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Cowichan tribes win landmark ruling

By [Daphne Bramham](#) 1 Dec 2009 [Think Tank](#)

The Inter-American Commission on Human Rights has agreed to hear its first-ever case against Canada. The decision released Monday in Washington, D.C. acknowledges the claim of the Hul'quimi'num Treaty Group on Vancouver Island near Duncan that the privatization of their traditional territory may be a violation of human rights.

At issue is the 1884 E&N Railway Grant, which privatized the entire southeast coast of Vancouver Island including the aboriginal people's traditional territory. For the past 125 years, this has resulted in many disputes ranging from the destruction of archaeological sites to logging and a 14-year stalemate at the treaty negotiation table.

However, the issue that the commission will examine is whether the rights of the group's 6,600 members have been infringed by the decision of the B.C. government and the B.C. Treaty Commission not to negotiate a treaty settlement involving private land.

Robert Morales, chief negotiator for the Hul'quimi'num, said in a press release late Tuesday that the decision is "a very strong statement on the utter inadequacy and ineffectiveness of either the B.C. Treaty process or Canada's judicial system to provide an effective remedy for the protection of the Hul'quimi'num human rights to property and aboriginal title."

A copy of the decision is posted at <http://www.cidh.oas.org/DefaultE.htm>.

A background on the hearings can be found at http://www.hulquminum.bc.ca/pubs/Thom_2009_Culture_3_2_2009.pdf