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Ottawa wants treaty group sent back to tripartite table

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Canada wants an international human rights tribunal to send the Hul'qumi'num Treaty Group back to the local negotiating table.

Representatives for the federal and B.C. governments went before the Inter-American Commission on Human Rights on Monday to make their case for the tripartite treaty process.

"Canada genuinely believes the treaty process is working in British Columbia and that there's a strong prospect of finalizing treaties with those who wish to in the months and years ahead," said Eric Denhoff, Canada's chief federal negotiator, during the hearing in Washington, D.C.

The admissibility hearing was in response to a complaint filed by the Hul'qumi'num Treaty Group in 2008, and followed a preliminary hearing in October.

The treaty group, which has been in the negotiation process for more than a decade, has become increasingly frustrated with stalled treaty talks while private development is permitted on traditional Hul'qumi'num territory without input from or restitution for the six Hul'qumi'num First Nations.

A significant point of contention is the more than 800,000 hectares of land taken from Native people for the E&N railway in the 1800s.

Another Hul'qumi'num concern is the lengthy treaty process, which has spanned 15 years and has seen HTG borrow \$13 million from the government to cover costs.

“Under the BCTC [B.C. Treaty Commission] process, Canada permits the total destruction of Hul'qumi'num property and other human rights, while negotiations drag on for years,” said Robert A. Williams, who represented HTG at the hearing.

Williams, a lawyer with the University of Arizona's Rogers College of Law, was joined at the hearing by HTG chief negotiator Robert Morales, Cowichan elder Arvid Charlie, Cowichan Tribes Chief Lydia Hwitsum, and chiefs from the five other First Nations that make up HTG.

“Now we sit and wait to hear from the commission as to whether they will accept a petition for a full hearing,” Hwitsum said from Washington, adding it could be six months to a year before a decision is made.

The Canadian and B.C. governments, meanwhile, hope the commission finds HTG's petition inadmissible.

“We're optimistic about the future of HTG at the treaty table,” said Jacqueline Ott with the Department of Justice during the hearing.

“However, HTG need not pursue or accept any offers through the B.C. treaty process – HTG, including any of its member First Nations, are free to pursue readily available, constitutional, judicial remedies to pursue their constitutionally protected Aboriginal rights.”

These remedies include action through the B.C. Supreme Court, judicial review of any government decisions, and temporary or permanent injunctions to suspend government activities.

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