Paul Williams

Disputes over land rights of indigenous nations are not new in this part of the world. The Mohegan Indians case began in the late 1600s; their last session in United States courts was in the 1980s. Over two hundred years, the issues have remained constant, the people tenacious.

I am careful with words—they define how matters are understood. The Government of Canada would like us to "submit" claims. When the Romans conquered a barbarian people, that people's leaders surrendered by placing their hands under those of the Roman generals, in a gesture of "submission". I prefer to use the term "presented". Nor do I view the claims as "grievances", matters of emotional complaint, but rather as matters of fundamental legal and moral rights. For that matter, I have never been comfortable with the word "claims"; there are more attractive ways to describe them. Nor can I achieve comfort with the idea of every community being a "First Nation"—because that undermines the existence of the *real* nations. When the Government of Ontario describes the neighbours as "stakeholders", it makes me think of vampire hunters. The idea of "innocent third parties" carries its own legal and moral baggage—including the challenge of weighing how innocent they really are.

All of which brings us back to the *Mohegan Indians* case. The Imperial government decided to call a Royal Commission of inquiry into the relations between the Mohegans and the colony of Connecticut. The commissioners were governors of other colonies. Connecticut objected to this intrusion into what it considered its internal affairs, and even passed a law making it an offence to testify before the commission. Individual deed-holders applied to become full parties to the inquiry, and were rebuffed by the commissioners, who found that the issue to be resolved was between the Crown and the Mohegans as a nation, and that it was neither a domestic matter nor one in which individuals had any rights.

The positions of indigenous nations and the Crown on the rights of individuals to be parties to claim negotiations hasn't changed in over three centuries. The issues are between governments, between nations, and while the rights of individuals may be affected, those people bring neither authority nor compensation to the table. The demands of individuals (or their associations) in southwestern Ontario, for access to Department of Justice opinions, or in northern British Columbia, for injunctions against the Nis'ga Treaty, are echoes of the fears and frustrations of the Connecticut landholders. Fear, uncertainty, distrust of government, and racism are all consistent themes over time. Yet the Crown must have the authority, and the ability, to do what is right and necessary.

There is no doubt that the rights of private individuals, of corporations, and of municipal governments are affected by claim settlements—especially where the settlements involve land. There is also no doubt that, despite what the law might say, these matters are intensely political, and modern lawmakers respond to political pressure. They fear backlash. They avoid controversy. It is thus incumbent on modern claim-makers to prevent backlash and avert controversy.

This is what I have learned, in thirty years of this work.

Consider dividing your work with the neighbours into four phases: before negotiations, during negotiations, between the time of the agreement in principle and the date of ratification, and the "implementation" phase. Your levels of activity, and your messages, differ from phase to phase.

These days, it takes between five and ten years from the time a claim is presented to the federal and provincial governments to the time it is formally accepted. This is a time of waiting and frustration for you. The need to re-research every aspect of

a claim—especially where you've done a professional job, and where similar claims nearby have already been fully researched by all parties, is either a matter of due diligence, or a matter of deliberate delay. Canada's refusal to consider any claim as a precedent for any other is either a way of considering each claim fairly on its merits or a way of building further delay into the system. Taking three to five years to produce a legal opinion is either a reflection of a painstaking but overworked Department of Justice or the kind of performance that would get any private law firm fired by any private client. For the purpose of dealing with the neighbours, though, it means you have several years to prepare yourselves, and them.

Usually, your claim is not a secret. The complaints have been made in public petitions and public demonstrations. The documents are generally available in public archives. History books and academic theses describe them, in general terms and sometimes in detail. The larger claims are notorious. For example, it was well known in the 1840s that the Crown had allowed its friends to remove their investments from the Grand River Navigation Company and had replaced that money—in a company about to go bankrupt—with $140,000 in Six Nations trust funds, over the objections of the Chiefs and their government-appointed trustees. The Clench "defalcation" was the subject of a public inquiry in London. Treaty land entitlement issues have been public for at least three decades. In most cases, public knowledge of the claim ought to increase support for its resolution.

In *most* cases. However, where the claim involves land, and especially privately held land, but also land within the boundaries of municipalities, that support is tinged with uncertainty and fear. Will the Indians get the government to take my land? Will having Indian neighbours reduce my property values? Will my taxes go up if the municipality loses part of its tax base to the Indians? Will investors avoid our community, and will local businesses be injured? And...what's in it for me?

During the first phase of the claim process, your concern with the neighbours is to provide information and to seek procedural support. Unless you are engaged in visible political activity to pursue the claim, or have gone to court for your remedies, this phase tends to be subdued and polite.

MP, MLA and Mayor

There are three important individuals to meet with during this phase: the local Member of Parliament; the local Member of the provincial legislature; and the mayor or other head of the municipality. For larger claims, covering several municipalities, there will be several mayors, reeves or executives.

Not long after you formally present the claim to the federal and provincial governments, you will want to deliver the "narrative" and a set of supporting documents to these individuals. It is tempting to deliver only an executive summary, or the statement of claim, or even just the narrative. But delivering the entire package is an inexpensive way of demonstrating full disclosure. It says clearly that you have nothing to hide. It doesn't matter that they probably won't read the materials—giving them everything also prevents them from claiming that they knew nothing, that they were ambushed, that they were "not in the loop".

In your first meeting with each of these three—and you will likely want to have three separate meetings—you will probably have to explain the federal claims process. The average Canadian is incredulous that a country that can deal with 170,000 refugee claimants in three years intends to take another 28 years to deal with a backlog of less than 500 Indian claims. The average MP or MPP or mayor will be equally surprised. If they don't ask what you want from them, you can tell them outright.

1. You want them to be aware that the claim exists, long before things start to happen.
2. If you encounter problems in the claims process—undue delays, for example—you would appreciate being able to get in touch with them to arrange meetings, and you would appreciate their attendance at the meetings. After all, whether they support the content of the claim or not, they share your desire to see the matters resolved.
3. You hope that, after reading the materials, they will see the justice of the claim and will actively help it to be resolved fairly.

The second phase of your activity with the neighbours begins shortly before the formal acceptance letters are sent by the federal government. Indian Affairs officials will meet with the Member of Parliament for a briefing on the claim: it is to your advantage to meet with the MP before that, and for you to become the primary source of information. The MP is a potential ally; if there is no alliance there, you can at least seek an agreement on neutrality. And the MP can't claim to have been "ambushed" by the acceptance of the claim.

Keep notes of these meetings. When the Mayor of Chatham complained that he had been kept in the dark about the Caldwell claim, and that it was a surprise to him, I was able to provide the media with my notes of my meeting with the mayor nearly two months earlier.

With the mayor, you can have a more intense conversation. It goes something like this:

1. We want to make sure you understand the claim. It's legal, it's real, and it's serious. We are serious about it.

2. It's not a claim against you or your constituents. It's against the federal government, or against the federal and provincial governments.

3. We want to assure you that we are not going after privately held land. We know that there's no court in the country that would kick people off land that their family had been on for 150 years, with a deed from the Crown. Take a look at the *Kettle Point* and *Sarnia* court cases. The claim is against the Crown, not against individuals. We know what it is like to be dispossessed, and we wouldn't want it to happen to anyone else. Two wrongs don't make a right. If the governments won't protect landowners' rights, we will (this is a safe commitment to make, considering the policies of both the federal and provincial governments, which are much more concerned with the rights of settlers than Indians, and always have been).

4. We know that any settlement, if it is going to work, has to work locally. This is fundamental. And long after those pointy-headed people from Ottawa and Toronto return to their desks, our kids are still going to be going to school with your kids, and we're still going to have to get along.

5. We know you would not be living here if you did not love this land as we do. We share that. We need to protect the land together.

6. It's in your best interests for us to settle this claim. Not just because it would make us more pleasant to deal with, nor because of any economic spinoff benefits, though there may be some. Also because if the negotiations fail, then we will be forced to go to court to get the claim resolved. And if we have to go to court, we won't be able to look for alternate land. The only land we're legally entitled to is the land you're on. While we would deeply resent being forced to go against the neighbours in

court, that would be our only option. And we think you, too, would resent the federal and provincial governments setting us against each other.

Nice speech, says the mayor. I agree with everything you're saying. But what does it mean, in practical terms?

Inviting Municipal Government Participation

"It means that we are inviting you—or your representative—to sit in on the negotiations. Please understand that the invitation is coming from us, not from the federal or provincial governments. We believe your participation is important, and we want you at the table. Not as a full party—because you're not bringing any compensation, and you have suffered no injury. But as an observer, and as a witness. We recognize that you will need to be reassured your interests, and your constituents' interests, are being considered, and we feel this is the best way to provide that reassurance".

You say that you would try to set aside a specific time at each negotiating session to hear their concerns, if any. At this point, the mayor will ask if the price of admission is support for the claim. Again, you say that you'd appreciate support for the claim itself, because that would be what good neighbours do—but that all that you expect as the price of admission is respect for the rules of the table. Confidentiality and respectful conduct.

It is safe, and to your advantage, to invite the mayor into the negotiations. It is quite likely that the federal or provincial governments—or both—will refuse to negotiate with a municipal representative present. I've seen federal and provincial representatives yell that they wouldn't talk with us at all if "those people" were in

the room, and then storm out. This kind of conduct helps convince the mayor who his real friends are...

If the federal and provincial governments—remember, these are the same people who will demand extensive "consultation" with the municipality—refuse to negotiate with a municipal representative present, you can take the next step. That is, tell them they have no choice: the municipal representative is a member of your negotiating team, and neither Canada nor the province should have any say in who you choose to have on your team.

Amazingly, sometimes they refuse even this—further alienating the mayor. Or they engage in humiliating exercises—like the confidentiality oaths that municipal representatives were asked to sign in the Wahta negotiations.

Of course, one reason the federal and provincial people don't want any outsiders in the negotiations is their own terrible conduct throughout the negotiation process. Commitments unmet—followed by refusals to make commitments; meetings cancelled with virtually no notice or explanation; legalistic positions without any legal credibility; naked misuse of power. The "senior" governments don't want independent witnesses to the way they behave in negotiations. A municipal presence might moderate this conduct (and that would be a good thing). If it doesn't, the horror stories will get out, and the result will be even more local sympathy for your position.

There is a terribly important reason for the direct involvement of the local MP and mayor in the claims process—if only as people who are kept up to date with the progress (or lack of it) of the negotiations. That reason emerges when you have an agreement in principle, headed for ratification, and a backlash begins.

Almost inevitably, swept away by the heady fumes of power, the leader of the backlash group announces that he speaks for the right-thinking white people of the community in opposing the claim and the settlement. This statement, though, is a direct challenge to the legitimacy of the mayor. If the mayor has been involved in the negotiations, or if you have at least kept him or her abreast of the issues, a different scenario develops. The mayor virtually has to rise to that challenge: "Oh, yeah? Who elected you? *I* speak for the people of this community, and I've been on top of this situation, looking out for their interests, all along!"

It is not just local backlash that can be forestalled by remaining close to the neighbours. It is common for the provincial government to create local "contact groups" of people it selects from the community. Equally commonly, this local elite consists of people who share the current government's political views. Then the provincial government can come into the meetings, claiming that local feelings require adjustments to the settlement. Usually, somehow, this means less land for the claimants. If the elected municipal government is sitting at the table, it is harder for the provincial government to construct its own puppet groups.

"Consultation" after an agreement in principle

Somehow, you have brought your claim to the point where you have an agreement in principle. Between this point and the final ratification ceremony, the experience that awaits you is very much like running the gauntlet. It is the most harrowing and nastiest part of the claims process. The agreement is like a fragile, defenceless infant. You get to carry that infant past a long row of enemies, each waiting to take a thwack at you or the agreement. If you stop to retaliate, neither you nor the infant has any chance of survival. You have to keep running, protecting the agreement as best you can, hoping to get to daylight before everything goes dark. It hurts. The hits come from unexpected places—sometimes from behind.

In the Mississagi consultations, when things turned dark and racist, I found that the Council and elders seemed all too willing to put me alone out front, to send me to meetings alone. When I finally complained about it, they told me their reason for staying away. They did not want to see their neighbours acting that way—it shamed them, and would make their future relationships uncomfortable. Pain is inevitable—suffering is optional.

My clients in Mississagi also taught me lessons in maturity. When the backlash group—the Algoma Action Association, with their motto 'One People, One Flag, One Canada"—did they know how close that was to "Ein Volk, Ein Reich, Ein Fuhrer"?—went to court to try to stop the settlement, I told the Council that I welcomed the opportunity to crush their arguments, because we'd taken such abuse from these people for so long.

One of the councillors gave me another perspective. "Paul, we don't want to humiliate these people. We need to win the case, but without degrading them. Many of them are elderly; many are poor; they're frightened and confused. Their tactics are probably much like the ones we were using to bring attention to the claim. We have to live with these people and their families in the future. Win, yes. But don't crush them. We don't need that".

Your tactics depend very much on the nature of the local politicians. You don't want to invite the mayor if you know he already attends neo-Nazi conventions. And you don't want to play municipal politics, inviting his opposition. Sometimes the local Member of Parliament is very clearly Not Your Friend. In such cases, you deliver the information, knowing you are going through the motions, not expecting any support, but protecting yourselves against some kinds of attack.

How to deal with "local consultations"? How to prepare for the claim going public? Take a good media relations and crisis management course. It's worth every penny and every minute. It is also worth taking the course with the federal and/or provincial people you'll be working with: the agreement in principle is something you share, and that includes sharing the responsibility to protect it. The more skilled the federal and provincial people are, the better your chances. The more you share the job of protecting the infant settlement, the better its chances of survival. But be prepared to go it alone: if a job *needs* to be done, don't count on anyone else to do it right.

Keep the intervals short. While you don't want to be accused of undue haste, you do need a clear and binding timetable for the process of consultation, publication, explanation and ratification. Don't accept any delays, and make sure that the essence of your agreement is firm and binding.

In Mississagi, after a round of "consultations", the provincial government came back to us, saying that while we might have believed we had an agreement for 70,000 acres, it was clear that we would be better off with 17,000 acres and more money instead. The federal representatives tried to make themselves invisible, acted as if they had not been there when the original deal had ~~been made. It took~~ us a bitter year to claw back to 45,000 acres.

In the Caldwell claim, the Minister of Indian Affairs got the chief to agree to a one-year "cooling off" period. During this time, the opposition to the claim got the chance to mobilize and organize, and internal Caldwell doubts festered into bitter litigation. If you are running the gauntlet—keep running. It is your best hope. Lose stride, and you stand to lose much more.

Sometimes, though, issues come up that you simply hadn't noticed. You need a tight, small team with the ability and authority to make necessary, flexible minor adjustments. In one claim, none of the parties had noticed that there were six traplines within the territory that was slated to become reserve land. We inquired quickly into the facts, found out that all the trappers were over 60 years old, and concluded that it would be enough if we let them to trap themselves out and retire, on condition that each would offer to take on an Ojibway apprentice who would eventually take over the trapline.

A middle-aged couple came to us in tears, with photo albums of their summer cottage within the reserve lands. It was the heart and soul of their family, they said, and they just hadn't had the money when all the other cottagers on the lake were offered a chance by the provincial government to buy their lots. And now the lease was expiring, and the land was going to become reserve land. The elders met with them, told them that they were the kind of neighbour we wanted, and that their lease would be extended, long-term, onee the land became reserve, that they shoudn't worry. They told all their friends of the elders' kindness: good will we couldn't have bought with ten times the money the lease was worth.

A municipal councillor expressed concern—in the local newspaper—that if the river was surrounded by reserve land, the band would have control over the town's water supply, and might pollute it. The Council's response was to recommend that the entire watershed—on and off reserve—should come under a single set of water quality standards, either Ontario or Netherlands government standards, whichever was higher. "Why the Dutch?" asked provincial officials. "Because they have the highest, clearest, most enforceable standards in Europe", we replied. "But Ontario has the best standards in the world", they said. Good, we replied. Then unless you lower your standards, we need never worry about the Dutch. While we didn't get agreement from Ontario, the municipality's concerns were allayed.

To these two basic concepts—a firm commitment to a binding agreement in principle, and a rapid-response team with authority to make pragmatic adjustments—you need to add a third. *Class*. Throughout this period, you can never afford to act or appear petty or vindictive. You need to show imagination, generosity, flexibility, consideration and kindness. Take the high road, and stay there.

If a concern is brought up, and it is a genuine concern, you have to respond to it honestly and quickly. Sometimes the honest answer is simply: "This is new. We had not thought of it before. We'll take the time to think on it, and we'd appreciate your ideas". While there is no rule that meeting local concerns should always be done by compromising on your settlement, you need flexibility. Trade a road in the south that preserves public access for an extra 500 acres in the north. Allow the hiking trail to continue to pass through the land once it becomes reserve land, with a limited easement. Guarantee the cottagers that they can continue to use the reserve road (but get the province to pay for maintenance, since it's not your people who use the road). Accept minor compromises with good grace and generosity.

Sometimes you draw the line, but then you explain why. In one case, we found that there were three "bear management zones" on the territory that was about to become reserve land. The euphemism describes a person with a license to leave food out for the bears in a particular place for several weeks, so that one day after the bears get used to showing up for dinner, a guy from Ohio who has paid several hundred dollars for the privilege can shoot the cubs' mamma in the back. Ojibway people have greater respect for bears than to allow this to continue on their land. Ontario paid off the bear managers, and they moved their bait zones.

Sometimes you draw the line in other ways. While genuine concerns require careful consideration and thoughtful responses, racism does not. Racist comments require you to identify them as such, and state that they don't deserve the dignity of an answer. Isolate the racists. Ridicule them, if you can. But don't show fear of them, and don't allow the other governments to be driven by them. Help the other governments understand that they, too, should be offended. Sometimes, they don't need help: I've seen Jewish negotiators shaken and angered by the naked racism they met in northern Ontario. They didn't need to be reminded that, whatever happened to the Ojibways and Algonquins, their people were going to be next.

Generally, a dignified, reasonable response is required. But sometimes, you can't help yourself. Or rather, sometimes, I can't help myself...In one of the public consultations I attended, a local municipal politician approached me. "You're not going to come here and make trouble, are you? I mean, we have *good* Indians around here". I asked her how many good Indians she personally had, and where she got them, and what they cost. She's still unhappy with me: the claim in "her" township covers about 100 square miles...

In another session, an old fellow began to bellow at me. "There oughta be one law in this country for everybody—white, red, black, green, yellow. One law for everybody". I agreed with him. He started up again, and then stopped: "You *agree with me?*" Certainly, I said. That's what I'd been taught, too. And I felt sure that he would adapt to the changes, eventually. He wasn't happy, either. But his friends thought it was pretty funny. Humour has its place, but it can easily be twisted or misunderstood.

Town hall meetings with the negotiators all in a row behind tables and the audience all lined up in chairs facing them are a recipe for confrontation. Instead, you want a genteel "open house", with coffee and cider and the little stale

sandwiches you used to get from Air Canada. Not many chairs—they encourage people to stay longer than they originally intended. Lots of big maps and written summaries of the agreement. Your team may be at the open house for several hours, but members of the public stay for only a few minutes each, and you get to meet people one-on-one, listen better, and avoid the grandstanding that accompanies demagogues finding themselves in front of an audience.

Use newsletters. Flyers. Consider video: it costs about $1 a household, and you need not produce something slick. Half the struggle is convincing people you really want to get the facts to them, openly.

Another thing about consultations. As one of the provincial negotiators told me afterward: you're best off using local people, or folks who look and act like local people. Even if you dress them in sweaters, Suits from Toronto are still Suits from Toronto, and everybody knows it. Foreignness hurts. Slickness hurts. Modesty helps. Simplicity helps. Honesty is crucial—and, as Maurice St. Louis of Canadian Pacific used to say, "it has the advantage of being the truth".

Never apologize for having a strong claim or a strong settlement.

And yet...one evening Chief Doug Daybutch and I were sitting around, watching a football game, when the entire Mississagi Ojibway hockey team came into his living room. Big young fellows. Ontario champions that year. The captain said: "Those Algoma Action guys are up on the highway demonstrating against us". "So?", said the chief. "So we want to go up there and kick their asses". "Hey, guys", said Doug. "We're *victims*. Victims don't kick ass". Sometimes the abuse can go too far. Sometimes the hits you take in the gauntlet make you want to hit back. For the sake of the infant settlement, swallow hard and keep running. But remember where the hit came from.

So far, almost everything I have said has been about getting along with the neighbours. In the long term, that is always the best solution. The kindnesses you do in navigating your first claim through the reefs of ratification will be remembered when you meet the same people in your next claim. Two wrongs *don't* make a right, and imagination and decency beat nastiness and narrow-mindedness every day of the week.

Still, I *am* a lawyer.

If your claim has to go to court, there are some real advantages to litigating with a municipality rather than going up against the federal or provincial governments. It's called "picking on someone your own size". The municipality has lawyers who have no experience in this field of the law; it has too little money to hire the Big Guns, or to mount an airtight case against you. Provoking the municipality into taking you to court—for non-payment of taxes on unsurrendered reserve land, where you have bought out the private interest, for example—places the burden of proof on a plaintiff ill-prepared to go the distance. And as the Oneidas discovered in New York, by the time the bigger governments get involved, you've already got your version of the facts before the court, and a head start on the system. It's difficult to bring in new facts on appeal. You can even use legal leverage to keep the federal government—your fiduciary—from coming in against you.

Sometimes you discover that the municipality doesn't want a fight. In Ontario, the provincial government's simplification of structures resulted in municipal boundaries expanded well beyond what their councils wanted. Municipalities were forced to take on areas they didn't want to be in, providing services to people whose tax payments were tiny compared to the additional expense they represented. Sometimes, through this happy coincidence, the land you are

claiming is also land the municipality really didn't want in the first place, and would be only too happy to relinquish.

Sometimes you discover neighbours who want to join you to fight the municipality. People with cottages on the islands around Manitoulin, after the islands were annexed by expanding townships, now had to pay hefty taxes and got the same services—that is, none—they did before. They *wanted* to have the claim to the islands leave them with low-rent leases instead. Throughout southern Ontario, farmers who used to participate actively in local politics now found their voices insignificant in the new mega-municipalities, and their increased taxes paying for the urban cores of places they barely knew. They might be only too happy to make a deal with the true government of the reserves their ancestors had settled on.

Don't assume the neighbours are happy with their other governments, either. Throughout Northern Ontario, alienation from the provincial government is epidemic. All over the province, municipal politicians have no love for a government that has "downloaded" expensive programs and responsibilities, forced amalgamations, and dismantled or privatized social safety nets.

It's poison to play other people's politics, and doubly so if you do so poorly. But you can't work with, or deal with, the neighbours unless you are aware of these political events, feelings and flows. It is prudent to maintain your consistency by appointing a permanent negotiating team—a solid core of people who will work on the claim regardless of your internal political changes. It is prudent to appoint one member of the team as your contact person with the neighbours. And that person needs to be consistent, too: written reports to the MP, MLA and mayor every four months or so, explaining the progress of the claim, or lack thereof.

Your representative needs to have meetings with them twice a year. As a matter of course, make sure they're invited to appropriate community events.

When the consultations are over, and the adjustments are made, it is time for the signing ceremony. Federal and provincial ministers treat these as photo opportunities. I remember a provincial negotiator, once an agreement had been reached, grabbing my hand and shaking it excitedly, saying "Now we celebrate!" And I said: "After twenty years of work, we've achieved a settlement that's barely fair. We'll sign the documents and walk away with our heads held high, but damned if we're going to dance for you!"

But there was dancing, and there was a pipe ceremony, and there were photo opportunities. Don't assume your neighbours know your rules—make sure you have someone appointed to coach them (for example, a provincial minister had been drinking heavily the night before the pipe ceremony). Years later, I asked the chief what it felt like, and he said: "It felt sorta dirty—like getting kissed on the lips by a guy you don't like very much".

Amid the tawdriness of federal and provincial self-congratulation, expect magic. At Whitefish River, there was a low-key signing ceremony, for a community member had passed away not long before. Chief Leona Nahwegahbow gave a moving speech about the many years we had worked on the recovery of the land, and how good it felt to get it back, and how it was always, always about the land. Member of Parliament Brent St. Denis gave a short talk, in which he said that the rest of the people of Canada have much to learn from the attachment and reverence that aboriginal people have for the land. The Legislative Assistant to the Ontario Minister of Native Affairs read a speech about how the returned land would provide economic opportunities for the people of Whitefish River, including chances for joint ventures with outside interests, and an increased

standard of living. He bolted early, with another appointment to go to. I stopped him at the door. I said: "Didn't you hear the Chief? She said this was all about the land, and right after that, you said it was all about money". And he replied, "Well, to my government, it is all about money". And then he ran.

It reminds me of a story told by Father Mxosi Mpabani to the South African Truth and Reconciliation Commission. There were two boys, John and Bernard. John, who was much bigger and stronger, took away Bernard's bicycle. Every day for a year, Bernard saw John riding the bicycle to school. Then one day John came over to Bernard and put out his hand, and said "Let's put this behind us. Let's make up". And Bernard said: "What about the bicycle?" John replied: "This isn't about the bicycle. It's about reconciliation".

That, in the end, may be the hardest thing to get across to the neighbours. It's always about the bicycle.

It's always about the land. The land rights come from the ancestors and pass to the coming generations. The measure of a fair settlement is our ability to look our grandchildren in the eye.