

The Cohen report and the black hole of indifference

THE EVIDENTIARY EVENT HORIZON

The Cohen report (2012) on the decline of sockeye salmon populations is drifting toward a black hole of indifference, and the Harper government is nudging it ever closer to the event horizon. If the Cohen report, its findings, and recommendations fade out of existence, so too does our best chance at rescuing sockeye salmon from extinction.

The Cohen report was released to the public on October 31, 2012, almost three years after BC Supreme Court Justice Bruce Cohen was tapped to lead a federal inquiry into the precipitous, decades-long decline of sockeye salmon in the Fraser River. In his role as commissioner, Cohen left no evidentiary stone unturned: he commissioned scientific research projects, hosted public forums, conducted site visits, and invited written submissions from the public. Most significantly, Cohen held 133 evidentiary hearings over an 18-month period, during which he heard 179 witness testimonies. On the basis of myriad evidence, Cohen offered 75 recommendations. Together, these recommendations provide an inclusive, pragmatic, and well-informed roadmap for addressing the decline of sockeye. And yet, here we stand, more than two years after the Cohen report was delivered, and the minister of fisheries and oceans has only grudgingly acknowledged its existence. According to the Watershed Watch Salmon Society's "Cohen Report Card" (2015), the government has completed only one of Cohen's 23 time-sensitive recommendations. Of the remaining recommendations, 14 are "incomplete," 5 have received "no public response," and 3 are listed as "pending." As a result of this inaction, many elements of this time-sensitive roadmap are no longer relevant.

BY CALLUM C.J. SUTHERLAND

Callum C.J. Sutherland is a PhD student in Science and Technology Studies at York University.

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BILL C-38: THE LEGISLATIVE SABOTEUR

In hindsight, this passive undermining of the Cohen report is hardly surprising. Having emerged from the 2011 federal election with a majority mandate, the Harper government wasted precious little time in implementing its scorched-earth economic agenda. To that end, the government passed Bill C-38 in mid-2012, bringing about sweeping changes to dozens of environmental laws, including the *Fisheries Act*. These amendments pre-empted the Cohen report by several months, forcing the inclusion of an addendum with its eventual release. In the addendum, Cohen describes Bill C-38 as having "a significant impact on some of the policies and procedures ... examined by this Commission and on important habitat protection meas-

ures in place at the time of the evidentiary hearings" (Cohen 2012, 71). These amendments, Cohen continues, seem to "narrow the focus of the Act from protecting fish habitat to protecting fisheries" (78). Indeed, while Cohen never explicitly says as much, this final point seems to reflect the general purpose of Bill C-38: the privileging of ideology over evidence, capital over labour, transnational over local, fisheries over fish, farmed salmon over wild salmon.

This revised legislative focus brings us to one of Cohen's most disconcerting findings. That is, having seen its role expanded to include the promotion of the salmon-farming industry, Fisheries and Oceans Canada (DFO) appears to be mired in a conflict of interest that Cohen argues "might, in some circumstances, prejudice the health of wild salmon stocks." (Cohen 2012, 90). Citing the precautionary principle, Cohen concludes that the "potential harm posed to Fraser River sockeye salmon from salmon farms is serious or irreversible" (92). Why, then, has the Harper government refused to address this conflict of interest? Because, as the DFO boasts on its own website, aquaculture is "the fastest-growing food sector in the world" (DFO 2014). More than illustrating its preference for farmed salmon over wild salmon, this statement demonstrates the government's predilection for the transnational and its disdain for the local. Indeed, the vast majority of salmon farms in British Columbia are now operated by foreign-owned corporations. In pledging its ongoing financial, promotional, and political support for salmon farms, the Harper government is undercutting the conservation efforts not only of the Cohen commission, but also of the First Nations and other citizens of British Columbia.


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requires an industry partnership. In the Natural Sciences and Engineering Research Council of Canada (NSERC), the major funding agency for science in Canada, there has been over a 1,000 percent increase in the funding of projects that are tied to the work of a specific company. In health research, there has been a 61 percent drop in successful grant applications. This is an unprecedented, historically significant, rearrangement of our ability to know about our bodies, our environments, and our communities.

In response, federal scientists are taking to the streets to protest the dismantling of our ability to know. They

organized the 2012 Death of Evidence March, which took their protest to Ottawa, and this May, PIPSC, the union that represents professional scientists at the federal level, organized rallies of scientists across the nation in defense of scientific integrity.

We are in a strange and paradoxical moment. On the one hand, there is greater scientific consensus about the pervasive health impacts of endocrine disrupting chemicals. In the 2012 WHO and UN report, scientists conclude that endocrine-disrupting chemicals are a global problem and that states internationally should study and regulate

them. Twenty years ago, when the dose-response curve dominated toxicological research, this report was unthinkable. Now, there is an explosion of research into EDCs. On the other hand, the Canadian government is intensifying strategies to produce ignorance about our environment. We know more, while our ability to do the research is being dismantled. Perhaps our upcoming election is a moment to dream of and demand a different way of regulating chemicals in Canada, a different way of asking the state to see us not only as *Homo economicus* but also as ecological beings. 

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A NEW ERA OF ACCOUNTABILITY?

As we have seen, this is a government that is not shy about appropriating the notion of *public interest* in serving the wants and desires of *private interests*. This is a government that seeks to systematically dismantle anything even remotely democratic on the one hand, while marketing itself as champions of democracy on the other. Seen in this way, it is hardly surprising that, as Cohen points out, the Harper government held “no consultations with First Nations or stakeholders about Bill C-38” (Cohen 2012, 82). More than undermining the public interest, Bill C-38 sounded the death knell for democratic accountability. Ironically, it was on this very issue that the Harper Conservatives, promising to usher in “a new era of accountability,” swept to power in 2006. With the reputation of the Liberal Party left in tatters by the sponsorship scandal, the Harper Conservatives positioned themselves as the “accountable” alternative to the entitled, “natural governing party.” None of this would have been possible, of course, had it not been for the investigation of the Gomery commission. It was Justice Gomery who revealed the “culture of entitlement” that existed within the Liberal Party,

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and it was Stephen Harper who rode the resulting wave of public outrage all the way to 24 Sussex Drive. And yet, as we have seen, this “new era of accountability” never materialized.

Indeed, whereas Gomery’s conception of accountability began with the need to address the increasing concentration of power in the Prime Minister’s Office, the Harper government accelerated this very process of centralization. By 2008, it became clear to Gomery that his proposals had fallen into a “black hole of indifference.” Is this a portent of things to come for Cohen? Or have his proposals, staled as many of them have become, already suffered the same fate as Gomery’s recommendations? If, in fact, the

Cohen report has already passed the event horizon, what have we lost? Many are quick to mourn the loss of \$37 million in public funds, the final cost the Cohen commission. But these mourners are missing the point. More importantly, we have lost an invaluable store of evidence, sacrificed on the ideological altar of the Harper government. Are sockeye next? 

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