

**Rights hearing could stall plans for railway**

First Nations land claim may have to be dealt with first

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Development plans for much of the E&N railway land on southern Vancouver Island may be put on hold.

Canada and B.C. could be asked not to move forward with any plans for the land until the Inter-American Commission on Human Rights decides the merits of a land claim on the property by the Hul'qumi'num Treaty Group.

Maria Isabel Rivero, a spokeswoman for the IACHR, said the commission is in the process of weighing the merits of the petition of the treaty group and a decision will be made on whether it warrants a full hearing by the commission after Canada makes its case in March.

"In the meantime, the commission could decide to ask that precautionary measures be implemented until a decision is made on whether the petition will move forward," Rivero said.

"This usually involves protecting the life and liberty of those threatened but, in this case, it relates to the rights of the indigenous people to land they claim is part of their territory.

"The commission usually makes these decisions pretty fast so, if precautionary measures are to be asked for in this case, I expect it would be within the month."

The complaint by the Hul'qumi'num Treaty Group, filed with the commission last week, states that up to 200,000 hectares of land now belonging to the E&N on Vancouver Island was taken from the bands in 1884 -- and they want compensation.

The treaty group claims it has exhausted all of its domestic options to deal with the group's concerns as the justification for bringing its case to an international body, but Canada is expected to claim the group still has options in Canadian courts and the ongoing treaty processes.

A spokesman for the Island Corridor Foundation, which owns the E&N railway land, has said that the foundation intends to move forward with its plans to raise \$103.8 million to improve the neglected 290-kilometre rail line to bring the corridor up to North American standards and leave the issue to be dealt with by Ottawa and Victoria as part of the treaty processes.

Representatives from both senior levels of government declined comment until after Canada makes its case at the IACHR in March.

Rivero acknowledged that just about 10% of the petitions that are presented to the commission each year actually make it to the hearing stage after the merits of each case is considered.

She said if the commission decides that Canada has violated the human rights of the Hul'qumi'num Treaty Group, it will make recommendations for Canada to "repair the situation."

"If the commission does end up making recommendations, the expectation is that Canada would comply with them," Rivero said.

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