



Assembly of Manitoba Chiefs  
EMPOWERING OUR NATIONS

**FOR IMMEDIATE RELEASE**

**October 30, 2019**

## **AMC RESPONDS TO MMF LEGAL CHALLENGE OF CANADA'S AGREEMENT ON KAPYONG BARRACKS**

**Treaty 1 Territory, Manitoba** – The Assembly of Manitoba Chiefs (AMC) Chiefs-in-Assembly passed a resolution today to apply for intervenor status in response to the Manitoba Metis Federation's (MMF) application for judicial review in Federal Court in respect of the government of Canada's decision to enter into various arrangements and agreements with Treaty 1 First Nations to transfer up to 222 acres of federal Crown lands that include the Kapyong Barracks.

The MMF has asked a federal judge to terminate an order setting aside or quashing the decision for Canada to enter in the agreement with Treaty 1 First Nations and any agreements related to it; and a declaration that Canada breached the honour of the Crown on the basis that the federal government did not adequately consult with the MMF.

In the fall of 2002, Canada declared the Department of National Defence Kapyong Barracks surplus property. Under the Framework Agreement - Treaty Land Entitlement (Framework Agreement or TLE Agreement), Canada was obligated to provide notice of the availability of surplus land and an estimate of fair market value to Brokenhead Ojibway Nation ("BON"). Canada failed to do so. Canada took the position that the Kapyong land was "strategic surplus" and thus not covered under the Framework Agreement. Treaty 1 First Nations immediately took action challenging Canada's decision and thus began 16 years of legal wrangling, negotiations and court decisions which culminated in a Comprehensive Settlement Agreement ("CSA") with respect to the disposition of 68% of the Kapyong lands to Treaty 1 First Nations, which CSA was signed on August 30, 2019.

**AMC Grand Chief Arlen Dumas** said, "We strongly support our Treaty 1 Chiefs who worked long and hard to secure this land for our First Nations citizens; a deal that was struck with Ottawa to acquire the land based on unfulfilled Treaty Land Entitlement. First Nations hold the inherent and legal rights to land in Manitoba, and the Métis are not entitled to interfere in any land settlement reached with the federal government. Attempting to stall the process is unnecessary and frivolous and we are prepared to counter any intervention in this, and any other land deals."

"Any delay in securing these lands is preventing Treaty 1 First Nations from creating significant economic development initiatives that will pave the way to healthier communities. They have waited long enough and we won't sit idly by," **Grand Chief Dumas** added.

**Chief Glenn Hudson** of Peguis First Nation said, "The MMF has no basis for interfering in this long-fought battle for the Kapyong property. First Nations are the inherent rights bearing Nations

through our Treaties, specifically Treaty 1 with Canada. We spent years in litigation to bring this settlement to fruition, and for the MMF to interfere now is opportunistic. We will do everything in our power to ensure that this Comprehensive Settlement Agreement (CSA) with Treaty 1 Nations goes forward.”

**Chief Dennis Meeches** of Long Plains First Nation said, "My concern is that the MMF didn't come and consult with the Treaty 1 Chiefs before launching their court action. A lot of time and effort has been put into the acquisition and planning of the use of the lands."

"Their court action isn't helping us and may actually impede us," he added.

**Chief Deborah Smith** of Brokenhead Ojibway Nation said, “BON and the other Treaty 1 First Nations have been actively pursuing the Kapyong lands in a widely publicized legal dispute with Canada for 16 years. The late arrival of MMF after the execution of a Comprehensive Settlement Agreement raises questions as to the timing of the MMF claim for this specific parcel of land.”

**Chief Francine Meeches** of Swan Lake First Nation said, "Treaty 1 First Nations began to advance their rights to surplus federal property within days this was announced in 2005. Everyone knows we went to court on our rights to this property and we won. Negotiations began on Kapyong soon after. Now the MMF is coming out of the bushes and saying they want in on the action. Neither they nor the federal government consulted with the First Nations in any way. This is shameful conduct."

“**Chief Lance Roulette** of Sandy Bay First Nation said, “Treaty 1 is united as a family unit to successfully attain the Kapyong Barracks. We will stand together as a family to prevent any third party from infringing on our right to growth and collective well-being.”

The resolution was passed at a two-day AMC Chiefs Assembly held at Assiniboia Downs where Chiefs from across the province were gathered to discuss important issues faced by First Nations relating to gaming, economic development and education.

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**About the Assembly of Manitoba Chiefs**

*The AMC was formed in 1988 by the Chiefs in Manitoba to advocate on issues that commonly affect First Nations in Manitoba. AMC is an authorized representative of 62 of the 63 First Nations in Manitoba with a total of more than 151,000 First Nation citizens in the province, accounting for approximately 12 per cent of the provincial population. AMC represents a diversity of Anishinaabe (Ojibway), Nehetho / Ininew (Cree), Anishinew (Ojibwe-Cree), Denesuline (Dene) and Dakota Oyate (Dakota) people.*