



NETMIZAAGGAMIG NISHNAABEG

UNSURRENDERED

NOTE TO READER

THE DOCUMENT BELOW ADDRESSES CONFIDENTIAL EVOLVING AND
CHANGEABLE NEGOTIATION MATTERS

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Memorandum

To: Netmizaaggamig Nishnaabeg Membership

Date: August 25, 2026

**Re: CONFIDENTIAL UPDATING REPORT RE CURRENT STATUS/ISSUES IN THE TITLE CLAIM CASE
AND THE ANNUITIES CASE.**

Title Claim

The original preferred concept for the title claim negotiations was that Canada would make an advance payment, new reserve land from Ontario would be agreed on and questions about territorial rights and jurisdiction outside of the reserve boundaries would be settled. Once this was all in place NN would adhere to the treaty, and the remainder of the compensation would be paid. There would then be an implementation process to add the new reserve land and establish new processes regarding rights such as jurisdiction in the territory outside the reserve land.

The concept was changed when Canada advised that it would not make an advance payment but instead wanted a “2-phase” settlement process. In phase 1 the FN would adhere to the treaty and receive the compensation, but it would not be until phase 2 that the FN would get the new reserve land and other rights. Important issues became more challenging under this concept because after adhering to the treaty it would be difficult to hold the Crown governments to their obligation to provide new reserve land and to honour off reserve jurisdictional rights over NN’s territory



NN tried to get back to the original concept of advance payment, with no rights being given up until the new reserve land was secured, but Canada would not budge. The 2-phase approach is proceeding, on the basis that FNs can opt out of it if they are not satisfied with the process. As the Crown governments see it, a FN can still go back to the original concept, but this would mean a much longer wait before receiving compensation dollars under both the title claim and the annuities case.

Obviously, the compensation dollars are being used to pressure NN and the other FNs involved in the Aboriginal title settlement negotiations to take weak and unstable deals for quicker access to the money.

1. **NN's most important land issues**

NN has stated to the Crown governments on numerous occasions over years of settlement negotiations, that the minimal requirement for settlement is that White Lake and Crown land around the lake would have to be owned and controlled by the FN. In recent months, however, there has only been some movement toward resolving outstanding obstacles associated with White Lake, including the fishery, or with territorial jurisdiction issues. NN is working with the crowns to resolve these outstanding matters.

While the above important issues are still unsettled, the Crown governments want NN to surrender its land claim and adhere to the treaty, such that NN will have lost its leverage and legal position to ensure its future requirements are met.

2. **Drafting process for Settlement Agreement**

Lawyers have been drafting a phase 1 settlement agreement that can be used as a template by NN and other First Nations, if they opt in. It can then be customized for each First Nation. This has been ongoing since mid-March, considerable progress is being made, but important issues remain and are being worked on

- a. No solid Crown commitment that NN will actually get the lands it selected for new reserve creation, such as at White Lake, and the fishery on the lake
- b. No solid Crown commitment for jurisdiction in territory outside reserve
- c. Updating the compensation amount
- d. Rights in Treaty 9 territory
- e. Legal releases in the title claim court case
- f. Management of lands before they become the new reserve
- g. Public consultation
- h. Implementation costs



3. Planning for upcoming steps

- a. Ratification Process. If NN decides to proceed to settlement, whether under phase 1 of a 2-phase process, or otherwise, a member ratification process is required. This means decisions will be needed about:
 - i. Voters List – provision for corrections/revisions
 - ii. Thresholds:
 1. What % of eligible voters will have to vote?
 2. What % of actual voters have to vote “yes”?
 - iii. Notice to voters and Information Package – what will be sent out?
 - iv. Ballot question
 - v. Information meetings – how many? Where?
 - vi. Legal and financial advisors at meetings
 - vii. Mail-in voting
 - viii. Electronic voting
 - ix. Ratification officer
 - x. Advance poll?
 - xi. Counting of votes
 - xii. Certification of results
 - xiii. Appeal process?
 - xiv. Second vote if required % do not vote?
- b. Treaty Adhesion formalities. Anishinaabe governance tradition requires a Council Fire type event when making a treaty. This corresponds with Euro-Canadian law requirements.

4. Trust Agreement.

This is for protection of compensation money when received. It has to be developed and finalized, with community input.

Annuities Case

5. The wording for a final court order regarding the \$3.6B compensation for past annuities under the Lake Superior treaty is now settled and was signed by Justice Hennessey in July.. (The order is dated Feb 27, 2026, which is the date the court released her decision and reasons. The parties had to agree to the final wording of the order before it could be submitted to the court for processing.) The order states that NN and the other 5 FNs who have not yet received compensation can each apply for their separate shares. A NN motion to the court for pay-out of its share is being prepared.



The only unexpected aspect in the judge's order is that it calls for 2.25% interest since January 2025, not 4%, the rate which First Nation lawyers think is correct.

6. The annuities case continues in some respects. The \$3.6B past compensation amount is under appeal to try to get it increased. This appeal also includes asking for the 2.25% interest rate to be changed to 4%. The appeal process will probably take considerable time to play out completely, but other matters will still be proceeding at the same time.
7. The annuities case was for past annuities only, from 1850 to 2025. Negotiations for future annuities, 2025 and forward, will be set up as soon as possible, but the Crown governments are dragging their feet. The 12 Lake Superior FNs have to work together on this.
8. The negotiations for future annuities will also raise a Treaty boundary issue between the Hurons and Superiors, because annuities are based on Crown revenues from the land covered by each treaty. The boundary is at Batchewana Bay, but the exact line is not described in either of the treaties.

Some NN Claims not settled even if phased settlement proceeds

9. If the title claim settlement goes through, there will be a number of important claims for compensation still outstanding in NN's court proceeding against the Crown governments. Essentially these are claims for pushing the people off the land. Whether under treaty or under Aboriginal title NN people have always had and always will have land use rights in the First Nation's traditional territories. These land rights have been disregarded and often trampled by Canada and Ontario, starting with early European incursions into NN territory and continuing up to the present. These compensation claims will continue, even after completion of settlements of the title claim and of the annuities case.