

Island First Nations take land complaint to international body

BY JUDITH LAVOIE, TIMES COLONIST MARCH 24, 2009

First Nations representatives from Vancouver Island are in Washington D.C. hoping the Inter-American Commission of Human Rights will agree to hear their complaint that their traditional land was illegally seized.

The petition claims almost 300,000 hectares of land was taken from Hul'qumi'num Treaty Group tribes in 1884 for the E&N Railway land grant without consultation or compensation.

Representatives of Canadian federal and provincial governments argued yesterday that the commission -- a permanent human rights arm of the Organization of American States -- should not hear the petition because the treaty group has not exhausted all domestic remedies.

The treaty group, which represents about 6,200 members of the Chemainus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation and Penelakut Tribe, also wants development halted in the Cowichan Valley until their claim is heard.

"An act of egregious piracy. It's called the great land grab by the Hul'qumi'num people. While it has yet to be acknowledged by governments in Victoria and Ottawa, it was a clear act of colonial theft and remains to this day a largely invisible stain on B.C. history," says a Hul'qumi'num pamphlet which explains the treaty group's stance.

More than 80 per cent of the area claimed as traditional territory is now private land, much of it in the hands of forest companies, said Hul'qumi'num chief negotiator Robert Morales, who is in Washington with 10 other First Nations representatives.

Eric Denhoff, federal chief negotiator, told the commission that B.C. is starting to negotiate modern day treaties.

"Canada genuinely believes the treaty process is working in B.C. and there's a strong possibility of a future agreement between the Hul'qumi'num, B.C. and Canada," he told the eight international commissioners.

Morales said in an interview that an exception should be made because Canadian courts are extremely unlikely to recognize aboriginal entitlement to the developed lands stretching from Victoria, through Duncan to south of Nanaimo.

"How are we going to get some movement?" he asked. "We can't wait another 100 years."

It is not known when the commission will make a decision.

jlavoie@tc.canwest.com

© Copyright (c) The Victoria Times Colonist