



# Robinson Huron Treaty LITIGATION FUND

## Annuities Case Update

Since 2012, the Robinson Huron Treaty Litigation Fund, which represents the 21 First Nations of the Treaty area, has been in litigation with the governments of Ontario and Canada for failing to fulfill the Treaty Augmentation promise in the Robinson Huron Treaty of 1850.

On January 30, 2023, the court proceedings in the annuities case were adjourned to focus on negotiating with the Crowns and renewing the Treaty relationship. Our leadership has said that true reconciliation can never be achieved in a courtroom and we are working towards an out-of-court settlement in the spirit of cooperation, reconciliation, and renewing the nation-to-nation relationship with the Crowns.



» For more information on the case, visit us at:  
[www.robinsonhuron treaty1850.com](http://www.robinsonhuron treaty1850.com)



## What is an annuity?

The annuity or 'annual payment' is a Treaty right under the Robinson Huron Treaty of 1850. Treaty rights are collective rights, and in this case the right to the annuity is held by the collective Robinson Huron Treaty Anishinaabek. The annuity was originally set at "six hundred pounds of good and lawful money of Upper Canada" (approximately \$2,400). This was the collective entitlement of the Robinson Huron Treaty Anishinaabek in 1850.

From 1850-1854 the annuity was paid to the Chiefs who had the responsibility to distribute any amounts to their citizens. In 1855 the Crown began making payments to individuals in cash which worked out to approximately \$1.60 per person.

In Stage 1 of the litigation, Justice Hennessy found that the reference to \$4 per person in the Treaty text is a portion of the collective lump sum annuity payable to the Chiefs and their Tribes. According to the court's ruling, the Crown can use its judgment to increase this individual amount, but has a mandatory obligation to increase the collective or lump sum annuity when the economic circumstances warrant. These findings were upheld by the Ontario Court of Appeal.