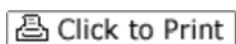


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Ladysmith Chronicle

Government responds to rights complaint



The Hul'qumi'num Treaty Group team debriefs after the March 23 hearing in Washington, D.C. From left, legal counsel Renee Racette, Cowichan Chief Lydia Hwitsum, legal counsel Seánna Howard, chief negotiator Robert Morales and law professor Robert A. Williams.

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By Stephen Thomson - Ladysmith Chronicle

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Canada has responded with resistance to an international human rights complaint the Hul'qumi'num Treaty Group lodged over stalled land negotiations.

Federal and provincial representatives appeared before the Inter-American Commission on Human Rights last week in Washington, D.C.

The government officials argued treaty group members should instead turn to Canadian courts or the ongoing treaty negotiation process to resolve their concerns.

“Canada and British Columbia are very optimistic about recent developments and the current momentum in the B.C. treaty process. We’re optimistic about the future of HTG [Hul’qumi’num Treaty Group] at the treaty table,” said Jacqueline Ott, with the federal Justice Department, according to an online audio recording of the March 23 hearing.

Ott said First Nations concerned about their constitutional rights can also pursue B.C. Supreme Court action, judicial review of government decisions, and temporary or permanent injunctive relief to stop government activity.

Eric Denhoff, chief federal negotiator, said the Canadian government “genuinely believes that 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.”

Hul’qumi’num Treaty Group members say 270,000 hectares of traditional territory were illegally confiscated from them as part of the 1884 E&N Railway grant. The Vancouver Island property is now privately owned and not up for discussion at the treaty negotiation table.

But treaty group members (which include Chemainus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation and Penelakut Tribe) want to talk about compensation for the disputed land.

Robert A. Williams, a University of Arizona law professor, represented the six First Nations at the hearing. Williams told the commission the group members have watched as development has “decimated and devastated” their traditional territory.

“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,” he said.

The human rights commission held the latest hearing to determine the admissibility of the treaty group’s petition.


Robert Morales, chief Hul'qumi'num Treaty Group negotiator, said member First Nations are optimistic the commission will decide to give the complaint a full review. But, in an interview following the latest hearing, he said it is uncertain when that ruling will be made.

The petitioners' delegation also included chiefs and representatives from Hul'qumi'num Treaty Group First Nations.

news@ladysmithchronicle.com

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