

Speaking Notes for Wednesday, March 19, 2008 at City of Richmond  
Garden City Public Hearings

Introduction

[Brief thanks to Council for their patience and courtesy in hearing the speakers including the Musqueam speakers.]

Aboriginal Rights

I know it has been very difficult for all of us to sit through hour after hour of these hearings. It has sometimes been especially difficult for the Musqueam as they have heard their Aboriginal rights described by opponents as a “bluff”, a “red herring”, a “guilt trip”, “fear mongering” and a front for speculation. To my clients, I remind them of the words of Mahatma Ghandi on his own non-violent struggle against the legacy of colonialism – “First they ignore you, then they laugh at you, then they fight you, and then you win.” To those who make such comments, I ask them if they would treat in such a dismissive fashion the right to equal treatment under the law protected by section 15 of the *Constitution Act*. Would they make such comments to a person under a disability or from a particular ethnic background who was seeking to enforce rights protected by section 15? If not, why do they feel free to diminish the protection for the rights of Aboriginal Canadians found in section 35 of our *Constitution*? All rights protected by our Constitution must be taken seriously – they define us as a nation.

Food Security

Other speakers have waved the banner of food security with all the passion of a Red Guard during the Chinese Cultural Revolution and have criticised Musqueam for a supposed lack of interest in food security. They forget that food is more than farming and that life is more than food. Musqueam does not need to take lessons from anyone on food security. They have lived in this area for thousands of years before Contact. They supported themselves mainly through fishing. They went all the way to the Supreme Court of Canada in the *Sparrow* case to protect their Aboriginal right to fish. It is their Aboriginal right to fish that protects their food security. They do not deserve to be lectured by self-appointed experts on food security, global warming and so on.

The MOU and the Treaty Process

Some speakers have asserted that the MOU is somehow inconsistent with treaty process. We do not understand why. Both types of negotiation are about reconciliation and not confrontation. The practical result of the view that there is something somehow inconsistent between treaties and reconciliation agreements is that first nations are being told to wait perhaps decades until the federal and provincial governments get round to concluding negotiating with them at the treaty table and, in the meantime, government-held lands such as the Garden City Lands will be sold so they are not available for treaty settlement. That is unacceptable and would undermine the treaty process.

### The Use of the Lands

Other speakers have argued strongly in favour of leaving the Lands in their present state or using them for farming. I am not qualified to speak on the viability of the Lands for farming. However, speaking as a non-Aboriginal person, I believe it is simply unjust for non-Aboriginal people to say to the Aboriginal peoples of this Province that, now that we have taken the great bulk of your land without your agreement and without payment to you and developed it for our benefit, we demand that whatever undeveloped land remains, must be kept by you as green space for our enjoyment and you must remain in poverty. That statement is simply a continuation of a colonial attitude dressed in green clothing.

### The MOU and “the Beauty of Compromise”

I also don't doubt for a minute the sincerity of some of the opponents in their interpretation of the MOU and the Purchase Agreement. I commend them for being willing to hack through the tangled undergrowth of legal documentation. However, I do not agree with their interpretation of some of the provisions, especially when they doubt the clear language of section 1(5) of the MOU about the trust favour of Musqueam as to an undivided 50% beneficial interest in the whole of the entire 136 acres of the Garden City Lands. Obviously, they do not understand the concept of an undivided interest. But I see no point in dealing with each issue now. If, which I hope is never the case, we need to resolve any difference of interpretation, it will be done through a form of dispute resolution mechanism and not by the City Council or the Commission.

My more fundamental response is that this kind of legalistic approach ignores the truly impressive achievement embodied in the agreement between the City and the Musqueam. I would like to quote again from Mahatma Gandhi, “All my life through, the very insistence on truth has taught me to appreciate the beauty of compromise.” I see the MOU as representing “the beauty of compromise.” Professor Doug McArthur said last week that compromises were rarely tidy – there are gaps and no one party is fully satisfied. But, if you go above the interests of any one party and look at the MOU as a whole, it embodies fundamental Canadian values – the value of compromise – the reconciliation of diverse interests – respect for other people. In that sense, the MOU is not only an historic document, it is also a thing of beauty and a very Canadian document – it represents the coming together of people of diverse origins and the practical implementation of what the former Chief Justice of Canada said in the *Degamuukw* case, a decade ago, which clearly recognized Aboriginal title – “Let's Face it, We are All Here to Stay”, a view that Chief Campbell echoed last week.

### Conclusion

In conclusion, I confirm again the desire of the Musqueam to implement the MOU and to honour its terms. We request no less from the City of Richmond - let the “beauty of compromise” and reconciliation prevail.