

If it's truly a treaty, then why does this Yale deal still stink?

Sto: lo have issues they say should take precedence

Brian Lewis, The Province

Treaties are usually signed once an agreement has been reached to solve problems or settle issues between groups or countries.

If that's so, then calling the deal that B.C. and the federal government initialled last week with the Yale First Nation a "treaty" may be a bit of a stretch because, once it's ratified, several unresolved issues will remain.

And most of the unfinished business deals with salmon fishing in the Fraser Canyon.

Although details of the deal initialled Friday are scarce, it provides self-government for the 150-member band, plus a capital transfer of \$12.9 million for economic development, and land compensation, including the existing reserve that totals almost 2,000 hectares.

The signing ceremony site was moved at the last minute to the band's community hall because the Yale and both levels of government learned that the Sto: lo Tribal Council were gathered at the original signing site several kilometres away and had a protest prepared.

The Sto: lo already plan to launch a legal action against this treaty based on the fact that they too have fished in the Fraser Canyon for generations. They also argue that the Yale are part of the Sto: lo Nation but the Yale band denies this.

"The [government] ministers need to understand that aboriginal title and fishing rights in the Fraser Canyon belong to all 24 Sto: lo First Nations, not just the Yale Indian Band alone," was the way Sto: lo Grand Chief Clarence Pennier put it in a press release last week.

The Sto: lo also make the point that this is the kind of issue that should be resolved through negotiation before a treaty is signed and ratified, rather than leaving it until after-the-fact -- which usually means expensive and timely court proceedings are likely to follow.

In this regard, the Yale treaty has similarities with the Tsawwassen First Nation Treaty that Ottawa and Victoria ratified last year.

Unresolved issues there include whether or not the TFN should have right of first refusal on 280 hectares of Brunswick Point farmland once the farmers' current government leases run out. This land was expropriated from these farmers in the late 1960s for port expansion. They want it back on reasonable terms, and a court decision on the TFN right of first refusal is pending.

However, for the pending Yale treaty, there may be more trouble brewing.

According to Conservative MP John Cummins (Delta-Richmond East), ratification of the Yale agreement could seriously tie the hands of Chief Justice Bruce Cohen, who is in the preliminary stages of setting up a federal government-ordered judicial inquiry into the decline of Fraser River sockeye salmon.

This is a full inquiry, armed with witness-subpoena powers that many stakeholders had sought.

"Mr. Justice Cohen has to investigate the Fraser Canyon fishery and its impact on migrating sockeye," says Cummins, himself a one-time commercial angler.

"These treaties represent constitutional change, so if Justice Cohen decides changes need to be made in the canyon, then the Yale treaty will tie his hands before his hearing starts," Cummins adds.

Are we seeing politics trump fish on the Mighty Fraser?

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