



Assembly of Manitoba Chiefs
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FOR IMMEDIATE RELEASE

November 19, 2020

The AMC to make submissions at the Supreme Court of Canada regarding the assessment of compensation for unlawfully flooded reserve lands

Treaty One Territory, Manitoba – The Assembly of Manitoba Chiefs (AMC) has filed its submissions as an intervener at the Supreme Court of Canada in preparation to appear in front of the Court in what is referred to as the *Southwind* case.

Southwind is an appeal made by the Lac Seul First Nation against the Government of Canada for breach of fiduciary duty in relation to the flooding of its reserve land to advance a hydro-electric project. The courts below ordered compensation based on a hypothetical one-time historical expropriation that failed to compensate Lac Seul First Nation for the ongoing and permanent loss of use of its reserve land. While Canada received massive profits from the project, Lac Seul First Nation has suffered for decades with little reparation. The AMC, along with 18 other interveners, filed a factum with the Court on November 18, 2020 outlining its submissions.

AMC Grand Chief Arlen Dumas stated, “This case that has the potential to impact the valuation of claims made by First Nations in Manitoba that have lost or suffered damages to their reserve land due to government misconduct. The AMC will be making submissions about the importance of creating a distinct framework for assessing compensation in First Nations claims for breach of Treaty and breach of fiduciary duty, which reflects both the unique and important origin of the Crown-First Nations relationship, as well as the perspective of the First Nation that suffered from Canada’s unlawful conduct. We are pleased to intervene at the Supreme Court of Canada on this very important matter.”

The AMC will argue that compensation must reflect the First Nation’s laws and perspectives regarding the Treaty and fiduciary relationship, as well as the land that was lost. These laws and perspectives will be unique to the First Nation that suffered the loss but may include an emphasis on the generational value and impacts of the lost land, unique cultural value of the land, and the sacred and ongoing nature of the Treaty and fiduciary relationship with Canada. To repair and reconcile the Treaty and fiduciary relationship, First Nations must receive compensation for the loss of use of their lands that meaningfully reflects the First Nation’s laws and perspectives.

Represented by Carly Fox of Fox Fraser LLP, the AMC’s appearance at the Supreme Court of Canada’s hearing on the *Southwind* case will be on December 8, 2020.

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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 percent of the provincial population. AMC represents a diversity of Anishinaabe (Ojibway), Nehetho / Inineu (Cree), Anishininew (Ojibwe-Cree), Denesuline (Dene) and Dakota Oyate (Dakota) people.