

Cohen Commission Update

The Cohen Commission of Inquiry, tasked with investigating the decline of Fraser River sockeye salmon, held its first hearings last week in downtown Vancouver's Federal Court. The sessions were held to provide opportunity for groups to offer comment on the Commission's recently released Discussion Paper on how it intended to pursue its Inquiry. Submissions on behalf of a number of First Nations groups were delivered on Wednesday morning, including the First Nations Coalition, Laich-Kwil-Tach Treaty Society, Heiltsuk Tribal Council, Sto:lo Tribal Council and Cheam Band, West Coast Salish First Nations, Maa-Nulth Treaty Society, and the Tsawwassen and Musqueam First Nations. The Metis Nation of British Columbia also presented.

Brenda Gaertner of Mandell Pinder presented on behalf of the First Nations Coalition, an alliance of aboriginal communities and organizations from the Fraser watershed and coastal areas. Included in the Coalition are the First Nations Fisheries Council (FNFC), Fraser River Aboriginal Fisheries Secretariat (FRAFS) First Nations Caucus, Fraser Valley Aboriginal Fisheries Society (FVAFS), Secwepemc Fisheries Commission (SFC), Shuswap Nation Tribal Council (SNTC), Upper Fraser Fisheries Conservation Alliance (UFFCA), Chehalis Band, Adams Lake Band, Carrier Sekani Tribal Council (CSTC), Northern Shuswap Tribal Council (NSTC), Council of the Haida Nations, and the Douglas Treaty First Nations of Snuneymuxw, Tsartlip, and Tsawout.

Ms. Gaertner commented on the unique world view that First Nations bring to this inquiry. "First Nations are not simply interest groups...they are indigenous people with...rights and responsibilities to the salmon that are founded on cultures, traditions, economies, and ways of life that are intricately tied to the salmon" she said. "They carry responsibilities not only to the salmon...but to the Creator, and the ecosystem that connects them all."

She also expressed that First Nations are hopeful that the inquiry will result in lasting and positive change to Fraser sockeye management and policy. However, to achieve meaningful change, a collaborative approach must be taken in order to build consensus among the many rights holders and interest groups on how the inquiry will move forward. The Commission's Discussion Paper released in early June outlines a number of issues that the Commission aims to address. A recommendation was made to revisit the draft once comments and feedback have been incorporated in order to achieve some consensus on how these complex issues will be addressed.

Groups presenting to the Commission were asked to identify key issues that should be investigated, as well as their view on prioritizing the issues. The Coalition declared that the central issue of this inquiry should be conservation, i.e. coming to a common definition of conservation, and consistently applying the principles of precautionary management and protection of biodiversity. Other issues put forward by the Coalition include: DFO management, culture, decision-making, and contradictions in mandates, policy and practices; recognizing Section 35 (1) constitutionally protected rights with respect to FSC and economic fisheries and co-management; the role of aboriginal traditional knowledge (ATK) and expertise, including a recommendation to incorporate this world view into the Commission's scientific advisory panel; the interaction of various fisheries impacts and their cumulative effects on salmon stocks; hydroelectric impacts; and focusing the Commission's recommendations on conservation, rebuilding, and collaborative decision-making that meaningfully engages First Nations.

Ms. Gaertner also addressed the issue of funding and capacity to properly engage in the inquiry process. While some funding has

been provided by the Commission for costs associated with retaining legal counsel, no funding has been identified for the administrative, technical and policy support that will be required by First Nations participants. She also addressed the very short timeline proposed for the inquiry, and expressed that a full investigation of the potential impacts, collection and review of information, and analysis of DFO's management, policies and organizational structure would likely require more time.

Much of the First Nations Coalition work is being coordinated by the FNFC. A number of resources have been posted to the Cohen Commission page of their website (under the Resources tab). Some documents are available to First Nations only, and a login and password are required for access. First Nations and their fisheries staff are asked to please contact the FNFC to get a confidential login and password.

The FNFC is also in the process of coordinating a list of potential site visits for Justice Cohen and his staff, which will provide an opportunity to witness the special relationship between First Nations and Fraser River sockeye. A number of site visits have been proposed to date, including ceremonial gatherings and project sites throughout the salmon's migratory route (from the coastal marine areas to the upper reaches of the watershed). Any First Nations who would like to suggest a site are asked to please contact the FNFC.

While the deadline to apply for standing before the Commission has passed, First Nations who do not have standing can still participate by entering a written submission. All First Nations are also welcome to participate in the FNFC's bi-weekly Wednesday morning conference calls, where issues related to the Cohen Commission will be discussed. They can also request to have their email address added to our distribution list for notices related to Cohen Commission meetings and events.

For more information on the inquiry, please visit the Cohen Commission website at www.cohencommission.ca and the FNFC website at www.fnfisheriescouncil.ca.

MEETING NOTICES

Fisheries Management ROADMAP WORKSHOP
June 23 & 24, 2010 at Kamloops Towne
Lodge/ Kamloops Convention Centre
1250 Rogers Way, Kamloops, B.C.

Mark your calendars!

VISIONS WORKSHOP
October 13 & 14, 2010 at Seabird Island Band

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