

RRAFN COWS & PLOWS CLAIM FREQUENTLY ASKED QUESTIONS

WHAT IS COWS & PLOWS?

The Agricultural Benefits Agreement, better known as "Cows and Plows," promises seed, tools, livestock, and other forms of assistance for First Nations wanting to get into farming. These goods never materialized. In recent years, First Nations have sought compensation for the provisions that went undelivered for more than a century.

WHEN DID ROSEAU FILE THE CLAIM?

Joan Holmes & Associates were retained and prepared a "Treaty One Benefits Report" and Legal Team SMP Law Adam Toet and Stephen Pillipow prepared a Claim Submission which was approved by Chief & Council in August 2023. The claim was submitted on October 10, 2023 and it was officially filed with the Crown -Indigenous Relations on March 4, 2024.

HOW LONG WILL IT TAKE FOR THE CLAIM?

The claim submission will now undergo a review process by the Specific Claims Branch to determine whether the claim will be accepted for negotiations. Canada now has 3 years from March 4, 2024 to advise RRAFN if the claim will be accepted for negotiations. (March 2027.)

HOW MUCH WILL WE RECEIVE?

We will not know this information until after March 4, 2027 from Stephen Pillipow.

Will "The Cows & Plows promises continue in our treaties? or will this be wiped out after the settlement is done?

No, we encourage you to contract our Lawyer Stephen Pillipow with any questions or concerns or additional info you want added to the claim.

Contact SMP LAW:
Stephen Pillipow
Text/Call: 306-222-4061
Email: smpillipow@hotmail.com

Contact Roseau River Anishinabe First Nation
Chief and Council
Phone: 204-427-2312
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June 5, 2024

Roseau River Anishinabe First Nation
P.O. Box 30
Ginew, MB R0A 2R0

Attention: Chief and Council

Dear Chief and Council:

Re: **RRAFN Agricultural Benefits Claim**
File No.: 81-001

I have been requested to provide an update on the status of this claim for the purposes of keeping the members informed.

The 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.

Joan Holmes & Associates were retained and prepared a *Treaty One Benefits Report*, and Adam Touet and myself prepared a Claim Submission, which was approved by the RRAFN Council in August 2023 and the Claim Submission was submitted to the Specific Claims Branch on October 10, 2023, for processing under Canada's Specific Claims Policy.

Canada had 6 months from October 10, 2023 to assess whether the Claim Submission met Canada's Minimum Standards to officially file the claim. A letter, dated April 29, 2024, was sent to Chief Gary Roberts from the Director General of the Specific Claims Branch, Stephan Mediation, advising that the claim submission met the Minimum Standards and that the claim was officially filed with the Minister on March 4, 2024.

The claim submission will now undergo a review process by the Specific Claims Branch to determine whether the claim will be accepted for negotiations. Canada now has 3 years from March 4, 2024 (to March 3, 2027) to advise RRAFN if the claim will be accepted for negotiations.

Should you or the members have any question or wish to discuss please don't hesitate to contact Adam or myself.

Yours truly,

SMP LAW


STEPHEN PILLIPOW
FOR STEPHEN PILLIPOW LEGAL P.C. INC



WITHOUT PREJUDICE

April 29, 2024

Chief Gary Roberts
Roseau River Anishinabe First Nation
PO Box 30
GINEW MB R0A 2R0

Dear Chief Roberts,

I am writing to advise you that the early review of the Treaty 1 Agricultural Benefits claim submission, which was received from the Roseau River Anishinabe First Nation on October 10, 2023, has been completed. It has been determined that the claim submission meets the Minimum Standard established by the Minister of Crown-Indigenous Relations pursuant to the *Specific Claims Tribunal Act* and which is set out in *The Specific Claims Policy and Process Guide*. The claim was filed with the Minister on March 4, 2024, and will now undergo a review process.

The review process involves historical research and legal analysis. Please note that documents found in the course of our historical research will be shared with you. As well, we will reach out to you if we are faced with an evidentiary gap or need to clarify our understanding of certain aspects of the claim. Once the review is completed, a recommendation will be made to the Minister as to whether or not to enter into negotiations. As per timelines set out in the *Specific Claims Tribunal Act*, Canada will provide you with a response within three years of the date on which the claim was filed.

We are committed to an open dialogue throughout the process. Therefore, if you have questions on our process or wish to discuss your claim, please do not hesitate to contact Marie-Laurence Daigle, Research and Assessment at marie-laurence.daigle@rcaanc-cimac.gc.ca.

This letter is written on a 'without prejudice' basis, meaning it may not be used in any proceedings to support or defend any claims or related matters between the parties and should not be considered an admission of fact or liability by the Crown. Please note that Government of Canada files are subject to the *Access to Information Act* and the *Privacy Act*.

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Sincerely,



**Nihal Sherif for Stefan Matiation
Director General
Specific Claims Branch
Resolution and Partnerships Sector**

c.c.: Adam R. Touet, W Law LLP, Stephen M. Pillipow, SMP Law LLP

Report to Roseau River Anishinabe First Nation November 2023

Prepared by
Stephen Pillipow, SMP Law and Adam Touet, W Law LLP

This report will provide a summary of the following matters:

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

1. AGRICULTURAL TREATY BENEFITS CLAIM

The 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. *Joan Holmes & Associates* were retained and prepared a *Treaty One Benefits Report*, and a Claim Submission has now been prepared and sent to the Specific Claims Branch on October 10, 2023 for processing under Canada's Specific Claims Policy. The following is an outline of the anticipated timelines for completion of the next steps in this matter:

<i>Anticipated Timeline</i>	<i>Progress</i>
April 2024 (6 monthly)	Deadline for <i>Specific Claims Branch</i> to assess whether the Claim Submission meets Minimum Standards and to officially file the claim
3 years from date Claim filed Approximately April 2027	The Specific Claims Branch has three years from the date the Claim is filed to determine whether or not the Claim will be accepted for negotiation.

2. CAPITAL AND REVENUE ACCOUNTS MISMANAGEMENT CLAIM

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.

This claim involves a historical analysis of the capital and revenue account records of Roseau River. The purpose of the analysis would be 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.

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. The following is an outline of the anticipated timelines for completion of the next steps in this matter:

<i>Anticipated Timeline</i>	<i>Progress</i>
January 2024	Draft Claim Submission to be prepared
February 2024	Draft Claim Submission presented to RRAFN Council for approval
February 2024	Final Claim Submission sent to with the <i>Specific Claims Branch</i> for processing under Canada's <i>Specific Claims Policy</i>
August 2024 (6 months)	Deadline for <i>Specific Claims Branch</i> to assess whether the Claim Submission meets Minimum Standards and to officially file the claim
3 years from date Claim filed Approximately August 2027	Deadline for <i>Specific Claims Branch</i> to determine whether or not the Claim will be accepted for negotiation.

3. TREATY ANNUITIES CLAIM

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.

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.

Once this research is completed a separate claim submission will be prepared regarding the missed payments.

<i>Anticipated Timeline</i>	<i>Progress</i>
January 2024	Research Report to be completed
May 2024	Draft Claim Submission to be prepared

June 2024	Final Claim Submission to be sent to the with <i>Specific Claims Branch</i> for processing under Canada's <i>Specific Claims Policy</i>
December 2024 (6 monthly)	Deadline for <i>Specific Claims Branch</i> to assess whether the Claim Submission meets Minimum Standards and to officially file the claim
3 Years from date claim filed Approximately December 2027	Deadline for <i>Specific Claims Branch</i> to determine whether or not the Claim will be accepted for negotiation.

4. TREATY LAND EXPANSION CLAIM

The First Nation is considering pursuing a claim to a land expansion clause contained in Treaty No. 1. We are currently discussing a retainer arrangement with the Council. Once a retainer agreement is finalized research will be undertaken and once completed a Claim Submission prepared and sent to Canada for processing under Canada's *Specific Claims Policy*.