

Native group awaits ruling on human-rights complaint

First Nations ask U.S. commission for land-claim aid

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A First Nations treaty group from Vancouver Island is waiting to find out whether a Washington, D.C.-based human-rights organization will set a precedent by ordering a halt to development in the Cowichan Valley.

The Hul'qumi'num Treaty Group, representing about 6,200 members of six bands, has asked the Inter-American Commission on Human Rights for development to be suspended until a joint decision-making process can be set up between local governments, the province and First Nations.

The request was made this week for "interim relief" while members of the treaty group are waiting for a decision on their primary complaint, that property rights are being ignored by the Canadian government, said Hul'qumi'num chief negotiator Robert Morales.

The group, which appeared before the commission in Washington, filed a formal complaint against Canada saying that about 300,000 hectares of land was unfairly taken from First Nations in 1884 for the E&N Railway land grant.

Much of the land was given to logging companies and has since been developed. However, since privately held land is not on the table in the B.C. treaty process, the traditional territory which can be claimed by the bands has been reduced to about 18,000 hectares, Morales said.

The Canadian government, which is arguing the complaint should not be heard because it has not gone through domestic courts, will present its case at the next sitting of the commission in March and it is not known when a decision will be made.

"So, in the interim, we have applied for precautionary measures," he said.

The case potentially has huge ramifications, Morales said.

"It's the whole issue of how private land interacts with First Nations rights and whether the state can simply privatize lands and then say they are no longer responsible for it."

The Hul'qumi'num Treaty Group is approaching other B.C. First Nations and asking for submissions of support to be made to the commission, Morales said.

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