



Robinson Huron Treaty  
LITIGATION FUND

## FREQUENTLY ASKED QUESTIONS

# FAQs about the Compensation Disbursement Agreement (CDA)

### Origin of the CDA

The Robinson Huron Treaty (RHT) was entered into in 1850 at the nation-level on behalf of the Anishinaabek of Lake Huron, which included a number of bands or First Nations. Rights under the Treaty are collective rights, including the right to annuities. Justice Hennessy confirmed this in the Restoule case.

Because the annuity is a collective right, the Annuity Claim had to be brought by and on behalf of the Anishinaabek of Lake Huron, which includes the 21 RHT First Nations. The 21 First Nations had to establish a legal vehicle to pursue the Claim, so they established a Trust: the Robinson Huron Treaty Litigation Fund (RHTLF). It was established by a Trust Agreement passed by all 21 RHT First Nations.

The Trust Agreement sets out the rules by which the 21 First Nations would work together toward to pursue the Annuity Claim through litigation or negotiation. One of those rules is how the money from compensation would be divided amongst the 21 First Nations if RHT was to win the case or the Crown agreed to settle and pay compensation. The Trust Agreement commits the RHT First Nations to draft and agree to a CDA in advance of receiving compensation. It would have been much harder to agree on a disbursement formula once compensation was received which is why it was done in advance.

The CDA is an agreement entered into between the 21 RHT First Nations to deal with how to divide the compensation among the 21 RHT First Nations. It does not cover how First Nations will use or divide the money within their communities.

### Who approved the CDA?

The Chiefs-in-Assembly adopted the CDA on August 8, 2012. Each of the 21 First Nation Council passed a Band Council Resolution to adopt the CDA.

### Can the CDA be altered?

The Compensation Disbursement Agreement may be amended if 60% of the 21 First Nations agree to it.

### Why is the CDA important?

The Trust Agreement sets out the rules by which the 21 First Nations would work together to pursue the Annuity Claim through litigation or negotiation. One of those rules is how the money from compensation would be divided amongst the 21 First Nations if RHT was to win the case or the Crown agreed to settle and pay compensation. The Trust Agreement commits the RHT First Nations to draft and agree to a Compensation Disbursement Agreement in advance of launching the claim. It would have been much harder to agree on a disbursement formula once compensation was received which is why it was done in advance.



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# FAQs for non-member beneficiaries

### Who qualifies as a non-member beneficiary for the 1%?

Non-member beneficiaries are individuals who are or were entitled to receive a distribution of the annuity but are not members of the 21 RHT First Nations or Temagami First Nation or the Teme-Augama Anishnabai. This includes individuals who were at one point a beneficiary but are no longer a beneficiary due to transferring their membership. Non-member beneficiaries also include individuals on the 817 Sudbury General List who currently receive an annuity under the Robinson Huron Treaty of 1850.

### When will information be shared with the living beneficiaries who are not members of the 21 First Nations?

The portal for non-member beneficiaries is ready. RHTLF is currently developing a process to authenticate these beneficiaries before giving them access to the information and for ultimately allowing them to apply for and receive a per capita distribution.

### Are non-member beneficiaries entitled to a per capita distribution and when will they receive it?

1% of the Past Compensation, after costs are paid, will be made available to non-member beneficiaries for a per capita distribution. However, the distribution of the 1% set-aside for non-member beneficiaries cannot begin until after all 21 First Nations have completed their per capita distributions. As such, it will take more time before per capita distributions can be made to non-member beneficiaries.



## What needs to happen before per capita payments begin?

Receiving the priority payment will add a new layer of responsibilities and challenges to the First Nation Councils. First Nations use a trust to hold assets from a settlement, even if they choose to distribute the amount as part of a per capita distribution or payout.

This list below provides information on some of the steps the First Nations should complete before they receive the priority payments.

### Before funds are received

- ▶ Determine community priorities regarding the receipt of funds.
- ▶ Decide who will be entitled to a per capita distribution.
- ▶ Establish a trust team which includes a trust lawyer, an accountant and/or banker, and other experts.
- ▶ Engage a lawyer to advise the Council on trusts.
- ▶ Ensure that your bank account has been properly set up to receive funds and that the RHTLF has your First Nation's bank account information.
- ▶ Ensure your finance department has the necessary banking information for its Members/Citizens.
- ▶ Ensure your First Nation's membership/citizenship lists are up to date and current.
- ▶ Encourage members/citizens to have up-to-date identification and wills if possible.
- ▶ Determine the trust model that works best to meet the needs of your community.
- ▶ Learn about the legal, financial, and tax aspects of receiving the funds.
- ▶ Identify and develop community resources, including addressing scammers, mental health support, addictions support, domestic violence supports, Elder abuse supports financial literacy and more.
- ▶ Have a well organized communications plan for your First Nation.