

Hul'qumi'num Treaty Group opposing proposed 1 billion dollar sale by Timberwest without consultation

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(Ladysmith, B.C.) TimberWest Forest Corp. of Vancouver, BC, is considering the sale of their stapled units, which includes 113,208 hectares of forested lands and irreplaceable eco-systems within the Hul'qumi'num Treaty Group (HTG) member First Nations' traditional territory to the BC and Canada public service pension funds for 1 billion dollars. HTG is opposed to this sale, because no consultation have been held with the HTG communities respecting this sale, as required under Canada's international human rights treaty obligations. The Hul'qumi'num people continue to assert their fundamental human rights to these lands and resources on Vancouver Island. To protect their rights in their lands and resources involved in this billion dollar transaction, HTG has today filed a request for immediate assistance in the form of precautionary measures (the equivalent of an injunction) from the Inter American Commission on Human Rights (IACHR), the human rights monitoring organ of the Organization of American States, which Canada joined in 1990.

"We counted that one logging truck leaves our territory every 3.5 minutes," says Robert Morales, HTG Chief Negotiator. The accelerated rate of logging prompted the HTG to charge Canada with international responsibility for the unregulated clear-cutting of the forests. HTG has provided extensive documentation on the irreparable destruction and disruption of the lands and eco-systems caused by what it calls the "Big Three" private forest development companies operating within its territory, TimberWest, Hancock Timber Resource Group, and Island Timberlands. Canada is responsible for failing to engage in any form of effective consultation, benefit sharing, environmental and social impact assessment with the affected Hul'qumi'num communities before allowing these companies to proceed with their clear-cutting, deforestation and real estate development activities. According to Morales, "TimberWest has stated in their public filings that it has no knowledge of any First Nation claims on their real property, which, as we can document, is totally false. We notified them of our human rights petition to the IACHR and sent them a copy in March 2010."

HTG is requesting precautionary measures from the IACHR, a move that would, if acted on favourably by the human rights body, require the federal and provincial governments to order the immediate suspension of all clear-cutting activities, property sales, subdivision permits, licenses, and concessions for residential, commercial and industrial development projects, including logging, oil, gas and mineral exploration or extraction, and other development within lands traditionally owned, used and occupied by the Hul'qumi'num peoples and granted by Canada to the E & N Railway and presently controlled by the Big Three forestry development corporations. The HTG states that the private citizens who own land in the E & N grant area have nothing to fear. Morales makes it clear that their human rights battle is aimed at stopping the Big Three forestry developing companies from "clear-cutting" every last tree standing on their lands. He hopes that the membership of those unions of the pension plans in particular educate

themselves about the Hul'qumi'num peoples' historical efforts and present day human rights struggles in seeking justice from Canada, by going to the HTG website [www.hulquminum.bc.ca](http://www.hulquminum.bc.ca).

According to Chief Lydia Hwitsum, Cowichan Tribes, the HTG's original petition to the IACHR, which was filed in 2007 "charges that Canada is in violation of the Hul'qumi'num peoples' human rights protected under the American Declaration of the Rights and Duties of Man for refusing to provide restitution for the taking of these HTG ancestral lands that are currently controlled by these private development corporations"

The petition has generated considerable support from First Nations and non-First Nation organizations who have filed amicus curiae briefs with the IACHR in support of the HTG's petition. "Indigenous peoples' rights to the land are absolutely vital to the fulfilment of a wide range of human rights," says Amnesty International Secretary General Alex Neve. "It is unacceptable that Canada has created such steep barriers to achieving fair and effective redress for the historic and ongoing violation of these rights. We hope that the Inter-American Commission's deliberation on the Hul'qumi'num case will help break the impasse faced by so many Indigenous peoples in Canada."

"Canada must move quickly to stop the proposed sale of the E & N Railway lands and ensure their return to the HTG people" says Gail Davidson of Lawyer's Rights Watch Canada. "For 130 years Canada has violated the rights of the Hul'qumi'num people to equality and freedom from discrimination by the forcible seizure and alienation of their lands and resources in the 1880s and the continuing preferential recognition and protection of the rights of non-aboriginal people regarding these lands. Canada must discontinue the persistent failure to compensate the Hul'qumi'num people for this action and remedy violations of their internationally and domestically protected rights. The law mandate remedies. Justice mandates the return of the E & N lands to the HTG as part of that remedy."

AFN National Chief Shawn Atleo states: "Canada's comprehensive land claims policy is to blame. Despite constitutional recognition of Aboriginal rights and now international recognition with the UN Declaration on the Rights of Indigenous Peoples, Canada continues to refuse to reform its laws and policies to reflect these changes. As such, there is currently no available remedy in Canada to address the issue of HTG's loss of its traditional territories to private third parties based on the actions of the government, nor a practicable way to protect their Aboriginal lands from continued private encroachment and development, consistent with the principle of free, prior and informed consent. It is the same old pattern of delays, denials, bureaucratic failures, and bad faith by Canada that is the basis for Canada's violations under the American Declaration."

Grand Chief Edward John of the First Nations Summit and member of the United Nations Permanent Forum on Indigenous Issues states "The First Nations Summit fully supports this initiative of the First Nations of the Hul'qumi'num Treaty Group. The federal and BC governments continue to deny the existence of the collective Aboriginal and human rights of the Hul'qumi'num people. There is a wide gap between the Constitutional laws

that protect Aboriginal and treaty rights of indigenous peoples and the practical implementation of these rights.”

“We will not continue to have our human and aboriginal rights ignored by government and corporate interests” says Chief Richard Thomas, Lyackson First Nation and President of the HTG. “We are prepared to do whatever is necessary to protect our traditional territory and are meeting next week with all other First Nations affected by the E&N to discuss our options.”

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For further information contact:

Robert Morales, HTG Chief Negotiator, (mobile 250-710-2241, [htg-rmorales@shaw.ca](mailto:htg-rmorales@shaw.ca))  
or Chief Lydia Hwitsum, Cowichan Tribes (phone 250-748-3196  
[chief@cowichantribes.com](mailto:chief@cowichantribes.com)).