

Cohen Inquiry compromised by appointment's history

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In April the Cohen Inquiry contracted Mike Staley to conduct a review of DFO's management of Fraser sockeye to guide and assist its legal staff in structuring public hearings where DFO officials will be called to account for their management of the fishery.

Staley has been an advisor and advocate for various aboriginal groups, including the Cheam Fishery Authority, B.C. Aboriginal Fisheries Commission, the First Nations Summit Task Groups, the Fraser River Aboriginal Fisheries Secretariat, the First Nations Marine Society and First Nations throughout B.C.

The inquiries conducted by John Fraser and Justice Bryan Williams all identified massive problems in the aboriginal fishery. They identified widespread illegal sale of food fish and fishing in unauthorized and illegal fisheries that threatened the future viability of the fishery.

Staley's report into DFO's management of Fraser sockeye will go to the heart of the work assigned to the Cohen Inquiry, which is to investigate DFO's management of Fraser River sockeye.

Staley has refused to show a commitment to a fishery where there is room for everyone and where everyone must obey the law. In 2006 he appeared before the House of Commons Fisheries Committee as a staffer for the Cheam Fishing Authority.

When questioned if he supported or opposed illegal sale of fish, he appeared indifferent to the long-time problem that has undermined fisheries management since the early 1990s, stating, "As a biologist, it doesn't matter [to me]."

When asked if DFO should do everything it can to stop illegal sales of fish caught for food purposes, he refused to answer, stating, "I don't need to answer that question."

The Williams Inquiry saw another side of Staley in 2005 where it was clear that Staley, the biologist, appeared to support weak and ineffective enforcement. He requested that Justice Williams ask fishery officers about DFO's Cheam safety protocol that forced them to give advance notice before coming to observe Cheam fishing, advance notice that allowed time for illegal activity to be quietly shut down before the arrival of the fishery officers.

How can someone who exhibits such bias, who promotes weak and ineffective enforcement, who refuses to acknowledge illegal fishing activity is a problem and who refuses to even acknowledge that DFO should actively respond to illegal activity, the very problems that confront the inquiry, now provide advice to the inquiry on DFO's management of the fishery?

If Cohen does not understand that it is fundamentally wrong for a judicial inquiry to use (i) DFO staff who have managed the fishery, (ii) staff from commercial, recreational and aboriginal fishing organizations or (iii) contractors that regularly work for either the department or fishing organizations, then the Cohen Inquiry does not have the capacity to undertake the job set out for it by the prime minister last November.

The appointment of Mike Staley adds to a growing awareness in the fishery that the Cohen Inquiry is off-track and a fear that what was to be the most significant investigation into the department's management of the B.C. fishery, since the federal government took over responsibility for fisheries management in the 1870s, is now headed for a train wreck unless corrective action is taken immediately.

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