



Fact Sheet  
2020



## **Netmizaaggamig Nishnaabeg (Pic Mobert) Aboriginal Title Claim**

Netmizaaggamig Nishnaabeg (Pic Mobert First Nation) and the governments of Canada and Ontario are in negotiations to resolve the First Nation's Aboriginal Title claim. Aboriginal Title claims are assertions by First Nations that lands traditionally used and occupied by First Nations people were never surrendered or otherwise ceded to the Crown.

### **Overview of the Claim**

The basis of Netmizaaggamig Nishnaabeg's claim is that they are not party to the Robinson Superior Treaty, as they were not present or represented at the 1850 signing and as a result, did not adhere to the Treaty and continue to have Aboriginal Title to their territory.

The Robinson Superior Treaty was signed by certain area First Nations and the Crown on September 7, 1850. Under the terms of the Treaty, the First Nations receive annuities, reserves, and continued hunting and fishing rights within the treaty territory.

### **The Litigation**

In 2006, Netmizaaggamig Nishnaabeg brought legal action against Canada and Ontario seeking a declaration of unextinguished and exclusive Aboriginal Title to an area north of Lake Superior, claiming that they did not enter the Robinson Superior Treaty in 1850 and did not adhere to the Robinson Superior Treaty subsequent to 1850.

### **The Negotiations: A General Overview**

Exploratory discussions between the Parties began in 2016 to try to find a resolution to the litigation outside of the court process.

As a result of positive exploratory discussions, the Parties entered into formal negotiations in September 2019 and the litigation was put into abeyance (on hold) in December 2019 by the lead plaintiff, Biigtigong Nishnaabeg (Pic River First Nation). The negotiating Parties agree that the best way to resolve this claim is to work together to find common solutions.

Talks are proceeding well, but much work remains to be done before negotiations can be concluded. This includes consultations with other area Indigenous communities, as well as individuals and groups whose interests may be affected, and members of the public. Feedback from these consultations and from meetings with other Indigenous communities, third-party interests and the public is considered as negotiators work to reach a consensus on the land component of a settlement proposal.

Canada and Ontario do not take away private property from third parties to settle land claims. Any private property land transaction is on a willing-seller/willing-buyer basis. Existing access to private property is maintained under land claim settlements.

### **Toward a Settlement Agreement**

Following consultations, the Parties will complete their work on the text of a draft settlement agreement.

Netmizaaggamig Nishnaabeg citizens then have the opportunity to say “yes” or “no” to the proposed settlement agreement in a community ratification vote. Following approval by the First Nation, the next steps in the process are approval of the settlement agreement by Ontario and by Canada. The settlement is not final until it is signed by all three Parties.

### **The Benefits of Settling Claims**

The timely resolution of this claim outside of the court process is in everyone’s best interest. Negotiations lead to “win-win” situations that balance the rights and interests of all concerned. Settlements reflect the Parties’ commitment to work in partnership and create a better future for everyone in the province.

Negotiated settlement agreements are one of many steps toward achieving healing and reconciliation between the Crown and Indigenous peoples. They resolve longstanding disputes about land in a balanced way that respects the rights of Indigenous peoples, benefits Canadians, and provides for a more respectful and mutually beneficial partnership between the Crown and First Nations.

### **Netmizaaggamig Nishnaabeg (Pic Mobert First Nation)**

The Netmizaaggamig Nishnaabeg (*Pic Mobert First Nation # 195*) is an Ojibwe First Nation with two reserves which lie off Highway 17 approximately 55 km east of Marathon, Ontario, along the eastern shores of White Lake, within the Robinson Superior Treaty area.

### **Related Links:**

[Ontario’s Land Selection and Consultation Processes](#)

[Canada’s Additions to Reserve \(ATR\) Policy](#)

[Netmizaaggamig Nishnaabeg \(Pic Mobert\)](#)

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