

# TREATY 1

## ANNUITY CLAIM UPDATE

ZONGIDAYA NELSON | FEBRUARY 2024



# Dear Treaty 1 Beneficiaries and Friends,

I have been getting a lot of questions about the lawsuit that I filed in 2019 against Canada to raise annuities for Treaty 1 beneficiaries. My family is from the Roseau River Anishinabe First Nation. Together, with a skilled team of lawyers, we are striving to get the best possible result for the members of Treaty 1. I take my role and responsibilities with this lawsuit very seriously. This case is not just for me – it is for all of us. We all share knowledge of what has been passed down after the time of treaty through ceremony and song.

United, we can make our strongest case to Canada and the Court. This update provides information on our progress and explains why we believe this lawsuit is our strongest move toward increasing the amount of the annuity and receiving compensation. Our goal is clear: we are fighting for compensation for the annuities that we have missed out on and trying to get our annuities increased moving forward.

***“We are grateful to receive your support, help, and guidance.”***

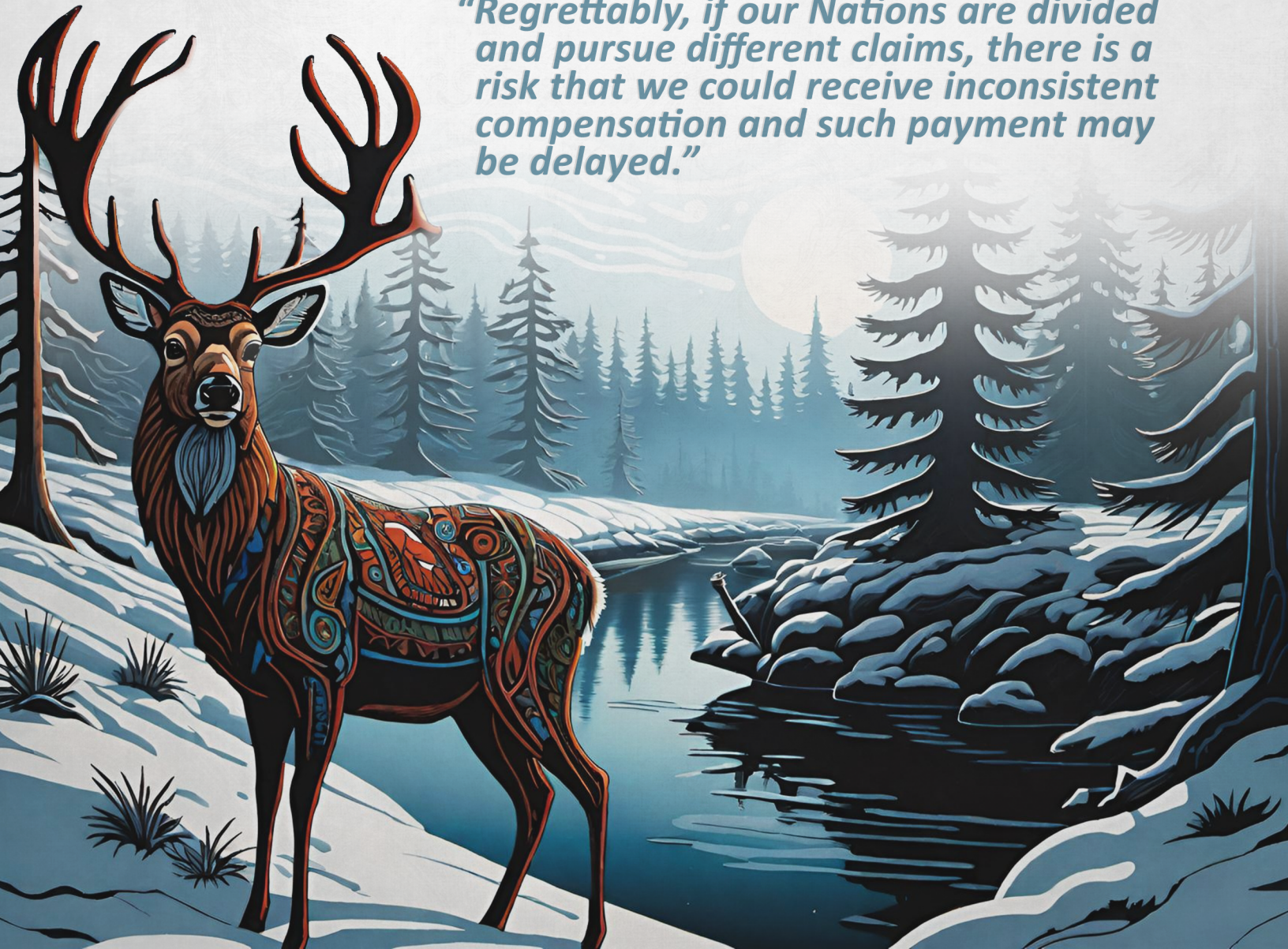


# The Clear Benefits of this Case

There has been a lot of talk about initiating new lawsuits or specific claims to compete with the one that has been started. I want to make it clear: there is no need to compete. To be honest, I believe that Canada benefits from our division. The members of all seven Treaty 1 First Nations – Roseau River Anishinabe First Nation, Long Plain First Nation, Brokenhead Ojibway Nation, Peguis First Nation, Sagkeeng First Nation, Sandy Bay Ojibway Nation, and Swan Lake First Nation – are included in the lawsuit that I am leading. If our case is successful, all members of Treaty 1 First Nations who are entitled to receive annuity payments will benefit without needing to take any additional action. This case benefits all of us.

I have always tried to keep politics from frustrating the advancement of our treaty rights. Our focus is on holding the Crown accountable for the promises it made to our ancestors and to all of us. It is essential that we all benefit equally from this case, regardless of which First Nation we come from, our political background, or who we are related to.

*“Regrettably, if our Nations are divided and pursue different claims, there is a risk that we could receive inconsistent compensation and such payment may be delayed.”*



# Considerations and Common Questions

QUESTION	MY CURENT LAWSUIT	NEW LAWSUIT	SPECIFIC CLAIM
<b>Will the claim cover future annuities?</b>	<p>✓ YES</p> <p>I am also seeking a court declaration that requires Canada to increase all future annuities. Only a Court can make an order which affects future payments. This is about ensuring that future generations do not have to fight for their annuities ever again.</p>	<p>✓ YES</p> <p>A civil lawsuit before the Court can ask for future annuity payments to be increased.</p>	<p>× NO</p> <p>A specific claim can only ask for compensation. It cannot change future annuity payments.</p>
<b>How much are you claiming against Canada?</b>	<p>✓ YES</p> <p>There are no limits on how much can be claimed in Court. I have put forward a claim for billions in compensation. Economic studies are underway to calculate the amount of annuities that we are owed.</p>	<p>✓ YES</p> <p>There are no limits on how much can be claimed in Court.</p>	<p>× NO</p> <p>The Specific Claims Tribunal can only provide compensation up to \$150 million. This limitation may affect the amount which we would receive.</p>
<b>How much will this legal case cost and what are the fees paid to the lawyers?</b>	<p>✓ FAIR AND REASONABLE</p> <p>I have entered into a contingency fee agreement. This means that my lawyers only get paid if we win, and only an amount that the court thinks is fair. They will ask Canada to pay them separately to maximize the compensation for Treaty 1 beneficiaries. No one will be out of pocket for the legal costs of this lawsuit.</p>	<p>? UNKNOWN</p> <p>The lawyers can be paid by way of a contingency fee or other fee arrangement. The First Nation can take a loan to pay fees or other expenses. The court will not necessarily ensure that the fees are fair.</p>	<p>? UNKNOWN</p> <p>The lawyers can be paid by way of a contingency fee or other fee arrangement. The First Nation may also take a loan to pay fees or other expenses. The Tribunal will not ensure that the fees are fair. Specific claims can be costly, and often require large upfront costs.</p>
<b>Will your case proceed more quickly than others?</b>	<p>✓ YES</p> <p>I started this case in 2019, and have been working with my lawyers to advance it. We expect to go to trial within a year.</p>	<p>? UNKNOWN</p> <p>It is very unlikely that a claim started today could get to trial within a few years.</p>	<p>? UNKNOWN</p> <p>Before proceeding to the Specific Claims Tribunal, the Specific Claims Branch (CIRNAC) has 3 years to review claims that have been submitted to determine whether it will negotiate a resolution or reject the claim. From there, it may take years to negotiate a resolution or get a Tribunal decision.</p>
<b>Will the claim cover the annuities that I received for my entire life?</b>	<p>✓ YES</p> <p>I started the lawsuit in 2019 before there were any limitation periods on treaty rights. I am claiming that all annuities that Treaty 1 beneficiaries have ever received should be increased.</p>	<p>× NO</p> <p>Since my lawsuit, Manitoba passed new legislation on limitation periods, which set a new 30-year limit on treaty rights. This means that any new lawsuit will be limited to the previous 30-years.</p>	<p>× NO</p> <p>Specific claims can go back in time, but are limited to ordering a maximum of \$150 million.</p>

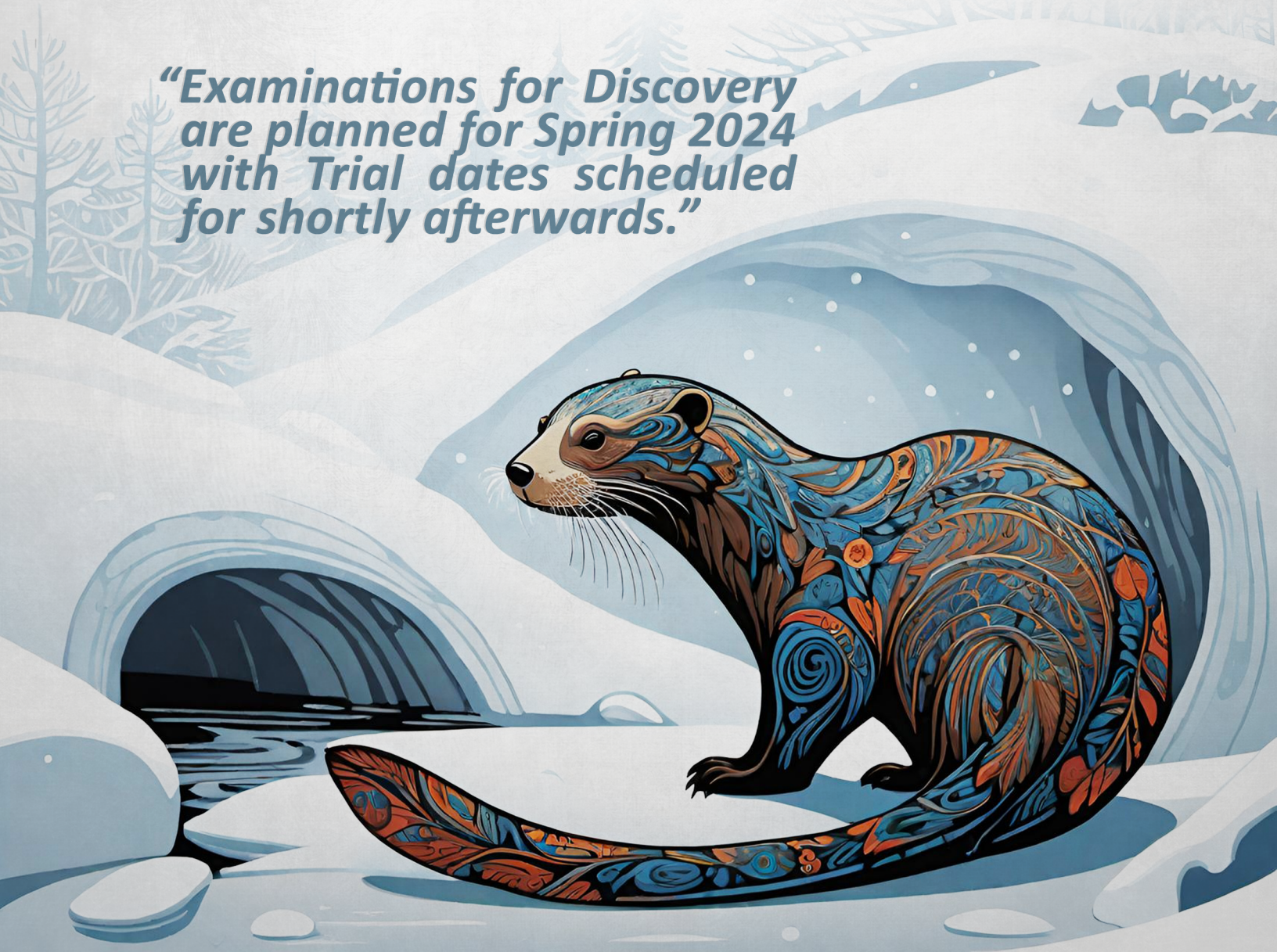


# Curent Status of the Case

In October 2023, Canada responded to the Statement of Claim which was filed with its Statement of Defence. In my reply, I highlighted the robustness of our arguments which include focusing on the treaty promises made to our people, Canada's ongoing legal responsibilities, and Canada's commitment to reconciliation including through the Treaty relationship.

As of January 31, 2024, both parties have shared an initial list of relevant documents and records. On March 1, 2024 the parties will exchange further documents in anticipation of further examination, discovery, and trial.

***“Examinations for Discovery  
are planned for Spring 2024  
with Trial dates scheduled  
for shortly afterwards.”***



# How can I Become Involved?

You do not have to do anything to benefit from the outcome of the lawsuit. However, if you would like to participate, our team is currently looking for:

- 1 Records and Documents** on the formation and interpretation of Treaty 1, and in particular the promises on annuities.
- 2 Elders and Knowledge Holders** to collect oral history on Treaty 1 and how the annuities have been previously paid.

*Our Team would be happy to hear from you! Feel free to contact:*

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