

## ROBINSON HURON TREATY LITIGATION FUND

c/o Chairperson, Mike Restoule

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Atikameksheng  
Anishnawbek  
Aundeck Omni  
Kaning  
Batchewana

Dokis

Garden River

Henvey Inlet

Magnetawan

M'Chigoeng

Mississauga #8

Nipissing

Sagamok

Anishnawbek  
Serpent River

Shawanaga

Sheguiandah

Sheshegwaning

Thessalon

Wahnapiatae

Wasauksing

Whitefish River

Wiwemikong  
Unceded Indian  
Reserve  
Zhiibaahaasing

October 22, 2019

The Right Honourable Justin P.J. Trudeau,  
Prime Minister of Canada  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON  
K1A 0A2

Dear Prime Minister Trudeau:

We are writing to express our congratulations on your electoral victory. As you expressed in your speech last night, it is time for the government to get back to work including in relation to our Claim for augmentation of annuities under the Robinson Huron Treaty. As we write this letter, we are in the 2nd phase of our court case against Canada and Ontario.

Though we have sent many letters providing the background and specifics of our case, we will remind you that the augmentation clause in the Treaty provides as follows:

*"The said William Benjamin Robinson, on behalf of her Majesty, who desires to deal liberally and justly with all her subjects, further promises and agrees, that should the Territory hereby ceded by the Parties of the second part at any future period produce such an amount as will enable the Government of the Province, without incurring loss, to increase the annuity hereby secured to them, then and in that case the same shall be augmented from time to time, provided that the amount paid to each individual shall not exceed the sum of one pound [\$4.00] Provincial Currency in any one year, or such further sum as Her majesty may be graciously pleased to order,"*

On December 21st, 2018 the decision in the case was released and the judgement affirmed the claim of the Robinson-Huron Chiefs regarding their entitlement to resource revenue sharing and that:

*"A revenue sharing model was consistent with the perspective that the Anishinaabe Chiefs held about their relationships with the newcomers and the land. It was also consistent with the Anishinaabe's duties of responsibility as leaders toward their people. In addition, the sharing*

*model invited renewal as circumstances changed. Most importantly, a sharing model was consistent with the principle of reciprocity.”*

The judgement also stated:

*“The Anishinaabe and the Crown now have an opportunity to determine what role those historic promises will play in shaping their modern treaty relationship. The pressures they faced in 1850 will continue to challenge them. However, in 1850 the Crown and the Anishinaabe shared a vision that the Anishinaabe and the settler society could continue to co-exist in a mutually respectful and beneficial relationship going into the future. Today, we arrive at that point in the relationship again. It is therefore incumbent on the parties to renew their treaty relationship now and in the future.”*

In your 2019 campaign document, the section relating to Indigenous peoples and issue called “Building A Better Future with Indigenous Peoples” states:

#### *Shared Revenue on Resource Projects*

*We will make sure that Indigenous communities directly benefit from major resource projects. From ore to oil to natural gas, Canada is rich in natural resources – but for too long, the original caretakers of this land have been excluded from the benefits that come along with developing those resources. To ensure that Indigenous communities directly benefit from major resource projects in their territories, we will move forward with a new national benefits-sharing framework.*

#### *Canada’s Treaty Obligations*

*We will live up to the spirit and intent of Treaties, agreements, and other constructive arrangements. In the past, Canada routinely failed to live up to the spirit and intent of the Treaties, agreements, and constructive arrangements it had entered into with Indigenous Peoples. Through slow and steady work with Indigenous partners, that legacy is changing.*

*To ensure that Canada implements the spirit and intent of Treaties, agreements, and other constructive arrangements, we will move forward with a new co-developed distinctions-based process for the ongoing review, maintenance, and enforcement of Canada’s treaty obligations between the Crown and Indigenous communities. This work will be supported by a new National Treaty Commissioner’s Office which will be designed and established with Indigenous partners.*

The benefits-sharing concept exists in the Robinson-Huron Treaty, so it’s a matter of negotiating a modern understanding of what it means for implementation on a retroactive compensation and go forward basis. Furthermore, the decision in the Restoule case clearly spelled out the spirit and intent of the Robinson-Huron Treaty to aid the parties to implement the terms of the treaty in a modern context.