



Treaty Group getting set for Human Rights hearing

BY ROBERT BARRON, CANWEST NEWS SERVICE MARCH 4, 2009

A coalition of First Nation groups on Vancouver Island will have their human rights complaint against Canada and B.C. heard by the Inter-American Commission on Human Rights on March 23 in Washington, D.C.

The preliminary hearing is to consider whether the complaint by the Hul'qumi'num Treaty Group, stating that up to 810,000 hectares of land on south east Vancouver Island was illegally confiscated in 1884 as part of a land grant given to the Dunsmuir Company, warrants a full hearing. At issue is whether treaty group members, who claim the land as part of their traditional territories, should be compensated.

Robert Morales, a negotiator with the treaty group (which represents the Chemainus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, and Penelakut Tribe) said the decision was made to bring the case to the international commission because senior levels of government have "made it clear" that they will only consider Crown land and not private land as part of any negotiated treaty settlements.

The disputed land, almost all of which is now private property, also includes the 290-kilometre rail line belonging to the Island Corridor Foundation, which owns the Island's railway.

The treaty group claims it has exhausted all of its domestic options, but Canada claims the group still has options in Canadian courts and the treaty processes and the case should not be heard outside of Canada. Calls to Indian and Northern Affairs Canada were not immediately returned.

Morales said the treaty group's objective in bringing the case to the commission is to get the land given to the Dunsmuir Company on the treaty negotiation table and find a resolution to the issue.

He said the government has taken up to 90 per cent of the treaty group's traditional territory off the negotiating table by not including the Dunsmuir land. "According to international standards, when First Nations' land is confiscated, the First Nations should have been compensated for it or comparable lands set aside for them."

"Our issue is with the government, but we can't say at this stage what would happen to landowners whose land titles may be compromised as a result of this process," he said. "It would be up to the government to deal with that."

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