

Calvin Sandborn's Acceptance Speech:

Dr. Andrew Thompson Award for Environmental Advocacy and Protection

**Presented at the first Canadian Public Interest Environmental Law Conference,
Vancouver February 3, 2011**

Thank you, thank you so much.

Well this is fun, isn't it?

First of all, I'd like to say how honoured I am to be nominated alongside my friend Bill Andrews. Bill has been such a remarkable advocate for the environment.

Bill was Executive Director of West Coast Environmental Law Association at the time of its greatest growth, and a tireless advocate for environmental law reform. We can thank Bill for the laws that cleaned up pulp mill pollution, for his massive contributions toward the Canadian Environmental Protection Act, the Canadian Environmental Assessment Act, and a whole suite of progressive BC laws, like the product stewardship laws that are still the best in North America.

Bill then went on to private practice where -- at great personal cost -- he continues to represent community groups on environmental issues. As you know, when you phone Bill for advice on a legal problem, you can count on him to provide encyclopaedic knowledge, and a multifaceted legal perspective. He has been a terrific mentor for junior counsel.

On a personal level, Bill has been a good friend, who was kind to me at a difficult time in my life. Bill, my friend, I salute you for all the contributions you have made. [Applause]

I first met Bill in law school, where we were the only two law students on the Bimini's Pub picket line, supporting waitresses striking for better pay. I quickly learned that this was a man of principle -- a guy who realized that the meaning of life is not big money, a big house or the number of things you own at the time of your death.

And isn't that the real question? The fundamental question facing each of us is the one posed by Socrates -- How then shall we live? How do we find meaning in our lives? How do we live a life of purpose?

I learned this lesson from my mother, who used to tell me, "Do something to make the world a better place." She worked as a social worker, nurturing and supporting kids. And at the end of her career -- at a conference very much like this -- she was named California's Social Worker of the Year. And she stood at that award ceremony and started her speech with one of her favourite sayings. She said, "Child welfare is wonderful work!"

And indeed it is. But there are many ways to contribute, to find purpose in life -- medicine, science, teaching, the arts, literature, music...

But I am here tonight to tell you that Public Interest Environmental Law is wonderful work!

I've learned that lesson from many people in this room:

- Greg McDade – the gunslinger who built Sierra Legal Defence from the ground up. You, Greg, actually deserve to be the guy up here.
- Stewart Elgie – the Canadian visionary who came back from working with Sierra Club Legal Defence in the US with a dream of creating a Canadian Sierra Legal – and made it happen. And then went on to create the University of Ottawa Environmental Law Clinic.
- Devon Page who shaped Ecojustice into the most important environmental litigation firm in the country, operating nationwide.
- Kick-ass Ecojustice lawyers like Lara Tasaro , Margot Venton and Keith Ferguson who recently won the Orca case that finally exposed Ottawa's sabotage of the *Species at Risk Act*.
- The visionary Chris Tollefson, who in 1996 galvanized a merry band of law students at the University of Victoria to form Canada's first Environmental Law Clinic.
- Andrew Gage at West Coast, who was once a member of Chris's merry band. Andrew is our movement's sage and philosopher, a fount of information on arcane common law cases – and the critical link between community groups and environmental lawyers, at the Environmental Dispute Resolution Fund.
- Mark Haddock, the Sierra legal pioneer, whose latest work includes two landmark proposals for reforming environmental assessment and tribunals.
- Deborah Curran – the founder of Smart Growth BC , the go-to lawyer in the increasingly important field of municipal law, and a key member of the UVic Environmental Law Centre team.
- Holly Pattison – an amazing administrator who not only makes the Environmental Law Centre run, but makes brilliant, thrilling environmental documentary films.

And finally, of course, there was Andrew Thompson, whose legacy provides this award. The law students in the crowd will be surprised to hear that I was young once. But when I was a young law student, I was awed by the great Professor Thompson.

Just a few years out of school, I worked with Andy opposing the Kemano II Dam, and we canoed the Nechako River with the folks fighting the Dam. We paddled down that lazy river on a sunny day, lined the boat through the rapids, splashed in the water. And at the end of that splendid day we all sat down to potluck and laughed together. And at that moment I realized why Andy did this work – it was all about the river. And it was all about the community that loved that river like family.

Andy understood that the River is part of our family. Like Aldo Leopold he saw that community is far larger than we thought. At one time the real community was just the King and aristocrats. Then non-aristocrats got added. Eventually blacks were let in, and finally women got the right to vote. But now we see the expanding circle of community must include the river -- it must include nature.

Think about it -- how did we all come to choose environmental law? We fell in love with nature in different ways:

- It happened for me at a summer camp in the High Sierras in California -- hiking the Lake country, singing and telling stories around the campfire, lying under a vast canopy of stars, talking half the night with my buddies.

A couple years later it was co-ed skinny dipping at a swimming hole below Three Falls. God, how I loved Three Falls!

- But for others it was seeing a pod of graceful orcas leaping into the air.
- For some it was a heron silently stalking fish in a shallow lagoon.
- Or it may have been two eagles riding an updraft together.
- For some it was the photos of earth from space – seeing that fragile blue green emerald with its thin layer of land, air and water that supports the only known life in the universe.
- For still others it was a salmon run – that spectacle that has tragedy equal to Shakespeare, joy equal to Easter resurrection.

But somehow, some way, we all formed this bond with the natural world. We were touched in the deep heart's core. We heard the owl call our name.

On the way over from the Island today, we saw orcas from the ferry. As always, everybody was thrilled by the magic. This older East European woman next to me smiled and said,

“This is my paradise”. And a couple minutes later, she leaned over and repeated it, “This is my paradise.”

Isn't that true for all of us? Isn't this our paradise? It's really no secret why British Columbians are so committed to the environment – it's because we live in paradise.

Could there be a better place to practice environmental law than here? We are so lucky!

In sum, we all were moved by a love for this place -- but we also saw distant warning signs – red flags:

- In 1969 we saw the polluted Cayohuga River actually catch fire and burn. A river caught fire and burned out of control.
- We learned that the ozone hole was causing cancer – that our friend the sun was dangerous, that the sky itself could not be trusted.
- We saw tens of thousands of acres of forest flooded and wasted behind the mighty dams of the North.
- We saw a mine at Mount Washington operate for only four years – but totally destroy the fishery in the Tsolum River for decades.
- We discovered the crabs in Howe Sound contained dioxins and were too dangerous to eat.
- We found out that Beluga whales in the St. Lawrence were so contaminated that their bodies qualified as toxic waste.
- We discovered that kids in Trail had lead poisoning at levels that measurably reduce IQ.

So we had fallen in love with the world, but now we feared for it. And out of this love and out of this fear, we moved to action. Indeed, we have had our victories:

- We reduced industrial pollution dramatically. It's been years since a river caught fire. And thanks to Bill, Howe Sound was cleaned up and you can now eat the crabs there. Thank you, Bill!
- CFCs were banned and the ozone hole began to heal.
- The Trail lead smelter was cleaned up, and lead was removed from gasoline. So now the lead in children's blood – across Canada and in Trail – is at safe levels.

- We doubled the park system, going from 6% of the Province in Park to 14%. We added 8 million hectares of new parks.

And we strengthened environmental laws as well:

- When Greg and the rest of us were young, environmental groups couldn't even get into court. If you didn't have a financial interest, a property interest or a threat to your bodily integrity, you couldn't get standing. Now standing isn't an issue any more.
- When we started you couldn't prove cases because you could not get government documents – but now we have Freedom of Information laws.
- Other laws, like CEPA, environmental assessment legislation, forest practices rules, and contaminated sites laws have been passed.

The public now supports us, and the Judges respect us. It's a far cry from the days when Bill and I used to go to court, and were regarded as hippies and weirdos. Today, the Supreme Court of Canada itself acknowledges that protection of the environment is one of the most important challenges of our time.

Great progress has been made. But, in a sense, the challenge is bigger than ever before. For we used to think if we could just educate the public, government would respond and fix the problem.

But as climate change melts the Arctic and kills almost every pine tree in British Columbia, we don't just face an unprecedented environmental crisis. We face a crisis of democracy as well. In the last thirty years the share of the wealth owned by the top 1% of the population has grown almost four-fold. And this concentration of wealth and power means that government may no longer respond to public concerns. Today the people that brought you the international financial meltdown now control governments around the world.

And multinationals have undue influence. One example: The BC Government dismantled a Tree Farm Licence so that Brookfield Asset Management could subdivide Victoria's spectacular Wild Coast. The company didn't even compensate government, as had been required historically.

When we asked the Auditor General to investigate, he found out:

- First, that Brookfield and its subsidiary had donated over \$100,000 to the Liberal Party.
- Second, that the Minister had told civil servants to maximize profits for the company -- instead of seeking benefits for the public in the deal.
- Finally, the Auditor General concluded that the Ministry had failed in its duty to give due regard to the public interest.

So then you go to the Brookfield website and see that it manages \$100 billion in assets -- including New York City's largest development, the World Financial Center. Their website boasts that Brookfield is "Defining the Skyline of New York City...Defining the Skyline of Los Angeles... Defining the Skyline of Boston and Houston and Toronto and Vancouver and San Francisco and Perth and Melbourne..." Brookfield wants to define the skyline of Victoria's Wild Coast too -- and government renounced the public interest to make it all happen.

Similar dynamics are in play as the BC Government gives away our rivers to multinationals like General Electric.

And as we face climate change catastrophe, corporations get governments to shape fake solutions to make them money. So we got a European cap and trade scheme that made speculators tens of millions -- and accomplished nothing.

And we got the corn ethanol scam -- where Cargill and other giant corporations got billions in subsidies to turn corn into ethanol. This did absolutely nothing for climate change, but led to the corn shortages that are starving the Third World -- and triggering riots in the streets of Egypt today.

Similarly multinationals shape Government policy so they can move factories to China -- and pay workers \$3 dollars a day while they poison rivers with impunity. Then they ship the products back to Wal-Marts built on wetlands in Salmon Arm.

The Canadian mining industry disgraces Canada's good name around the world with their environmental and human rights abuses. Yet moneyed interests defeated the Corporate Social Responsibility bill that would have made Canadian mining companies stop those abuses -- and the bill was defeated by only six votes, with Michael Ignatieff missing the vote.

[Aside -- Please forgive me if I sound partisan and bitter. But I'm close to retirement, and I got the Award, so I'm going to give 'er! --- Laughter]

But the fact is, if we are going to deal with the environmental crisis, someone needs to speak truth to power. Someone needs to speak for nature. And that's where you law students come in. Now, more than ever, nature needs advocates.

Lawyers are ideally suited to this task of giving voice to the voiceless. Think of the lawyers who have done so in the past: Nelson Mandella, Mahatma Ghandi, Clarence Darrow, Abraham Lincoln, Tom Berger.

Fortunately, a new generation of advocates is ready for this task of saving our natural world and our democratic system from the hedge funds and the Wall Street paper shufflers. I think of some of our recent grads:

- Tim Thielmann -- less than two years at the bar, who recently won the landmark West Moberley case to save Boreal Caribou.

- Carly Chunick, advocating to stop a coal mine on Vancouver Island, and to stop subdivision of farmland just outside Victoria
- Emma Lehrer, who worked on the Wild Coast Tree Farm Licence case. Emma and other UVic Environmental Law Clinic students found the documents exposing Government's betrayal of the public interest. And their work eventually led to the creation of 2300 hectares of new park along the coast at Jordan River and Sandcut Beach, as well as Sooke Potholes.

So now that I'm an old guy, let me take the liberty of offering advice to you young folks.

- First of all, learn from your clients – the community heroes that donate thousands of hours of unpaid time to fight for our land, air and water. They include some of the smartest – and I daresay, most noble people you will ever meet.
- Make friends and allies everywhere, and enemies nowhere. Avoid the backbiting and division that has destroyed so many organizations and movements.
- Build bridges with the visionaries in business and government. There are like-minded people “on the other side”. Don't write people off.
- Most important, join together with other lawyers and citizens – not only in Canada, but around the world. You have comrades in Mexico City and in Berlin, in Nairobi and in Mumbai. In a global economy the solutions are global, and lawyers around the world will be keen to collaborate with you.
- Have fun! Dance. Play music. Share joy with others. Love each other. It's in community that we break the epidemic of alienation that drives environmental destruction.

Finally, I agree with the Vermont environmentalist who turned one hundred and was asked her advice for the young. She said, it's really quite simple:

- Love yourself;
- Love others;
- Love nature.

Indeed, the environmental crisis and the crisis of democracy are daunting. The work will not be easy. But take heart. As Martin Luther King told us, the arc of history is long – but it bends towards justice. We shall overcome.