

# TREATY 1

## ANNUITY CLAIM UPDATE

ZONGIDAYA NELSON | JANUARY 2026



# Update on Treaty 1 Annuities Action

led by **ZONGIDAYA NELSON**  
JANUARY 2026

**I**n 2019, Zongidaya Nelson started a claim against the Crown over its failure to increase annuities under Treaty 1. In 2022, the Manitoba Court of King's Bench issued a Representation Order that appointed Mr. Nelson as the representative for those entitled to receive annuities under Treaty 1 in the litigation.

## Trial Dates Set

The trial is scheduled for February 9 to 27, 2026 in Winnipeg, and all are welcome to attend.

A video conferencing link will be added to the following website when it is made available:

**<https://www.mccarthy.ca/en/treaty-1-annuity-claim>**

Treaty 1 annuitants are also welcome to attend in person at 408 York Ave, Winnipeg MB R3C 0P9 or virtually. Please note that video recording of the in person session or the videoconferencing link is strictly prohibited.

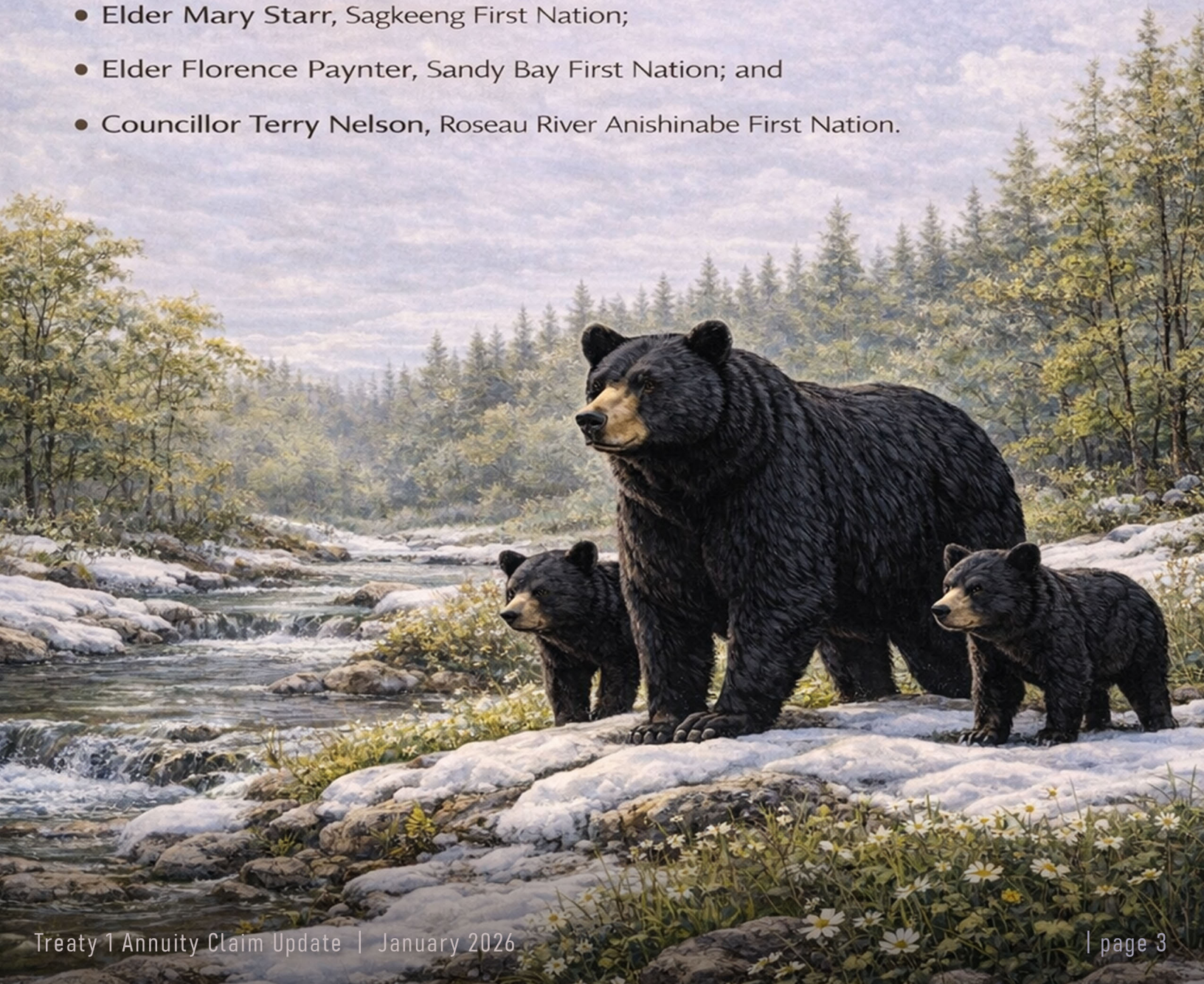


# The Goals of the Trial

The goals of the trial include enforcing the Crown's promises to the beneficiaries of Treaty 1 by (1) increasing the value of annuities to reflect the spirit and purpose of the annuities provision, and (2) expanding the scope of persons eligible to receive annuities to include descendants rather than only those who meet the criteria under the *Indian Act*.

The evidence on behalf of Mr. Nelson is expected to include testimony from Elders, including:

- Elder Mary Starr, Sagkeeng First Nation;
- Elder Florence Paynter, Sandy Bay First Nation; and
- Councillor Terry Nelson, Roseau River Anishinabe First Nation.



# Experts in the Trial

The trial will also include testimony and reports from **Experts**:

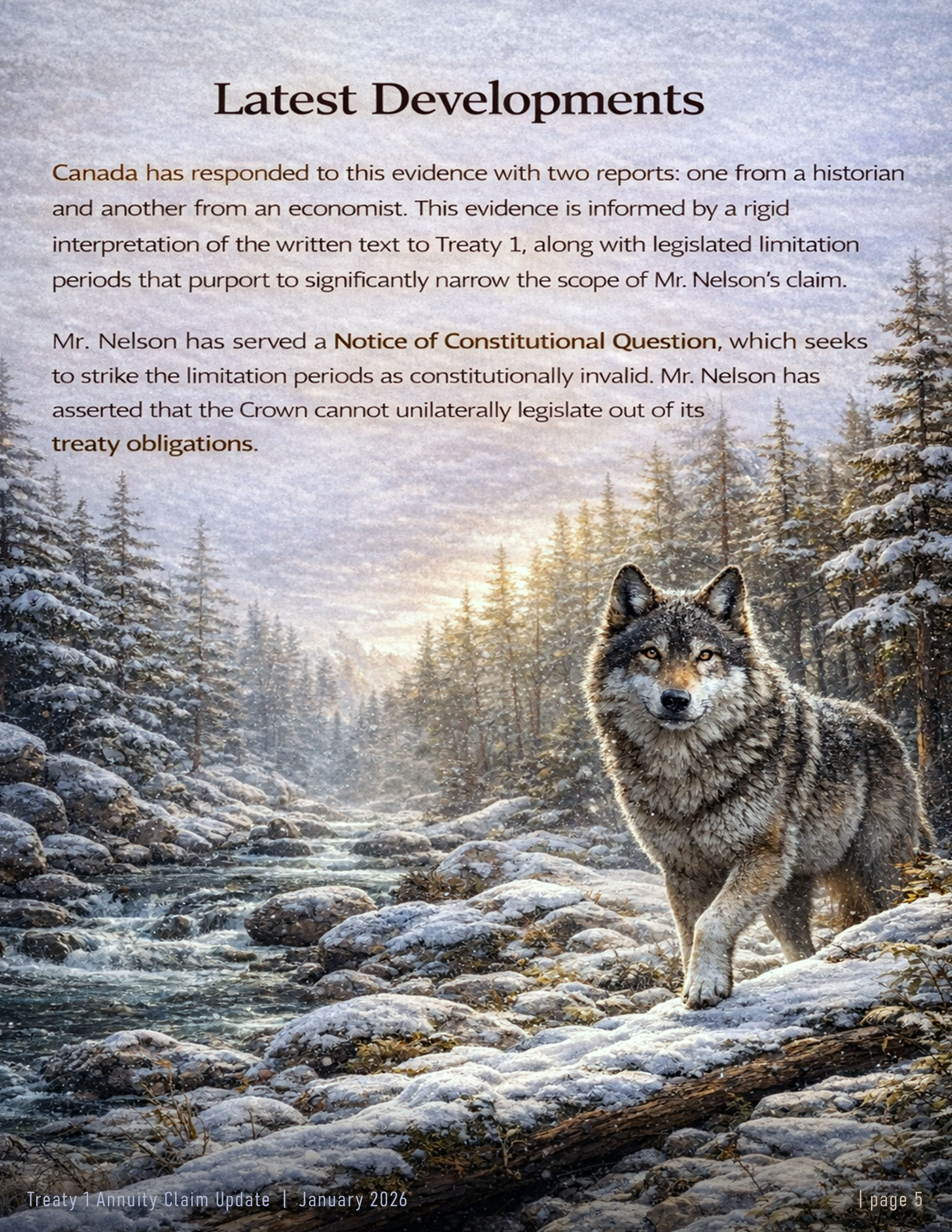
- **Kekek Stark**, Associate Professor at the University of Montana who is Turtle Mountain Ojibwe, who provides an opinion on the Anishinaabe approach to the formation of Treaty 1 and the meaning of the annuities provision;
- **Dr. Kenneth Coates**, Professor Emeritus at the University of Saskatchewan, who provides a historical opinion on the formation of Treaty 1 and the meaning of the annuities provision;
- **Mr. Peter Fortna and Ms. Deanna Turner** of Willow Springs Strategic Solutions, who provide an accounting of the number of persons entitled to receive annuities under Treaty 1 since its formation, with consideration to those who have lost status due to shifting eligibility requirements under the *Indian Act*; and
- **Dr. Fred Lazar**, Associate Professor of York University, who provides an economist opinion on the increase of annuities under Treaty 1 through different forms of economic indexation (including consumer price index, average income index, and economic growth index).



# Latest Developments

Canada has responded to this evidence with two reports: one from a historian and another from an economist. This evidence is informed by a rigid interpretation of the written text to Treaty 1, along with legislated limitation periods that purport to significantly narrow the scope of Mr. Nelson's claim.

Mr. Nelson has served a **Notice of Constitutional Question**, which seeks to strike the limitation periods as constitutionally invalid. Mr. Nelson has asserted that the Crown cannot unilaterally legislate out of its **treaty obligations**.



If you have any questions,  
our team would be happy to hear from you!

— Feel free to contact: —

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