



THE CANADIAN
BAR ASSOCIATION
L'ASSOCIATION DU
BARREAU CANADIEN

March 8, 2010

Veda D. Weselake
Deputy Head and Registrar
Registry of the Specific Claims Tribunal of Canada
427 Laurier West 4th floor
P.O. Box 31
Ottawa, ON K1R 7Y2

Dear Ms. Weselake,

Re: Specific Claims Tribunal Rules

I am writing for the Canadian Bar Association's National Aboriginal Law Section (CBA Section) to ask that the CBA Section be consulted in the process of developing Rules for the Specific Claims Tribunal.

The CBA represents over 37,000 lawyers, law students, notaries and law teachers from across Canada. The Association's primary objectives include improvement in the law and the administration of justice. The CBA Section is comprised of lawyers from all parts of the country with expertise in legal issues relating to Aboriginal people, including Aboriginal treaty rights and land claims, constitutional matters and the administration of justice. We have made several submissions to the federal government on related issues, including in regard to Canada's Specific Claims Policy in 2005 and the *Specific Claims Tribunal Act* in 2008. In addition, the CBA has a long history of contributing to Court and Tribunal Rules, and could bring that breadth of experience to this Tribunal's Rules process.

Section 12 of the *Specific Claims Tribunal Act* provides for the development of Rules by a committee of the Specific Claims Tribunal. Section 12(2) says that such a Rules committee "may establish an advisory committee of interested parties to advise it in the development of the Tribunal's rules of practice and procedure, including efficiencies."

We understand that Rules are now being developed and the Tribunal has already received draft Rules agreed upon by the Assembly of First Nations and the federal government. Rules for the Tribunal will be critical to ensuring a fair, balanced process aimed at a just determination of claims that come before it. We suggest that input from the CBA Section's lawyers, with the breadth of our experience and expertise, would complement the work of

the Rules committee. We ask that the CBA Section be made part of an advisory committee on the Rules, and ask that any draft Rules currently under consideration be made public for the information of, and input from interested parties.

We would be pleased to meet with you at your earliest convenience to talk about how the CBA Section can add to this process. Thank you for considering this request.

Yours truly,

(Original signed by Gaylene Schellenberg for Brad Regehr)

Brad Regehr
Chair, National Aboriginal Law Section