



## **A Numbers Game**

### **The value of Indigenous annuities in CANZUS states**

**Submission to the Special Rapporteur on the rights of Indigenous Peoples  
for the 60th Session of the UN Human Rights Council**

**March 27, 2025**



**Report prepared by Sheilla Jones  
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March 27, 2025

**ATTN:** Dr Albert K. Barume, Special Rapporteur on the rights of Indigenous Peoples  
Office of the United Nations High Commissioner for Human Rights (OHCHR)

Dear Dr Barume,

We are pleased to respond on behalf of our team and our community partners to your call for submissions to help inform your report to the 60<sup>th</sup> session of the Human Rights Council. Our submission focusses on Indigenous-minority CANZUS states (Canada, Australia, New Zealand, and the United States of America) and is titled **A Numbers Game: The value of Indigenous annuities in CANZUS states** (3,200 words) and includes one Annex pdf.

The [Modernized Annuity Working Group](#) (MAWG) is a Canadian grassroots team of Indigenous and non-Indigenous leaders working together to investigate how modernizing Canada's historic annuities—still paid directly to First Nations (FN) Treaty people—can generate economic autonomy, leading to FN political empowerment to act *outside* colonial institutions. This would, in turn, empower First Nations to set their own terms on identity and sovereignty. Our submission explains the rationale behind modernizing the existing Treaty annuity payments in Canada, and how this could be applied to reparations and reconciliations in the US, Australia and New Zealand.

Our input addresses key questions raised in the call for submissions, in particular in providing mechanisms that can lead to practical solutions. In our case, we address the Indigenous-minority numbers game that, on one hand, creates an enormous power imbalance that hobbles the ability of FN communities to exercise their inherent rights to self-identification and sovereignty. But, on the other hand, those numbers make it financially feasible and politically realistic to consider Indigenous annuities as an effective remedy for the human rights violations these Indigenous communities have experienced in CANZUS states. We thank you for this opportunity to share our initiative.

Respectfully,  
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## A Numbers Game: The value of Indigenous annuities in CANZUS states

By Sheilla Jones

Modernized Annuity Working Group, Winnipeg, Canada

March 27, 2025

Our submission explains the investigation and recommendations our team has made to empower Canada's grassroots Indigenous people through modernizing the Treaty annuities paid directly to Canada's First Nations Treaty people beginning in 1850, how our work is informing action in Canada, and how it can help inform reparations and reconciliation discussions in the CANZUS states of Canada, Australia, New Zealand, and the USA.

### Introduction

Leaders of CANZUS states say many of the right things about respecting Indigenous rights and sovereignty, accompanied by official apologies and a range of reparations programs. However, the states retain control over who is defined as Indigenous and, hence, who qualifies for reparations or compensation. In all four countries, financial control over Indigenous populations is exerted through long-standing colonial and post-colonial policies and Indian Affairs (Native Affairs, Indigenous Affairs) bureaucracies that define Indigenous identity, and that require Indigenous leaders and groups to negotiate their own identity, well-being, and governance through colonial settler institutions, customs and practices.<sup>1</sup> The result is politically disempowered Indigenous people micromanaged by large state bureaucracies.

CANZUS were the sole votes against the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, although they later endorsed it as a non-binding,

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<sup>1</sup> Robert Nichols, "Contract and Usurpation: Enfranchisement and Racial Governance in Settler-Colonial Contexts," in *Theorizing Native Studies*, ed. Audra Simpson and Andrea Smith (Duke University Press, 2014), 99–121, <https://doi.org/10.2307/j.ctv1220pr6>.

aspirational document. And have significant differences they share characteristics that impact Indigenous identity, including:

- the continuing impact of British colonization;
- Indigenous peoples stripped of their agency and displaced from their traditional lands;
- administration of Acts and Treaties by large, mature bureaucracies;
- a surge in Indigenous rights advocacy in the 1970s;
- unresolved conflicts over Indigenous identity, land rights, and sovereignty.

Colonial Canadian, US, and Australian states explicitly infantilized their respective Indigenous populations as “wards of the state,” giving the state control of Indigenous lands for settlement (Canada, *Indian Act* of 1876; Australia, *Aboriginal Protections Act* of 1897; US Supreme Court 1831). New Zealand’s colonial government took a different path by incorporating four Māori seats into its parliament in 1867, but using the Native Lands Act 1865 to acquire lands for settlement.

The colonizing states also sought to redefine who was (and was not) Indigenous to serve the state’s interest in reducing its Indigenous population through various programs that typically involved assimilation and then gaining access to their lands. In the US, the 1887 *Dawes Act* allocated lands to individual Native American who could sell their land, but only if deemed “competent” by a state board. Competency meant they lost their Indian status, sometimes against their will, and were no longer recognized as Indigenous, and their land became available for settlers to buy.<sup>2</sup> In Canada, the *Indian Act* allowed for the involuntary enfranchisement of any Indian who went to university or became a lawyer, clergyman, or doctor, meaning they lost their Indian status.<sup>3</sup> So did First Nations women who married a non-Indigenous man. In New Zealand, Māori people were allowed to apply in the Native Land Court between 1921 and 1931 to be designated as “European” based on their speaking English, having a European education, and sufficient income. There was little uptake; only 77 Māori people were declared European in that decade.<sup>4</sup> Australian states offered Aboriginal Exemption certificates from 1897 into the 1970s to

<sup>2</sup> Katherine Ellinghaus, “Strategies of Elimination: ‘Exempted’ Aborigines, ‘Competent’ Indians, and Twentieth-Century Assimilation Policies in Australia and the United States,” *Journal of the Canadian Historical Association* 18, no. 2 (June 11, 2008): 202–25, <https://doi.org/10.7202/018229ar>.

<sup>3</sup> Nichols, “Contract and Usurpation: Enfranchisement and Racial Governance in Settler-Colonial Contexts.”

<sup>4</sup> Paul Meredith and Rawinia Higgins, “Kāwanatanga – Māori Engagement with the State,” Te Ara - The Encyclopedia of New Zealand, accessed March 18, 2025, <http://www.TeAra.govt.nz/en/kawanatanga-maori-engagement-with-the-state/print>.

Indigenous people deemed worthy by a state board to be able to pass in a segregated society, but it required them to deny their Indigeneity by speaking English and never associating with Aboriginal people, even kin, under threat of their exemption being revoked.<sup>5</sup>

Given that colonial states have typically imposed governance on Indigenous communities without their consent,<sup>6</sup> the ability of Indigenous people to push back against micromanagement by large bureaucracies is challenging enough, but is particularly challenging in Indigenous-minority countries. In CANZUS states, the power imbalance is enormous; it is a numbers game that can skew how Indigenous issues are viewed by the majority.<sup>7</sup> The Indigenous minority in Canada (First Nations, Inuit, Métis) constitute less than 5% of the population, with First Nations representing just over 2%; Native American and Alaskan Natives are 2% of the US population; the Aboriginal and Torres Strait Islanders are just under 4% of the Australian population; and Māori represent about 20% of New Zealand's population.

Public interest in Indigenous issues surged in the 1970s, leading to governments taking action on Indigenous rights and poverty concerns. While it might seem that the time, energy, and money expended over the past 50 years on addressing the issues of the small Indigenous populations in CANZUS states should have largely resolved identity and rights issues, it instead appears to have further cemented long-standing colonial structures in place.<sup>8</sup> It is precisely the maturity of CANZUS colonial systems that works against the shifts in societal attitudes of the dominant Settler population, where colonial oppression policies have become “normalized” over

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<sup>5</sup> Katherine Ellinghaus, “The Origins of Exemption: The Individual Exception in the Discourse of Humanitarianism,” in *Humanitarianism, Empire and Transnationalism, 1760–1995*, ed. Joy Damousi, Trevor Burnard, and Alan Lester (Manchester University Press, 2022), <https://doi.org/10.7765/9781526159564.00016>; Lucinda Aberdeen and Jennifer Jones, eds., *Black, White and Exempt: Aboriginal and Torres Strait Islander Lives under Exemption*, 1st ed (Canberra: Aboriginal Studies Press, 2021).

<sup>6</sup> Kirsty Gover, “Settler–State Political Theory, ‘CANZUS’ and the UN Declaration on the Rights of Indigenous Peoples,” *European Journal of International Law* 26, no. 2 (May 2015): 345–73, <https://doi.org/10.1093/ejil/chv019>.

<sup>7</sup> Isabelle Côté et al., “The Power of Numbers: How Majority/Minority Status Affects Media Coverage and Framing of Indigenous Contentious Politics in Canada,” *Politics, Groups, and Identities* 11, no. 3 (May 27, 2023): 619–37, <https://doi.org/10.1080/21565503.2021.2020663>.

<sup>8</sup> Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*, Indigenous Americas (Minneapolis: University of Minnesota Press, 2014); Gover, “Settler–State Political Theory, ‘CANZUS’ and the UN Declaration on the Rights of Indigenous Peoples.”

time and rendered largely invisible.<sup>9</sup> This also acts against actualization of “hard laws”<sup>10</sup> needed to implement the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), which it certainly not limited to CANZUS states.

The evidence of this paralysis of colonial politics and the weight of its bureaucracies in CANZUS states is readily apparent. In 2025, Canada’s 1876 *Indian Act* is still in effect. Australia is still dealing with the scarring fallout from The Voice, the 2023 failed referendum to constitutionally recognize Aboriginal and Torres Islanders people as the First People in Australia. Meanwhile, tens of thousands of New Zealanders demonstrated in November 2024 in opposition to a government bill that would reinterpret the language of the 1840 Treaty of Waitangi to roll back Māori rights. And in the USA, the intent stated by the 2025 federal administration to eliminate constitutional birthright citizenship has raised alarms that the sovereign status of tribal American Indians could lead to their children being deemed as living illegally in the United States.

Where violations of human rights and resistance to implementation of UNDRIP principles meet the insularity of mature colonial bureaucracies, the opportunity for effective remedies is compromised. This an important issue, as rights are only meaningful if there are efficient remedies, including reparations, for rights violations.<sup>11</sup>

There is an old saying about Canada’s Indigenous Affairs bureaucracy among those who have battled for Indigenous rights: You don’t change Indian Affairs. Indian Affairs changes you. Our submission offers a mechanism for economic autonomy and political empowerment of Indigenous people to act in their own best interests that does not require battling the bureaucracy. It goes around the bureaucracy instead.

## Who we are

The [Modernized Annuity Working Group](#) (MAWG) is a civil society group, a team of Indigenous and non-Indigenous leaders based in Winnipeg, Canada that models the importance

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<sup>9</sup> Derrek Bentley, Sherry Sullivan, and Kathleen Wilson, “British Colonialism: Perpetuating Structural Violence through Perceptual Misunderstandings in Canada,” *Peace Research* 49, no. 2 (2017): 61–78, 143, 145; Elizabeth Strakosch, “Violence as Care: Indigenous Policy and Settler Colonialism,” in *Handbook of Indigenous Public Policy*, ed. Sheryl Lightfoot and Sarah Maddison (Edward Elgar Publishing, 2024), 18–34, <https://doi.org/10.4337/9781800377011.00007>.

<sup>10</sup> Isabelle Côté et al., “The Global Implementation of UNDRIP: A Thematic Review,” *The International Journal of Human Rights* 29, no. 2 (February 7, 2025): 306–30, <https://doi.org/10.1080/13642987.2024.2407529>.

<sup>11</sup> Federico Lenzerini, *Reparations for Indigenous Peoples: International and Comparative Perspectives* (Oxford: Oxford university press, 2008), 9.

of Settlers and First People working together for a shared understanding of Indigenous issues that affect our families, our communities and our country. MAWG was founded in 2019 by Settler Sheilla Jones, an author and journalist, with co-chair Sheila North, the Cree former Grand Chief of Manitoba Keewatinowi Okimakanak (MKO), with support from community partners—the [Aboriginal Council of Winnipeg](#) and the [Social Planning Council of Winnipeg](#). Our mission has been to explore modernizing Treaty annuities as a means of empowering First Nations families by honouring the intent of the historic Treaties to share the prosperity of the land. (For details see the Annex document: “First Nations Modern Annuity.”)

## The Canadian Case

The British Crown dramatically shifted its colonial policies towards Canada’s First Nations (FN) people post-1814, from valued military allies to “children” in need of state care. The *Indian Act* of 1876 designated them “wards of the state,” giving the Crown *in loco parentis* control of them and their traditional lands, albeit not without FN resistance.<sup>12</sup> The push by the British Crown (the Canadian Crown after 1867) to settle the country, under the threat of American claims of Manifest Destiny to claim much of North America, meant negotiating treaties with the Indigenous nations.

The British Crown introduced the first Treaty annuity of \$10 payable to “every man, woman, and child” in Canada in 1818, but it was only for band members alive at the time of signing and ended upon their death. From 1850 to 1911, the Crown signed two Robinson Treaties and eleven Numbered Treaties. All of them promised cash annuities to be paid directly to every man, woman, and child belonging to the Treaty bands, but this time the payment was in perpetuity (with no end). For the Crown, it was a means of reducing the upfront costs of acquiring access to traditional First Nations land by deferring payments into the future, with the assumption that the State’s assimilation policies would eventually eliminate Treaty recipients and payments. The First Nations leaders understood the annuities as a means of sharing the prosperity of the land to sustain their economic autonomy in exchange for allowing settlers access to those lands. It was also understood that annuities would increase over time to reflect the growing settler prosperity, but that did not happen.

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<sup>12</sup> Taiaiake Alfred, *It’s All about the Land: Collected Talks and Interviews on Indigenous Resurgence*, ed. Ann Rogers (Toronto: Aevo UTP, 2023).

Canada's Parliament last voted to increase annuities in 1878, and thereafter adopted a policy of strict monetary nominalism for Treaty annuities, freezing them at \$5 person (\$4 in some cases). That is still the value today of annuities that continue to be paid directly to Treaty Status Indians (about 60% of Canada's one-million First Nations people).

The *Indian Act* is silent on the value of annuities; it is set by government policy. This means the increase in Treaty annuities is a political decision. However, in the past 170 years, no effort had been made to determine the value of a modern annuity. That is the task our MAWG team took on, beginning in 2019.

### **Modernizing Treaty annuities**

The challenge for our team was that the Treaties did not provide any guidance for increasing annuities, which meant we had to construct a rationale and methodology from scratch. We were the first group in 170 years to develop models for increasing annuities to best reflect the intent of the Treaty annuities at the time of signing, and to be transparent and relatively easy to calculate in a modern context.<sup>13</sup> The Gross Domestic Product (GDP) model is one such model. It reflects the intent of "sharing the prosperity of the land" as a present-day per capita share of the land-based activities (agriculture, forestry, fishing, resource extraction, etc.). The value of land-based economic activity is readily available. Canada and the US use the internationally recognized North American Industrial Classification System (NAICS) to provide a detailed and precise record of economic activity in all sectors of the economy. It is published quarterly. We determined in our 2022 report that, depending on what was included as land-based activity, a modernized annuity based on the GDP model would be \$7,000-\$9,000 per person per year. (For details on additional options presented, see the Annex document.)

We recommended that the modernized annuity be paid directly to all Status First Nations people residing in Canada, regardless of Treaty status. We further recommended moving payment *outside* the control of the Indigenous Affairs bureaucracy by using the same method used for the federal government monthly payments for national child benefits and old age security. The immediate benefit of a modernized annuity would be delivering a degree of economic autonomy to individuals and families, with resources they would be free to use as they

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<sup>13</sup> Gregory Mason, Sheilla Jones, and Wayne Helgason, "A Modern Annuity for Canada - Concrete Reconciliation," *The Journal of Aboriginal Economic Development* 12, no. 1 (2020): 92–110.

wished, and provide equity that is often hard to come by in colonial-controlled communities. It would form of economic security, not unlike a guaranteed basic income that provides an income support that is guaranteed, predictable, and unconditional, and has been shown to lead to improved health, education, and employment outcomes.<sup>14</sup>

Our recommendations directly responded to UNDRIP Articles 3, 4, 5, 20 and 21, as well as to Canada's Calls to Action in its 2015 Truth and Reconciliation Report, and the Economic Security called for in the 2019 Missing and Murdered Indigenous Women and Girls+ Inquiry.

How would this apply to the US, Australia and New Zealand?

### **Applying the modern annuity model to Australia, New Zealand, and the US**

The British state had long been providing annual gifts to North American Indigenous nations as part of its diplomacy with military allies. Following the American Revolution, the new American government sought a less expensive alternative to taking Indigenous lands by force. In the 1830s, the federal government set up trusts to invest the value of Treaty land settlements and the interest was used to finance annuities divided among the heads of households in Native communities. The trusts generally had time limits of 10-30 years, after which the remaining equity would be paid out, if it had not already been appropriated by the state under some rationale. Native leaders were adamant that annuities be paid in specie (cash), which resulted in annual infusions of highly liquid capital that in turn generated a significant market for merchants.<sup>15</sup> However, as Native communities were squeezed into smaller land allotments and became increasingly dependent on annuities, the state gained leverage to withhold annuities to, for instance, force communities to relocate to free up land the state wanted for settlement.

Australia and New Zealand did not institute individual annuity payments as part of its colonial policies. Australia is, however, currently addressing historic wrongs through lump-sum reparations payments to individuals, while New Zealand is making lump-sum payments to Māori communities. Canada has also made lump-sum reparation payments, including to the survivors of the Indian Residential Schools, albeit only after losing a class action law suit. The downside of Canada's experience with lump-sum payments is that they had no discernable impact on

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<sup>14</sup> Rebecca Hasdell, Juliana Bidadanure, and Sarah Berger Gonzalez, "Healthy Communities and Universal Basic Income: A Conceptual Framework and Evidence Review" (California: Stanford Basic Income Lab, 2021).

<sup>15</sup> Emilie Connolly, "Fiduciary Colonialism," *The American Historical Review* 127, no. 1 (April 26, 2022): 223–53, <https://doi.org/10.1093/ahr/rhac012>.

addressing colonial structural oppression. However, there is an argument to be made over whether a lump-sum payment that represents an immediate and substantial cash infusion is a better option than annuity payments made over a lifetime.

The Australian state of Victoria is, for instance, offering a one-time \$100,000 payment to eligible individuals as part of its Stolen Children Reparations package.<sup>16</sup> Taking the lower rate of \$7,000 annuity payment recommended by MAWG, an eligible 70-year-old Aboriginal or Torres Strait Islander would receive \$630,000 over a lifetime. This is not, however, the kind of assessment one might undertake for evaluation of the best strategy for using lottery winnings or pension fund payouts. This is about efficient remedies for violations by the colonial state for wrongs against its Indigenous populations.

The application of MAWG's Canadian GDP model that bases an annuity value on land-based economic activity is readily translatable in the US using NAICS, and in New Zealand and Australia by measuring the national GDP with the Australian and New Zealand Standard Industrial Classification (ANZSIC). Modernizing annuities in Canada does not require changes in existing federal legislation, as the *Indian Act* is silent on valuing annuities. It requires only political will to make it happen. However, at the time of this submission, political paralysis on Indigenous issues in Canada has meant that First Nations people have had to primarily rely on legal action to obtain judicial rulings to compel Parliament to act on acknowledging their rights. MAWG's work is being used to inform multiple legal actions by First Nations communities against Canada's federal government for its failure to modernize annuities since 1878, the last time Parliament last voted on such an increase. New Zealand, Australia, and the US would likely require specific legislation to make annuities a reality in their respective countries.

Modernizing annuities demonstrates what could be an effective, workable method of making reparations that also provides transportable and predictable economic security and autonomy. It would empower Indigenous people, outside the stifling control of the Indian Affairs bureaucracies, to decide for themselves their identity, how they want to live, and how they want to be governed. It would be using money as medicine for healing.<sup>17</sup> Such a model might not be financially feasible in an Indigenous-majority state, but in this case, the small number of

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<sup>16</sup> Hamm, "Stolen Generations Reparations Steering Committee Report" (Victorian Government, Australia, 2021), <https://www.firstpeoplesrelations.vic.gov.au/services-victorias-stolen-generations>.

<sup>17</sup> Edgar Villanueva, *Decolonizing Wealth, Second Edition: Indigenous Wisdom to Heal Divides and Restore Balance*, 2nd ed (New York: Berrett-Koehler Publishers, Incorporated, 2021).

Indigenous people in CANZUS states works to their benefit because it makes sharing the prosperity of the land with the First People a feasible and concrete action towards reconciliation.

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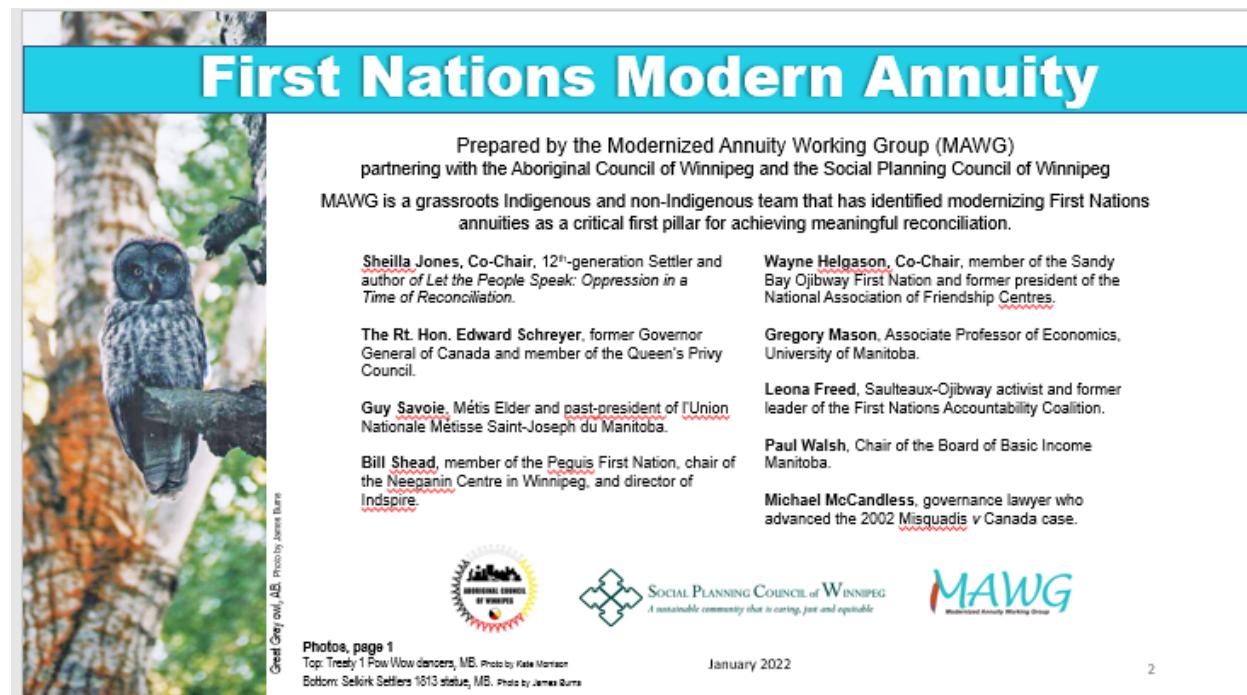
## APPENDIX: First Nations Modern Annuity



**First Nations Modern Annuity**

MAWG  
Modernized Annuity Working Group  
2022

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**First Nations Modern Annuity**

Prepared by the Modernized Annuity Working Group (MAWG) partnering with the Aboriginal Council of Winnipeg and the Social Planning Council of Winnipeg

MAWG is a grassroots Indigenous and non-Indigenous team that has identified modernizing First Nations annuities as a critical first pillar for achieving meaningful reconciliation.

**Sheilla Jones**, Co-Chair, 12<sup>th</sup>-generation Settler and author of *Let the People Speak: Oppression in a Time of Reconciliation*.

**The Rt. Hon. Edward Schreyer**, former Governor General of Canada and member of the Queen's Privy Council.

**Guy Savoie**, Métis Elder and past-president of l'Union Nationale Métisse Saint-Joseph du Manitoba.

**Bill Shead**, member of the Peguis First Nation, chair of the Neeganin Centre in Winnipeg, and director of Indspire.

**Wayne Helgason**, Co-Chair, member of the Sandy Bay Ojibway First Nation and former president of the National Association of Friendship Centres.

**Gregory Mason**, Associate Professor of Economics, University of Manitoba.

**Leona Freed**, Saulteaux-Ojibway activist and former leader of the First Nations Accountability Coalition.

**Paul Walsh**, Chair of the Board of Basic Income Manitoba.

**Michael McCandless**, governance lawyer who advanced the 2002 *Misgadis v Canada* case.

Great Grey owl, AB. Photo by James Burns

Photos, page 1  
Top: Treaty 1 Pow Wow dancers, MB. Photo by Kate Morrison  
Bottom: Selkirk Settlers 1813 statue, MB. Photo by James Burns

SOCIAL PLANNING COUNCIL of WINNIPEG  
*A sustainable community that is caring, just and equitable*

MAWG  
Modernized Annuity Working Group

January 2022

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## History of Treaty annuities in Canada

- ❖ Treaty annuities – cash payable to every man, woman and child - first began in 1818 with the Crown approving a \$10 annuity for each member in Mississauga bands, until their deaths.
- ❖ The Treaty annuities for the Anishinaabe bands that signed the Robinson Treaties in 1850 were to be paid to band members annually in perpetuity, with the annuities to increase over time via an “escalator clause.”
- ❖ The Numbered Treaties signed after 1871 included an annuity of \$4 or \$5 payable directly to every man, woman and child in perpetuity, but did not include the Robinson escalator clause.
- ❖ In 1874, the chiefs of the Robinson Treaty bands finally triggered the escalator clause, increasing it to \$4 per person. It was the last time that Treaty annuities were increased.
- ❖ In 2024, the Supreme Court of Canada ordered the Crown to compensate Robinson Treaty Anishinaabe for its failure to honour the escalator clause.



## Historic intent and purpose of FN annuities

Treaty 6, Alberta, 2015. Photo by David Bern

Treaty annuities provided two key benefits for First Nations people:

- A reliable livelihood support for individuals and families, within the band collective, that provided:
  - a degree of economic independence and autonomy,
  - a supplement to traditional means of supporting families such as hunting, trapping and fishing,
  - assistance to adapt to lifestyle changes due to settlement;
- A vehicle for sharing the prosperity derived by Settlers from traditional lands.



Private canola field and grain elevator. Photo by Scott Juras



## Treaty promise: Sharing the prosperity of the land

Meaningful reconciliation between First People and Settlers requires addressing a long-standing failure of the Government of Canada—to share the prosperity of the land through Treaty annuities.

- **1878 Historic Treaty annuity value:** \$4 or \$5 per person  
**Eligibility:** First Nations members of Treaty bands
- **2021 Historic Treaty annuity value:** *still* \$4 or \$5 per person  
**Eligibility:** Status (Registered) Indian members of Treaty bands



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Canada's Parliament Buildings, Ottawa, ON



## Why have Treaty annuities not increased?

**Three key reasons:**

1. The Parliament of Canada last voted to increase Treaty annuities in 1878. The Government thereafter adopted a policy of strict monetary nominalism for annuities, effectively freezing them at the 1878 value of \$4 or \$5.
2. When First Nations leaders began challenging federal Indian policies, the Government amended the *Indian Act* to criminalize raising money by FN leaders to hire legal counsel. That law remained in effect from 1929 to 1951.
3. When First Nations leaders then turned to the courts for Treaty annuity redress, Government lawyers threw up procedural roadblocks to deny FN people standing in law suits in provincial and federal courts, or through the Specific Claims Tribunal. This practice continues today.



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**Modern Annuity: Key to reconciliation**

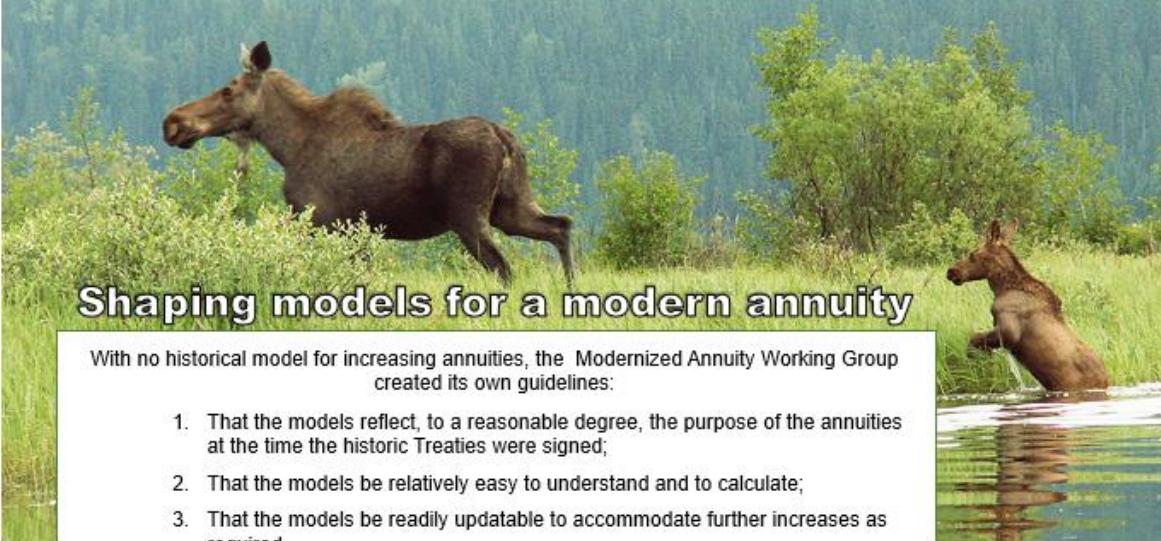
**Canada's Liberal government has clearly committed itself to reconciliation between First People and the Crown.**

The failure to increase Treaty annuities since 1878 highlights what is needed for achieving meaningful reconciliation:

- **Respecting the intent of treaties**, signed in good faith by First Nations leaders, that Settlers share the prosperity generated from FN traditional lands;
- **Engaging with Canada's First People as equals;**
- **Moving away from the colonial Indian Act.**

These key points are constructively addressed by a modern annuity.

MAWG 7



**Shaping models for a modern annuity**

With no historical model for increasing annuities, the Modernized Annuity Working Group created its own guidelines:

1. That the models reflect, to a reasonable degree, the purpose of the annuities at the time the historic Treaties were signed;
2. That the models be relatively easy to understand and to calculate;
3. That the models be readily updatable to accommodate further increases as required.

MAWG examined multiple models, but selected three that best followed the guidelines.

MAWG 8

**1. Historic Livelihood Support Model**  
Based on historic wages for labourers and costs of outfitting a trapper in the 1870s  
Modern annuity equivalent: \$1,870 to \$6,500 per person per year

**2. Federal Income Support Model**  
Based on methodology used to value federal income support programs, i.e., Canada Child Benefit and Old Age Security  
Modern annuity equivalent: \$7,500 per person per year

**3. Land-based GDP Model**  
Based on economic activity generated by land-based industries, as measured by the Gross Domestic Product  
Modern annuity equivalent: \$7,025 to \$8,810 per person per year

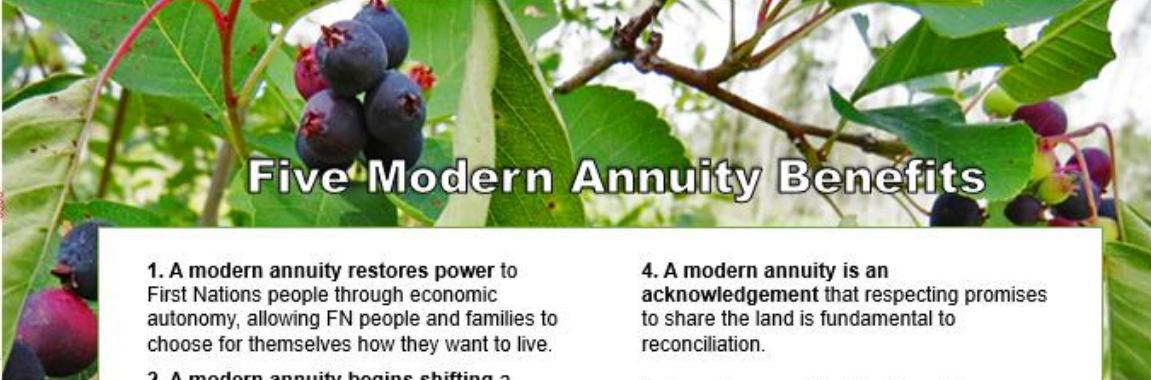
See appendices for model details.



**RECOMMENDATION**  
That a modern annuity be valued at \$7,000 to \$9,000 per person per year

Treaty 5 Pow Wow dancer, MB. Photo by Kara Morrison

MAWG  
Métis Action Working Group



**Five Modern Annuity Benefits**

1. A modern annuity restores power to First Nations people through economic autonomy, allowing FN people and families to choose for themselves how they want to live.

2. A modern annuity begins shifting a portion federal funding directly to FN individuals and families.

3. A modern annuity initiates the move away from 145 years of micromanagement of First Nations people under the *Indian Act*.

4. A modern annuity is an acknowledgement that respecting promises to share the land is fundamental to reconciliation.

5. A modern annuity directly addresses issues raised by:

- Truth and Reconciliation Commission (TRC) Calls to Action,
- Missing and Murdered Indigenous Women and Girls+ (MMIWG+) Calls to Justice,
- United Nations Declaration of Indigenous Rights (UNDRIP) Articles.

MAWG  
Métis Action Working Group



Bison herd. Photo by James Burns

## ❖ FOUR RECOMMENDATIONS

**1. RECOMMENDATIONS: Eligibility**

- That all Status First Nations people (Registered Indians) resident in Canada be eligible for a modern annuity;
- That eligibility criteria, such as payments to minors or extensions beyond Registered Indians be considered for further discussion.

**2. RECOMMENDATIONS: Taxation**

- That a modern annuity be tax-free, but included in calculating net family income for other income-based programs.

**3. RECOMMENDATIONS: Obligations of Recipients**

- That recipients be required to file an annual income tax return to remain eligible;
- That recipients have a deposit account at a registered provincially or federally chartered institution;
- That recipients ensure their Status cards are current to remain eligible.

**4. RECOMMENDATIONS: Method of Payment**

- That modern annuity payments to individuals be administered by the Canada Revenue Agency and/or Employment and Social Development Canada;
- That Indigenous Services Canada maintain the Indian Register and provide it to the designated annuity administrator;
- That payments may not be reassigned or redirected unless legally mandated by the court or some other judgement.


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## Four Modern Annuity Challenges

**1. COST:** The wealth transfer of a modern annuity, as recommended by MAWG, would be significant:

- For 1-million Status First Nations people, an annuity would be \$7-billion to \$9-billion per year.

**2. ARREARS:** Accepting that the Crown is historically obligated to increase annuities means addressing the question of determining arrears and to whom those arrears would be paid.

**3. ELIGIBILITY:** A modern annuity at the level recommended by MAWG may trigger a surge of people applying for First Nations status, which is the responsibility of the federal Indian Registrar.

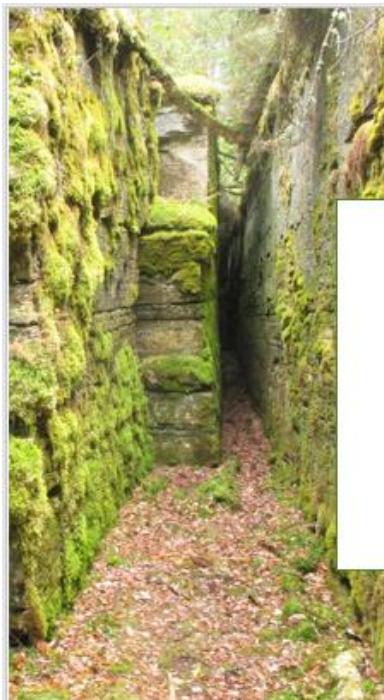
**4. FEAR OF CHANGE:** Many First Nations leaders are justifiably wary of changes to the rules and regulations imposed under the *Indian Act* that they've been struggling with for 145 years.

It is imperative that the First People, Settlers and the Crown work together to build a level of trust, respect and co-operation that helps move Canada away from the *Indian Act* to a new understanding.

Lumber mill logs, ON.  
Photo by James Burns




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## Repairing a broken structure

- The British Crown broke the long-standing bond of friendship and solidarity between the Crown and the First People in the 1850s. It deliberately recast First People as “uncivilized children” in need of state control and protection, which then served as justification to unilaterally nullify First Nations rights over traditional lands.
- The new Canadian government then formalized the state’s exclusive control over all aspects of the lives of the First People from birth to death under the 1876 *Indian Act*. This colonization structure remains in place today.
- A modern annuity is a foundational pillar in repairing the relationship between the First People and the Crown—and between First People and Settlers—by stepping away from *Indian Act* control, and empowering First People to speak for themselves and their communities.

Pine Dock karst feature, MB. Photo by James Burns



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## Making a modern annuity a reality

- A First Nations modern annuity is a critical step in resetting the relationship between the Crown and Canada’s First People, because it directly addresses a mechanism for reducing State control over FN people.
- Canada’s Members of Parliament have the power to vote to increase annuities, just as they did in 1878, and opt to extend eligibility to all Status First Nations people.
- The *Indian Act* is silent on Treaty annuity valuation.
- There is no impediment to modernizing FN annuities other than the political will to do so.



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## First Nations Modern Annuity

Canadian Rocky Mountains Photo by Shelly Jackson

**Contact information**

To learn more about the Modernized Annuity Working Group,  
visit MAWG's website: [www.mawg.ca](http://www.mawg.ca)  
To contact MAWG, email: [contact@mawg.ca](mailto:contact@mawg.ca)





SOCIAL PLANNING COUNCIL of WINNIPEG  
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MAWG  
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Yukon River, YT. Photo by James Burns

**APPENDIX**

### 1. Historic Livelihood Support Model

The historic annuity served a valuable role in aiding FN people to continue pursuing traditional means of livelihood, and it also helped them to adapt to changes brought by settlement.

- In 1870, the \$25 in annuities for a family of five was equivalent to one-third to one-half of a year's wages for an "unskilled labourer" in Toronto or Montreal.
- In modern-day Canada, one-third to one-half of the minimum wage for workers in Toronto and Montreal would be roughly \$9,330 to \$15,000.
- Divided among five family members, it would translate into a modern annuity equivalent of **\$1,870 to \$3,000 per person per year**.
- In 1879, the \$25 in annuities for a family of five could outfit a trapper for the winter.
- In modern-day Canada, trappers who earn their livelihood from trapping spend an average to \$32,500 per year to outfit themselves.
- Divided among five family members, it would translate into a modern annuity equivalent of **\$6,500 per person per year**.

The Historic Livelihood Support Model links the value of livelihood supports from the era of historic Treaty agreements to the present day. The trapper calculation is a direct link to the land.


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Bay of Fundy, NB. Photo by James Burns

## APPENDIX

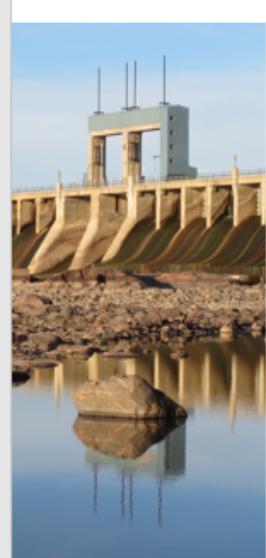
### 2. Federal Income Support Model

The valuation of historic annuities was subject to negotiation, conditioned by politically-set budget constraints. A similar process is used by the Federal Government in setting the value of programs such as the Canada Child Benefit (about \$6,400 per year) and Old Age Security (\$7,620 per year).

The numbers for CCB and OAS are arbitrary; governments set these as a matter of policy rooted in some assessment of what might be politically acceptable, what is affordable, and what serves as a meaningful measure of support.

MAWG determined that a reasonable measure of sharing the prosperity of the land would be of similar value to CCB or OAS, or about **\$7,500 per person per year**.

The Federal Income Support Model mirrors the process used during the historic Treaty negotiations to arrive at an annuity value. If the Crown elects to frame modern annuity payments as a form of leasehold fee or land compensation—paid on behalf of Settlers by the Crown to eligible First Nations people—the connection to the land is affirmed.



Seven Sisters Falls Hydroelectric dam, NB. Photo by James Burns

## APPENDIX

### 3. Land-based GDP Model

Statistics Canada uses the North American Industry Classification System for detailed figures on economic activity across Canada to produce quarterly reports on the Gross Domestic Product.

MAWG looked at land-based activity measured by the GDP for agriculture—from market gardens in Ontario to canola fields in Saskatchewan to vineyards in BC—along with forestry, fishing, hunting, mining and energy production, and including land-based tourism such as golf courses, ski hills, parks and fishing camps.

- Based on a per capita share of land-based GDP economic activity for 2021, a modern annuity would be **\$7,025 per person per year**.

But MAWG also considered the processing of products derived from the land, such as wineries, flour mills and smelters.

- Based on the GDP economic activity for October 2021, including processing, a modern annuity would be **\$8,810 per person per year**.

The Land-based GDP Model uses a per capita share of land-based economic activity as a stand-in for the prosperity generated on traditional lands; it is directly linked to the land, and the data are readily available.