

Good faith must be used always in negotiations

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Since Parliament is prorogued until March, the federal government may want to take that time to think carefully about the fact that this country may soon have to defend its human rights record before an international body.

This is not about our troops knowingly handing Afghan detainees over to impending torture.

This is about a relatively small First Nations treaty group from the east side of Vancouver Island making a very good case that the government is failing to properly address its claims that its lands were stolen.

The Hul'qumi'num Treaty Group, representing the Chemainus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation and Penelakut Tribe, will have its human rights complaint against Canada heard by the Inter-American Commission on Human Rights in Washington, D.C., as early as this spring.

Their argument is that when their property was confiscated in 1884, for Robert Dunsmuir to establish the E&N Railroad to run coal south, the human rights of the Hul'qumi'num groups were not taken into account.

History is important, but the point is that governments are still pretty much ignoring this treaty group's claims.

Talks are going at such a glacial and frustrating pace that they are amounting to nothing.

This should not have got to this point. Had negotiations been held in good faith and the government given serious ear to the Hul'qumi'num, there would have been no need to bring to issue to an international body.

The federal and provincial governments only stand to lose in this issue unless they decide to move now. Even if the risk of an adverse ruling from the IACHR is remote, the point remains that just going to an IACHR hearing is serious enough.

That fact alone indicates that our treaty process is not working for First Nations. The fact that the decision of the IACHR would not be binding is not as important as the hearing itself.

This is not a position this country needs to find itself in.

Going before the IACHR, regardless of the outcome, is as good as saying that Canada is failing in its treaty process.

The Hul'qumi'num don't want back the 810,000 hectares in the Dunsmuir land grant. They want adequate compensation.

To get an idea of what's led to this impasse, listen to George Abbott, B.C.'s

minister of Aboriginal Relations and Reconciliation.

"The (treaty group) must now show how resolution of their historical claim with respect to a land grant made before the turn of the last century is better resolved through a non-binding IACHR process designed to address contemporary issues, than through the Canadian democratic process."

Abbott fails to grasp the obvious -- that the "Canadian democratic process" is not working.

His demand to have the Hul'qumi'num bring their position to the table, rather than actually negotiating, pretty much sums up why the "democratic" process is not working.

The governments couch their demands in jargon and give nothing. Some negotiating.

A genuine democratic process would take into account the interests of all Canadians, native and non-native.

Settling such disputes fairly is also in the interests of non-natives. Increasing conflict with First Nations is not an option.

It's time for Canada and B.C. to negotiate in good faith.

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