
SOURCE: CKNW VANCOUVER PROGRAM: WORLD TODAY WEEKEND
DATE: 13 NOVEMBER 2010 TIME: 16:18
LENGTH: 10 MINUTES

John Cummins on Justice Cohen's Fraser River Fisheries Inquiry

SEAN LESLIE (Host): Is politics getting too nasty? We'll talk about that after the four-thirty news with Stuart Mackinnon, Green Party commissioner on the Vancouver Parks Board. We'll welcome your calls on that, We'll have some open phones ready. Funny little hour of the program. Well, the Cohen Commission of inquiry into the decline of the sockeye salmon in the Fraser River is chugging along. It is being keenly followed by my next guest, John Cummins, MP for Delta-Richmond East. John, welcome back to the show. I appreciate your time.

JOHN CUMMINS: Well, it's great to be with you, Sean.

SEAN LESLIE: John, you had some critical comments this week about the commission's interim report. Tell us about that.

JOHN CUMMINS: Well, the commissioner was supposed to issue an interim report by August 1st. He asked for additional time, said that he needed to review some documentation from the department and that the documentation had been slow in coming. And so he issued this report towards, I think, the 29th of October. He was instructed in the . . . by the terms of reference for the interim report to review previous reports that had been done including I would

assume John Fraser's, Brian William's, House of Commons Standing Committee, and so on. Those are the major reports that were done recently on the Fraser River Fishery. He was to review those and the recommendations of those reports, and then he was to give an assessment of how the Department had followed up on the recommendations in the previous reports. He simply hasn't done that. The interim report does not contain any substantive assessments of the previous reports, and nowhere in the 302 pages of his report does he evaluate or judge the quality of the department's response to these reports. You've got to give him an 'F'. He obviously didn't understand the assignment. He went where he wanted to go. And the mark simply has to be an 'F'.

SEAN LESLIE: So is he failing to hold DFO's feet to the fire here, John, in terms of following up on these reports, because as you said there's been a lot of reports, a lot of examinations, [inaudible] over the years. Is he kind of giving them a free pass here in your mind?

JOHN CUMMINS: He's absolutely given the department a free pass because the real substance of all of these issues are in those reports. The reports, for example have questioned issues of the fish farms, whether the locations of the fish farms is appropriate. They talk about massive amounts of food fish that were allocated to bands that ended up on the black market. They talk about DFO enforcement. They talk about the balkanization of the fishery with the separate

treaties that the government is initiating, and whether or not that impacts on the management of the fishery. All of these kinds of issues that are management issues that are related to the department. None of that is seen to be important by Justice Cohen.

SEAN LESLIE: Why is that? Why would he take that tack, John?

JOHN CUMMINS: Because when he started the job, instead of going to the people – people like Alexander Morton, people like Otto Lang, or who knew the fishery, talk to the fishermen, instead of going to those folks who have been clamouring for a commission of inquiry, judicial inquiry into the management of the Fraser River, and saying ‘Why is it you wanted this inquiry?’ ‘What’s bothering you?’ ‘What do you think the Department’s not doing?’ Instead of going to those people, he went to the department and he asked them ‘Now what do I do?’ and the Department, to protect itself said ‘Well, you know what? You really ought to look at science. That’s where the issue is. We don’t have enough science to manage the fishery properly and it’s going downhill. Well, anybody who with passing knowledge of the fishery knows that that fishery was extremely well-managed by the international commission up to 1985. Then when the Department took over, that’s when the collapse began. It’s the management practices of the

Department that are false, and they are certainly not going to admit fault to Justice Cohen. And he seems blind to that notion. He just doesn't get it.

SEAN LESLIE: Well, John, you've been critical of various aspects of this inquiry, particularly around the ties to the DFO. Have you lost all faith that this inquiry is going to accomplish anything valuable? Is it dead in the water, in your mind?

JOHN CUMMINS: The inquiry is dead in the water. In fact it's not going to accomplish anything. It's going to go backwards. If we think that we've seen some mismanagement relative to the Department to date, it's going to get worse by the time Cohen gets in, because the pressure's going to be on the government to abide by any recommendations that may come out of this inquiry and given the nature of the inquiry, given it's close association with the Department that's got to be protecting itself, I think things can only get worse. They're certainly not going to get better. Cohen has blown a huge chance to be remembered by generations as a man who solved these problems on the Fraser River fishery that gave direction to government in how to manage that fishery for generations to come. He's going to turn the clock back. Things are going to be worse than they were before. He's blown a great opportunity to be remembered by British Columbians as a very significant – for a very significant contribution to this province.

SEAN LESLIE: Do you have a role in this, John? Are you able to take your concerns to Cohen and make presentations? Because a lot of money, a lot of time has been spent on this process. No one wants to see all this money and effort wasted. Can you take your concerns and then put them out there?

JOHN CUMMINS: Well, in some sense it would be inappropriate for me as part of the government to sidle up to Cohen and give him direction. But certainly as a member of parliament I think that it is appropriate for me to go public with my concerns so that the public understands what it is I'm saying. I'm not talking behind closed doors to the judge, trying to give him advice and direction on where I think he ought to be going. But I'm making it crystal clear that the direction that he's taken is inappropriate, the direction that is dictated by the Department. The Department is simply out to protect its ass and he's going to lead us down the wrong path. There's no question about it.

SEAN LESLIE: John, just before I let you go, the issue of aboriginal fishing rights. I know there was some back-and-forth about whether that is part of Justice Cohen's mandate. Lawyers for the province saying 'No, we don't want you talking, getting into the whole issue of aboriginal fishing allocations.' Others saying 'You know what? If you're going to be making decisions about the bulk future allocations you have to look at the aboriginal component of it.' Where does that stand right now?

JOHN CUMMINS: Well, it seems that if you look at the interim report it's not an issue. He hardly mentions it in his report. And it's mentioned only in passing. My view is that he's going to completely ignore the impact of this aboriginal fishery and the balkanization of the management of the fishery. I think he's going to ignore the difficulties with enforcement on that aboriginal fishery because it doesn't fit in with his political view of the world. Mr. Cohen in the hearings that he conducted pandered, I would say, to native interests. He started many of those hearings with a prayer by natives. He didn't go to anybody else and ask for prayers, but it was simply to the natives, and I think that that again, colours the objectivity of Mr. Cohen, and brings . . . raises into question Mr. Cohen's neutrality when looking at these issues.

SEAN LESLIE: Last question for you. What are you hearing from . . .from the fishing community, John, about this. Is there any optimism among the community about this process?

JOHN CUMMINS: Absolutely none. And it's not only the fishing community, but a large number of the environmentalists are pretty upset by it. They don't have the funding to provide their lawyers with the kind of advice they need. The research funding has gone to Justice Cohen and to the commission itself. They're conducting scientific inquiries while the participants – those that have standing in the inquiry - simply don't have the money to provide their lawyers with

the kind of background information they need to be effective. And so the whole thing – the wheel's have fallen off the cart and I don't hold any hopes for it that it's going to be successful and neither does anybody that I've been talking to.

SEAN LESLIE: John, we'll leave it there. Always appreciate your time. Thank you.

JOHN CUMMINS: Thanks very much, Sean. Nice to talk to you.

SEAN LESLIE: John Cummins, MP for Delta-Richmond East, with a scathing and pretty bleak outlook on the Cohen commission of inquiry which of course was established after the huge collapse of the Sockeye salmon run in the Fraser River in 2009. Of course, we have a great bumper year, record year this year in terms of returns, but a lot of people think that could be just a one-off so, very important process, and I hope Mr. Cummins', as I say, rather pessimistic outlook on it isn't true - that this will effect some positive change, but there you go, he's one of the most well-informed observers on this file, so certainly appreciate his input. We're coming up to the 4:30 news. Still to come on the show, we're going to talk about politics, and whether it's just too nasty. Stuart Mackinnon from the Vancouver Parks Board will join us after the break. And we'll also talk with Adrienne Montani. She's with the group First Call, the BC Child and Youth Advocacy Coalition. They have been hoping the Campbell government would

make child poverty a centerpiece issue. They made a big presentation to the finance committee to that effect back in September, then lo and behold the premier turns around and announces a 15%

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