlapped with the geographic boundaries of the Robinson Superior Treaty were represented at the signing of the treaty in 1850.

Despite significant development in the area, the annuity has remained capped at \$4 per person since 1875. Robinson Superior Treaty Annuity Litigation challenged this inaction.

On July 26, 2024, after many years of litigation, the Supreme Court of Canada ruled in favour of the Superior Plaintiffs, finding the Crown breached its duty to augment annuities as promised in the Treaty. The Court granted the Crown and RST First Nations six months to reach a settlement. If no settlement was reached, the Crown was to exercise its discretion in an honourable way to determine an amount owed to the RST First Nations as compensation for past Treaty breaches.

On January 27, 2025, the Crown exercised their discretion and determined that \$3.6 billion, plus \$40 million in legal costs, was fair and reasonable compensation. The RST First Nations did not accept the settlement and are now returning to Court seeking a determination as to whether the Crown exercise of discretion was liberal, just and honourable.



RECENT EVENTS

- 2001/09/07** — Claim filed asking the court to interpret the Robinson Superior Treaty's promise to increase annuities.
- 2018/12/31** — Stage 1 decision of Restoule v. Canada, finding the Crown had an obligation to increase the annuity.
- 2021/11/05** — Ontario Court of Appeal upholds Stage 1 decision.
- 2024/07/26** — Supreme Court of Canada finds the Crown breached its duty to augment annuities as promised in the Treaty.
- 2025/01/27** — Canada and Ontario determine \$3.6 billion, plus \$40 million in legal costs, is fair & reasonable compensation.
- 2025/06/02** — Hearing for the Review for Constitutional Compliance of the Crown exercise of discretion begins.

For a full timeline, visit rstannuitylitigation.ca

12 RST First Nations

6 First Nations stand to benefit immediately from any compensation:

- Animbiigoo Zaagi'igan Anishinaabek
- Fort William First Nation
- Kiashke Zaaging Anishinaabek (Gull Bay First Nation)
- Michipicoten First Nation
- Red Rock First Nation
- Whitesand First Nation

Contingent Interests First Nations must resolve title claims or adhere to the Treaty before receiving compensation:

- Biigtigong Nishnaabeg (Pic River First Nation)
- Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay First Nation)
- Bingwi Neyaashi Anishinaabek (Sand Point First Nation)
- Long Lake No. 58 First Nation
- Netmizaaggamig Nishnaabeg (Pic Mobert First Nation)
- Pays Plat First Nation

FAQs

When will the Robinson Superior Treaty Annuity Litigation come to an end?

It is not clear at this time. The RST First Nations say the \$3.6 billion compensation determined by the Crown for past breaches was not liberal, just, nor honourable. A review for constitutional compliance will take place in Thunder Bay from June 2nd-20th, 2025, where the court will determine whether the \$3.6-billion in compensation for past Treaty breaches was liberal, just and honourable. The hearing will be livestreamed on Zoom and posted on Youtube.

Following the completion of the review for constitutional compliance, will RST First Nations be further compensated?

If the courts side with the RST First Nations, the Crown could owe the RST First Nations additional compensation. That said, this compensation would only be paid after all court appeal pathways have been exhausted, which may take 3-5 years or more, unless there is an earlier negotiated settlement.

How will compensation be divided?

Compensation will be divided among the 12 RST First Nations according to Justice Hennessy's (trial court) Intervention, Amended Claim and Representation Orders after taking into account legal fees and associate costs.

When will each Nation receive compensation?

Signatory First Nations can expect to receive their share of compensation as soon as Canada and Ontario release the payment. Contingent Interest First Nations will be required to either adhere to the Treaty or resolve their title claims before they can receive their share.

Are the individual members of each Nation going to receive a per capita distribution?

Each First Nation will decide on the best use for the compensation amount for its own community. This decision will be based on the Supreme Court of Canada's decision that the annuities were and are a collective interest, payable to the First Nation, not individual First Nation members. First Nations members can expect their leadership to discuss logistics of any per capita distributions with them directly.

