

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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October 6, 2022

The Honourable David Lametti
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8
Sent via email: David.Lametti@parl.gc.ca

The Honourable Marc Miller
Minister of Crown-Indigenous Relations
10 Wellington Street
Gatineau, QC K1A 0H4
Sent via email: Marc.Miller@parl.gc.ca

**Re: Refusal of ATSSC to Adhere to its Mandate to Support Improving Access to Justice
by Refusing to Participate in the National Land Claims Research Workshop**

Dear Ministers Lametti and Miller,

The BC Specific Claims Working Group (BCSCWG) is a group of Indigenous leaders and specific claims technicians, created via resolution by the Union of British Columbia (BC) Indian Chiefs (UBCIC) in 2013. The BCSCWG is tasked with advocating for the fair and just resolution of specific claims arising in BC and advancing specific claims as a national political priority. Throughout our work, we emphasize the historical uniqueness of colonization in BC and the need for a process that addresses the distinctive challenges of claims resolution in this province, which accounts for over half of all currently unresolved claims.

We are writing to express our deep concern and profound disappointment that the Chief Administrator and Chief Executive Officer of the Administrative Tribunals Support Services of Canada (ATSSC), Orlando Da Silva, has declined an invitation to participate, either in person or virtually, in the upcoming National Claims Research Workshop (NCRW) being hosted by the Algonquin Nation Secretariat in Ottawa, Ontario, on Algonquin traditional unceded territory from October 18 to 20, 2022. Mr. Da Silva also declined the request to have a representative of the ATSSC attend in his place. The NCRW is an opportunity for First Nations claims practitioners from all regions in Canada to gather and share information regarding recent developments in research, legislative initiatives, and case law that directly impact the resolution of First Nations' specific claims.

Mr. Da Silva, as head of the ATSSC, was invited to present on October 19th, along with the Tribunal Chair, on a panel dedicated to the Specific Claims Tribunal and engagement regarding the Tribunal's operations. Instead of ensuring representation by the ATSSC on the panel and explaining its role in the

administration of the Specific Claims Tribunal, Mr. Da Silva recommended that the Tribunal Chair discuss the Tribunal's administrative supports.

The BCSCWG regards this recommendation by Mr. Da Silva as wholly inappropriate given First Nations' concerns regarding threats to the Specific Claims Tribunal's independence that are a direct result of the *Administrative Tribunals Support Service of Canada Act* coming into force in November 2014 and the consequential amendments made to the *Specific Claims Tribunal Act*. We wrote to you about these concerns on March 1, 2022 (letter attached) when we endorsed a February 23, 2022 letter sent to you by Assembly of First Nations National Chief RoseAnne Archibald calling on your government to restore the independence of the Specific Claims Tribunal by removing it from the ATSSC, and working in full partnership with First Nations to amend the *Specific Claims Tribunal Act* to restore the Specific Claims Tribunal's stand-alone, dedicated Registry, and restore legislative protections to the Tribunal's independence. The National Chief's letter was endorsed by First Nations and their representative organizations across the country.

The mandate of the ATSSC is to support improving access to justice. First Nations' right to redress for historical wrongs through a fair, independent, impartial, open, and transparent process to adjudicate their claims is articulated in the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration). This right must be upheld, and your government passed legislation to implement the UN Declaration in 2021.

It is our expectation that Canada's agents, including its public employees, prioritize accountability and transparency to First Nations by explaining their roles in state processes that affect them and their efforts to obtain justice. We ask that you take steps to ensure that a representative of the ATSSC attends the NCRW to outline its role and answer questions First Nations may have regarding its relationship to the Specific Claims Tribunal.

Sincerely,



Kukpi7 Judy Wilson
Co-Chair, BC Specific Claims Working Group
Chief, Neskonlith Indian Band
Secretary-Treasurer, Union of BC Indian Chiefs



Chief Dalton Silver
Co-Chair, BC Specific Claims Working Group
Chief, Sumas First Nation

CC/

National Chief RoseAnne Archibald, Assembly of First Nations
Union of BC Indian Chiefs Council
AFN Chiefs Committee on Lands, Territories and Resources
AFN Executive Committee
The Honourable Justice Victoria Chiappetta, Chair, Specific Claims Tribunal
BC Assembly of First Nations
First Nations Summit

Attachments:

March 1, 2011 letter to Ministers Lametti and Miller from BCSCWG endorsing letter from NC