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Ladysmith Chronicle

Treaty group pursues rights complaint

By Stephen Thomson - Ladysmith Chronicle

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An alliance of First Nation groups is fighting to get a block of private Vancouver Island property onto the treaty negotiation table.

The Hul'qumi'num Treaty Group, representing six area First Nations including the Chemainus First Nation, lodged a complaint with the Inter-American Commission on Human Rights in Washington, D.C. last October.

The HTG argues the Canadian and B.C. governments refuse to negotiate on the 1884 E&N Railway land grant, which includes a roughly 260,000-hectare area claimed as traditional territory.

Robert Morales, chief HTG negotiator, said the land was illegally confiscated from the First Nations, who want to discuss compensation. He said the HTG appealed to the international human rights body because neither the treaty process nor the Canadian courts can provide a resolution.

"We don't want to do this but there's no option for us. We would prefer to simply have government say, 'Yes, we're prepared to deal with this issue,' but they won't do that unless they're forced to. Our hope is that this will speed things up, that this will create a situation where we can have a fair resolution ... to the issue," Morales said.

Canada is expected to respond during a March 23 hearing before the Inter-American Commission on Human Rights.

After that, the commission will decide whether or not to move ahead with the case.

An Indian and Northern Affairs Canada spokeswoman said the preferred method for addressing the HTG's claims is through the treaty process. But the government respects the IACHR process, Margot Geduld said, even though the commission's findings would not be legally binding.

"All I can say at this time is that Canada is following the process with the Inter-American Commission on Human Rights. There isn't anything further we can comment on the proceedings. I can tell you that, certainly, Canada respects and takes seriously the views of the IACHR and other international human rights bodies," Geduld said.

The IACHR, created in 1959, is an autonomous branch of the Organization of American States.

Morales said the government rejects the HTG claim there are no domestic options to resolve the private land issue.

While there is little possibility the land could be returned or replaced, Morales said, treaty group members could seek compensation for the loss. But it's not clear what form that compensation could take.

"The government's not willing to discuss that. We're prepared to sit down and talk to them. We put forward several offers to sit down and talk with government about how that might work. I'm sure that there must be innovative options available to us, so I would expect that there are ways to work it out," Morales said.

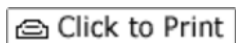
The disputed area accounts for 80 per cent of the land HTG members (also including Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation and Penelakut Tribe) claim as traditional territory, he said.

Chiefs or representatives from each of the six First Nation groups will also attend the March 23 commission hearing.

According to the B.C. Treaty Commission, HTG members are among 43 First Nations at stage four of the five-stage treaty negotiation process.

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