



Roseau River Anishinabe Nation Specific Claims Update

Stephen Pillipow and Adam Touet

Overview of Claims

There are four potential specific claims that we are assisting the Nation with:

1. Agricultural Treaty Benefits;
2. Capital and Revenue Accounts Mismanagement Claim;
3. Treaty Annuities Claim; and
4. Treaty Land Expansion Claim.

Agricultural Treaty Benefits

This claim relates to the Crown's failure to fulfill the treaty agricultural benefits owed to the First Nation under the terms of Treaty 1 (commonly referred to as a cows and ploughs claim).

The treaty benefits include, amongst other things, agricultural implements and tools, buggies, farm animals and livestock, seed wheat, potatoes and garden seeds.

Agricultural Treaty Benefits

Joan Holmes & Associates prepared a *Treaty One Benefits Report* summarizing the relevant historical facts relating to the Claim.

A Claim Submission was prepared claiming that the Crown failed to provide the Agricultural Treaty Benefits contrary to the Crown's duty to uphold and discharge its treaty obligations.

Agricultural Treaty Benefits

The Claim Submission was sent to the Specific Claims Branch on October 6, 2023, for processing under Canada's Specific Claims Policy. On April 29, 2024, the Minister notified the Nation that the claim met the Minimum Standards and would undergo a review process.

The Minister has until March 4, 2027 to notify the Nation whether it is prepared to accept the Claim for negotiations.

Trust Account Mismanagement

The *Indian Acts* in force from time to time included specific provisions pertaining to the use of trust money held by the Government of Canada on behalf of Indian bands, such as money in the Roseau River capital and revenue (sometimes also referred to as “interest”) accounts. The provisions of the *Indian Acts* pertaining to these trust account funds generally included information on what the funds could be spent on and what the authority required for each type of expenditure. There were three types of authority named in the various Acts:

1. The Superintendent General of Indian Affairs (later Minister of Indian Affairs);
2. The Governor in Council; and
3. The Band Council.

Trust Account Mismanagement

This claim involves a historical analysis of the capital and revenue account records of Roseau River. The purpose of the analysis is to categorize each individual expenditure from the accounts for Roseau River as either “Allowable” or “Not Allowable”, based upon whether there was a provision in the *Indian Act* effective at the time allowing for such an expenditure and if the provision allowing the expenditure was subject to conditions of authorization, whether the conditions of that authorization were met. If there was no provision allowing for the expenditure, or if the conditions of authorization were not met, the expenditure would be categorized as “Not Allowable” and would be the subject of the claim.

Trust Account Mismanagement

Joan Holmes & Associates was retained and has completed a research and categorization report.

Based on this report, a claim submission is in the process of being completed. It is anticipated that a draft submission will be completed and ready to present to RRAFN Council prior to the end of the year.

Once the Claim is approved and submitted, the Minister has six months to assess whether the Claim Submission meets Minimum Standards and to officially file the claim and an additional 3 years to determine whether to accept the Claim for negotiations.

Treaty Annuities

Under the written terms of Treaty 1, the Crown promised to provide various monetary and other benefits to those adhering to treaty.

These benefits included a one-time present of three dollars for each person belonging to the signatory bands and an annual payment of three dollars to each person (paid in articles or cash). By Order in Council P.C. 424, dated April 30, 1875, a memorandum of “Outside Promises” was appended to the treaty. The Order in Council settling the “Outside Promises” raised the annual payment (annuity) to \$5 per person. This claim relates to the Crown’s failure to provide these monetary benefits owed to the First Nation.

Treaty Annuities

Joan Holmes & Associates has been retained to research and investigate the provision of annuities and gratuities paid out to Roseau River Anishinabe First Nation. This research will determine the number of RRAFN members who should have been paid the annual annuity and determine how many payments were not made. This research can be used for two purposes. The first is to assist with the Treaty annuities expansion class action proceeding that is before the court. It can also be used to prepare a separate claim regarding the missed payments.

Treaty Annuities

On October 29, 2024, *Joan Holmes & Associates* provided a draft Annuities Report. We are in the process of reviewing the report and providing feedback to *Joan Holmes & Associates*.

Once a Final Report is prepared, we will begin preparing a Claim Submission for review by RRAFN Council. Once the Claim is approved and submitted, the Minister has six months to assess whether the Claim Submission meets Minimum Standards and to officially file the claim and an additional 3 years to determine whether to accept the Claim for negotiations.

Treaty Land Expansion

This Claim relates to the amount of land to be provided to the First Nation under the terms of Treaty 1 and whether the amount of land should have increased over time to reflect the needs of the First Nation.

This Claim is based, in part, on discussions leading up to the signing of Treaty 1 wherein Canada promised that the land requirements of future generations “will be provided for further West,” and that “whenever the reserves are found too small the Government will sell the land, and give the Indians land elsewhere.”

Treaty Land Expansion

Joan Holmes & Associates were retained to conduct oral history interviews with members of the First Nation and to prepare a research report documenting the history of the promises made during the negotiations of Treaty 1 relating to reserve lands and in particular, the possibility of expanding the size of the reserves in the future.

The original timeline to complete the work was November 1, 2024.

Treaty Land Expansion

Once the research report is prepared, we will begin preparing a Claim Submission for review by RRAFN Council. Once the Claim is approved and submitted, the Minister has six months to assess whether the Claim Submission meets Minimum Standards and to officially file the claim and an additional 3 years to determine whether to accept the Claim for negotiations.



Questions?