



Fast

# FACTS

CANADIAN CENTRE FOR POLICY ALTERNATIVES – MANITOBA

January 29, 2014

## Protestors, Rights and Social Justice

**M**uch critical commentary has been directed at Aboriginal students and others who disrupted a recent talk by Phil Fontaine. I would like to offer a response that is different, but that nevertheless agrees that the right to speak and to be heard is essential in a democratic society.

I believe that it is too easy simply to criticize the protestors for not allowing Mr. Fontaine to speak. I think we also need to ask: who is being heard, and who is not, on the great issues of our times? And certainly the issue about which Mr. Fontaine was to speak, namely the oil sands and its associated long-term financial and environmental consequences, is one of the most challenging issues that we face today.

The protestors have been told—for the most part by those who have much more access to the media, and therefore much more chance to be heard—that they should have entered into a dialogue. They should have engaged in a respectful discussion.

It is worth noting that this approach has been largely ineffective to date, with respect to other issues that are extremely important to Aboriginal people, and ought to deeply concern all of us. For example, recent research now reveals that 824 Aboriginal women have gone missing or been murdered in Canada, 111 of them in Manitoba. Many Aboriginal people have respectfully and repeatedly called for a public enquiry into these appalling occurrences. At least two of the protestors that I know of have been creatively and energetically involved in

this work for years. They continue their peaceful vigils for the murdered and missing women and their families. Yet Aboriginal women continue to go missing and to be murdered, while calls for a public enquiry go unheeded. Similarly, significant numbers of those Aboriginal people displaced by the flood of 2011 have spent months and even years living in Winnipeg hotel rooms, their lives completely disrupted, their children placed at risk in the city. Some have told us, in occasional media stories, how they are suffering. Apparently we do not hear them.

I expect, therefore, that the protestors understand the fundamental importance of the right to be heard, since Aboriginal people—not necessarily the leadership, but most Aboriginal people—have largely been denied that right, for many decades.

Those who have criticized the protestors have said that by preventing Phil Fontaine from speaking about his role in the oil sands, they acted in a way that is inconsistent with traditional Aboriginal values, namely that all have the right to speak. I agree. But on the other hand, the protestors spoke to another important Aboriginal value, one that the rest of us might do well to consider, namely that the decisions that we make today ought to take into account their effect on the seventh generation. That way of thinking is completely at odds with how our current economic system works. Yet the decisions we make now and in the near future will surely affect the seventh

there is an alternative.

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generation. What reasonable person would trust the oil companies—whose legal obligation is to maximize profits for shareholders—to make decisions based on the effects they might have seven generations into the future? That would be naïve. And if that is naïve, then one can understand the protestors' concerns about Mr. Fontaine's having been hired by the oil companies. The protestors' concern is a concern about the seventh generation into the future, and that is a crucially important Aboriginal value.

The protestors were also criticized for being disruptive. But any informed reading of history shows that those who are the weakest and most disadvantaged are most likely to be able to make gains when they are disruptive. Nelson Mandela and Martin Luther King Jr., to take but two examples, were disruptive in their attempts to promote justice in their racially divided societies. Today we honour them. King's "Letter from a Birmingham Jail" is a classic defense of the right to peaceful protest, even when it is disruptive, and is also a sharp rebuke to those who criticize disruptive actions as being somehow inappropriate. A very strong case can be made that, as long as they are non-violent, disruptive activities are an important part of a free and democratic society, because they make it possible for those who have no formal access to the halls of power to make their voices heard. And if they do not make their voices heard, the injustices from which they suffer will persist.

Phil Fontaine should have been allowed to speak. He should have been heard. That is a fundamental right in our society. But precisely because that right is so important, we should not simply say to the protestors, "tsk, tsk, you have been bad by not respecting others' right to be heard." If that is all we do, the effect will be to silence protestors who, for the most part, are representative of people whose voices have been largely silenced for decades. Their legitimate concerns will not be heard, again, while the oil companies, and Phil

Fontaine, will continue to have multiple opportunities to make their case to the media.

I look forward to hearing Phil Fontaine in the near future, and to hearing his answers to what I expect will be some tough questions. I strongly support his right to be heard. But I also look forward—and in fact even more so—to hearing more from those Aboriginal people in our midst who have for so long been silenced. And I support their right to be disruptive—as long as it is non-violent—every bit as much as I support Phil Fontaine's right to speak.

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