

The Lawyer's Tale *by Yvette Vanson & Michael Mansfield QC*



*“Do we have
to destroy
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perpetuate
our lifestyle?”*

Tarnished earth

“The day is cold, even harsh for springtime. Mists swirl in the heavens. Thousands of elegant waterfowl wheel and songbirds soar through the churning air. After their long journey, they trust ancient boreal forest will offer them a nesting haven. Below, the lake is barely visible but the migrating birds sense the vast expanse of water and, some plunging, others serenely gliding, come to rest on the shimmering surface. There they will die.”

The lawyer is tall, strong, although in the evening of his years – and his deep dark eyes don't waver as his story unfolds. He is outraged. The vision of these magnificent birds, feathers glued with sticky, red brown substances, screeching and sinking, is impaled on his memory.

“...this is no accident of Nature, a perverse and cruel event – but the result of man's greed. A paradise turned killing field.”

His audience shifts as if to free itself from the viscous matter – embarrassed and, some, ashamed.

“These primeval lands once lay unsullied and silent; the giant aspen, pine and spruce towered across huge tracts of terrain. Beneath, the glorious caribou, moose and deer – shy of their grisly neighbours.

Athabasca, Chinchaga, Smoky and the (long lost) Peace, were deep and fertile rivers which traced sinuous patterns across the vast plains; ferocious packs of wolves hunted the bison when they roamed these swathes of impacted soil.

Snowshoe hare, porcupine, beaver, otter, river arctic grayling and the smelly muskrat skunk swam, dashed or darted to the song of the black-throated green warbler in places by the rivers or in the deep woodlands – Clearwater, Caribou Mountains, Buffalohead Hills, Wabasca... names to conjure.”

The lawyer pauses – refocusing, as if breathing the clear, clean air of those ancient spaces.

“These creatures shared this sacred habitat with humans – the very first nations – Dunne-za (Beaver) and Dene-tha (Slave)



lived off the land for thousands of years as hunters, gatherers, and trappers. They were joined by the Cree in the 16th century. Their cultures and beliefs took root in the same earth that nourished all life there."

He sighs, already worn by the sights he has seen – the linear scars which now gouge this land and his own broad face.

"Change, whether great by forest fire, or small as the subtle shifting of hues in the autumn, is the only constant in these woodlands and wetlands...but now, hugely accelerated by the grotesque search for crude power...oil."

The lawyer lets his words settle... and continues,

"Driving along highways for hours on end, I finally arrive in nocturnal hell. This is the boom town, fuelled by tar, drunk on money and avarice. This is the contemporary Gold Rush, devastating the lives of people who labour mostly for need and sometimes for greed... drugs, gambling, drink. It's squalid pleasure, in a make-believe world which threatens not only our existence but their's as well..." He falters, and unaware of the gaze of the listeners, is concentrating on the image fixed in his mind's eye – of a woman sprawled in a

shopping trolley, legs akimbo, head thrown back, so drunk she is oblivious of her own indignity and his stare...

"I find myself a motel and a bar. Sit surveying the scene, at once intrigued and dismayed. I believe in humanity's ability to nurture, develop and grow but am stunned by our capacity for self destruction..." The lawyer is suddenly conscious that his ideas may alienate; sound priggish and worthy. His concern is to motivate...how to convey the magnitude of this desecration? And the need to act? He surveys the group and struggles on... "I meet a woman who unlocks my mind..."

There she is – small, dark with hypnotic eyes. Tiny lines surround her broad mouth and deep ridges cut into the sides of her prominent nose. Her back is upright, her dress discreet, her demeanour calm. He thinks he has described her to his audience but has left them in silence as he visualises her once more...

"She tells me, gradually, that she is a working single mother; two kids, a supportive mother and father. We talk easily about the town, the people, the arrival of the oil men...we seem to hit it off, empathise. She asks me to meet her for a coffee, next morning..."

The lawyer hurries on, the detail too personal...

"The place is way outside town, and as I drive and arrive I am astounded, confounded. This is unimaginable, indescribable – the remote, beautiful plain has been transformed into a belching, stinking industrial complex. Giant silver chimneys reach upward and are lost in the murk; massive machines howl, huge ruts and tracks, pipes and debris, hideous structures and noxious smells abound. The tailings left after deep excavations into sand and tar, using millions of gallons of precious, pure water to extract the black gold, are no longer sweet clear rivers, but glutinous, brown lakes. The scale is so vast I am stupefied. The haze engulfs me, I am choked...this is truly tarnished earth..."

The lawyer is almost breathless now, his voice one of contained emotion...

"She waits patiently as I am overwhelmed by what I see... and then I really see she is standing in front of a wheel – the size of a three storey building. She is dwarfed by a lorry so huge it is monstrous and threatening. She laughs at my astonishment... 'This is my truck,' she says. I can do nothing but laugh back in amazement.

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This petite woman takes me for a ride, in her colossus, through the ruined landscape...and above the roar of the engine she yells out the process, the landmarks. She is vivacious, proud of her skill and knowledge, but I probe her about the consequences."

He is tired, wants a drink and to relax, to forget all the complex issues, the hours of discussion, the arguments (oil dependence, growth contraction, deforestation, maximizing jobs, maintaining ecosystems, green alternatives, prosperity without growth, oil wars, sustainability, multinational domination...) the sheer frustration of it all...

"Days later she reveals her secret. These are her ancestral lands; her father is the Chief and for years since the oil giants arrived, he has worried and fought against the encroachment on their sacred hunting grounds. 'He stays true and I cave in...I need the money for my kids and eight hundred dollars a day means a secure life, a good education, a chance of escape...' He remembers how the admission is so imperceptible he has to bend near to catch her words... 'I have betrayed them...' 'So stop.'

The lawyer hesitates, re-running the exchange in his head, his

arrogance, his naivety. The way she spat out, ferociously, defensively.

"She accuses me: 'I don't need lectures from a stranger about the long term effects, the damage being wrought – I know... it's my world and I am destroying it. We can't hunt – there's no caribou; we can't fish – they're all dead from toxic waste; we have nothing left... so what choice? You stop! Driving your car; flying. Consuming, consuming, consuming...'

He looks up – she is not there (tears in tracks down her face, angry, distraught) instead perplexed faces in the half light, willing him to continue...

"Sorry." He is truly sorry, for his crass insensitivity to the woman he has come to respect, and more.... "She is right. Do we have to destroy life itself to perpetuate our lifestyle?"

The lawyer is frowning deep furrows of care...

He's holding her hands tightly across the table, 'sorry'. He talks of change – action, protests, solidarity...She sighs. 'And you?' 'I'll help – make a case, a class action against the companies and the government. Your father, your people – won't they fight? It's your land, your right. We can try?'

The woman looks at him deeply. He says, 'Walls have come down. Dictators have fallen. I hear that Wesakechak is your hero – a benevolent transformer, is he not?' She is stunned. 'Can you not call on him to help?' She smiles. 'We can try.'

He straightens his shoulders, exhales deeply; his gaze penetrates to the very soul of his audience. "We can make a difference. What do you think?"

*Michael Mansfield QC
is Britain's best known lawyer*

The Tsilhqot'in National Government and Xeni Gwet'in First Nation took a legal action against the proposed – and ill-named – Prosperity Mine. Based on the overwhelming evidence brought forward during public hearings, an independent Panel concluded that mine would have "cumulative high and irreversible impacts" in a number of areas, including Tsilhqot'in people and culture, that the false "Prosperity Lake" could not begin to meet requirements for "no net loss", that the impacts on blue-listed (endangered) grizzly bears would also be cumulative and irreversible, and that navigation under the Navigable Waters Protection Act would be impossible. The Panel also clearly described what would be at stake for the Tsilhqot'in people:

"The Panel has determined that the loss of Teztan Biny (Fish Lake) and Nabas areas for current use activities, ceremonies, teaching, and cultural and spiritual practices would be irreversible, of high magnitude and have a long term effect on the Tsilhqot'in". The Panel confirmed that "the island in Teztan Biny (Fish Lake), which would be destroyed by the mine waste storage area, is a place of spiritual power and healing for the Tsilhqot'in." On 2 November 2010 the Canadian Federal Government denied permission for the 'Prosperity Mine'. In February 2011, the Company re applied for permission – the fight continues...

