

First Nations claim 200,000 hectares of E&N trail

Compensation sought for E&N land grant

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A coalition of First Nation bands on Vancouver Island have filed a human rights complaint against Canada and B.C. with the Inter-American Commission on Human Rights.

The complaint by 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) states that about 200,000 hectares of land now belonging to the E&N Railway on Vancouver Island was taken from the bands in 1884 - and they want compensation.

Robert Morales, a negotiator with the treaty group, said the land, part of the E&N railway system that runs through the Island, was given to the Dunsmir Company without discussions with the First Nations or compensation offered.

He said the land was within the traditional territory of the First Nations but, during the ongoing treaty negotiations, the two levels of government have made it clear that they will only consider Crown land as part of any negotiated treaty settlements.

"The government has said private lands are not on the table but there's so little Crown land available right now, it's impossible for us to meet the social, economic and cultural needs of our communities," Morales said. "We're hoping that the IACHR, an international body, will agree with us that Canada and B.C. have not fulfilled their international obligations to our human rights by not protecting our culture and treating us equally."

Calls to the Indian and Northern Affairs Canada office were not returned by press time.

Morales said government lawyers at Tuesday's hearings argued that the treaty group didn't have the right to argue their case before an international body because it hasn't exhausted all of its domestic options to deal with the group's concerns. He said the treaty group has exhausted all its options in Canada because the treaty negotiations have stalled and are going nowhere and it's a fact that no court in Canada has ever awarded any private land to a First Nation.

"Canada has until March to respond to our petition to the commission and then the commission will make a ruling on whether to hear the case," Morales said.

"No decision by the commission will be binding on Canada but it's an internationally recognized and respected body so we expect there would be political pressure for Canada to respect its findings."

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