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## **MP fighting native treaty battle alone No one else in Parliament wants to appear anti-Indian, GARY MASON explains**

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GARY MASON VANCOUVER John Cummins knows he's fighting this one alone.

First, the treaty recently signed with the Tsawwassen First Nation affects only his constituents in Delta, B.C. No one else much cares, especially politicians in Ontario and Quebec.

Second, criticizing the treaty means criticizing his own governing party and its leader, the Prime Minister. Few of his caucus colleagues have an appetite to do that. Most are trying to get into cabinet.

Mostly, however, Mr. Cummins can't find a friend on the Hill in Ottawa these days because questioning a treaty is perceived as anti-Indian.

There's not a politician alive who wants to be tarred with that brush.

So the Conservative MP for Delta-Richmond East is left alone to ask the questions to which every Canadian should want answers. To express concerns about treaty provisions we should all be concerned about.

Normally when a prime minister flip-flops on an issue, the opposition parties and public are all over him. The B.C. treaties now being signed, including the Tsawwassen accord, give aboriginals a guaranteed percentage of any commercial catch along the Fraser River. A policy that essentially sets up the race-based fishery that the Prime Minister said he would not allow.

"The race of the fisherman will become the determining factor of who fishes and how much [he] can catch," Mr. Cummins says.

The special deals with native groups -- and there are lots more coming -- will effectively balkanize the commercial fishery and exacerbate the already unimaginable management challenges the Department of Fisheries and Oceans has along the Fraser. The Tsawwassen treaty is estimated to be worth about \$120-million to the band.

Mr. Cummins says there are 160 people who live on the reserve.

The official band list has grown from 225 in 2004 to 358 today.

People with ties to the reserve are coming out of the woodwork, it seems.

Mr. Cummins says some live in Los Angeles and have for years.

Some live in Winnipeg and Ottawa. Meantime, there are band members who have been on the reserve for decades asking why some who have never, ever set foot on the reserve are able to share in the windfall.

He talked to one band elder who told him she doesn't know who many of these new members are. When she asked to see the official band list, the band council said no.

"You would think in doing its due diligence the government of Canada would have ascertained who this treaty was actually covering," Mr. Cummins says. As mentioned, the deal has an estimated worth in the neighbourhood of \$120-million. Mr. Cummins wonders how this figure was calculated.

Developers have told him the value of the 200 acres of prime coastal farmland the Tsawwassen were given could conservatively be worth \$500-million.

When Mr. Cummins asked Indian Affairs Minister Jim Prentice how the deal was valued, the minister apparently didn't have an answer.

"The announced value of the treaty has been intentionally low-balled," Mr. Cummins says.

The Tsawwassen treaty covers 212 pages and 366 pages of appendices.

But the real substance of the agreement likely lies in the many side agreements that have not been published.

"Why not?" Mr. Cummins asks. "The hundreds of pages of special rights and privileges which give the Tsawwassen priority over other Canadians are to be set in constitutional cement and forever be part of our Constitution. We have a right to know what's going on." This kind of attitude makes Mr. Cummins a racist to many. He is an old Reformer, after all. The problem with that theory is he has supporters on the reserve itself, relationships that go back decades.

Mr. Cummins knows he won't get much support for his cause in the House of Commons.

"What happens with this stuff is no one wants to be seen as anti-Indian.

The Liberals aren't going to ask questions, neither are the NDP.

And the Bloc want the Indians onside when they leave the country.

And that's just the way it is." gmason@globeandmail.com