

U.K. Bank backs oilsands lawsuit

Beaver Lake Cree claim development tramples on traditional hunting and fishing grounds

BY TODD BABIAK, EDMONTON JOURNAL JULY 5, 2009



Paul Monaghan, left, of the Co-Operative Group bank in Manchester, England, shakes hands with Beaver Lake Cree Nation Chief Al Lameman at the Beaver Lake powwow on Friday.

Photograph by: Chris Schwarz, Edmonton Journal

The disposable placemats in the La Biche Inn feature grand prairie scenes from aboriginal and European disagreements, highlights of the Northwest Rebellion of 1885.

In one, Big Bear's warriors massacre the unfortunate settlers of Frog Lake. In another, a Canadian volunteer runs a Metis through with a bayonet, marking the end of the equally unfortunate Battle of Batoche.

Today's disagreements are much more polite, though no less historic. The Beaver Lake Cree Nation, 240 kilometres northeast of Edmonton, is suing the Alberta and Canadian governments -- and, by extension, every citizen of the country -- over oilsands development on their traditional hunting and fishing grounds.

If the lawsuit were to succeed, the constant parade of new trucks dieseling along Lac La Biche's bustling main street would end in an instant.

Few residents know about the lawsuit and its potential implications, even though it has inspired overseas rallies and protests.

"I don't think people understand," said Mike Kearns, who operates a contracting business in Lac La Biche, just north of Beaver Lake.

"I doubt if the general populace of La Biche know a thing about this lawsuit: either the significance of taking the government to task for inadequate consultation or the negative economic impacts on the region."

On Friday evening, as First Nations dancers, drummers and leaders from all over Western Canada gathered for the Beaver Lake powwow, the only card-carrying Europeans in the arbour were wholly in agreement with aboriginal leaders.

In the alternating sun and cold rain, representatives from The Cooperative Group, a financial services company based in Manchester, England, were drummed in for the grand entrance, surrounded by hundreds of dancers. Paul Monaghan, head of social goals and sustainability, and Colin Baines, ethics adviser from The Co-operative Group, have travelled to Beaver Lake with a BBC documentary crew and four U. K. print journalists.

On Thursday and Friday, they flew over the oilsands in two helicopters and toured the Cold Lake operations to the east of Lac la Biche.

Monaghan and Baines bring more than moral support over concerns about climate change and caribou migration. Last March, The Co-operative Group donated \$90,000 to support the Beaver Lake Cree's lawsuit. On Saturday, they donated another \$100,000. They will deliver a third cheque in August.

"People are referring to this as a David and Goliath struggle," said Beaver Lake Chief Al Lameman. He was surrounded by well-wishers outside a teepee during one of Friday evening's sunny breaks. "Truer words were never spoken."

One hundred and thirty-three years ago, the band signed Treaty 6. In it, they were given reserve land and the right to hunt and fish in perpetuity on a much larger piece of territory, their traditional hunting grounds. The essence of the lawsuit is that approximately 17,000 approved oilsands projects will make hunting and fishing impossible for the 920-member band and their future generations.

"This is the battle of my lifetime," said the lead counsel in the case, Jack Woodward, a Victoria-based expert on aboriginal land claims who has won similar cases in B. C. He and four of his colleagues from B. C. were also drummed into the arbour to mark the official start of the powwow Friday night. "The government made a solemn promise that cannot be broken. The expansion of the tarsands breaks that promise."

So far, the government of Canada has no comment. Lawyers for the Alberta government filed a pre-trial motion in June, dismissing the lawsuit as frivolous.

Woodward, a tall man who wore a cowboy hat to the powwow, said every effort is being made to delay the legal process. "It's just gamesmanship," he said. "What I would like the Alberta and Canadian governments to answer is a very simple question: Do they believe the expansion of the tarsands violates treaty rights?"

Most residents of the County of Lac La Biche, like all Albertans and all Canadians, are tied directly or indirectly to oilsands development through jobs, house prices, tax rates and the strength of the Canadian currency. While it isn't coffee talk yet, senior business leaders on Main Street are quite aware of the lawsuit and its implications.

"I could see a revolt from industry, even from Albertans," said Bill Abougoush, current president of the County of Lac La Biche chamber of commerce, and the affable owner of Bold and Beautiful, a hair and tanning salon on Main Street. His shop, humming with hair dryers and eighties pop radio, was filled

with aboriginal and non-aboriginal customers on Friday. "You touch oil and gas? It's a sacred thing around here. They're still burning effigies of Pierre Trudeau for the National Energy Program.

"But it is complicated. We all want money. But we also want clean land and air for our kids."

Dan Burns, sales manager at the Chrysler dealership on Main Street, where many of Lac La Biche's impressive trucks are sold, didn't know about the lawsuit. He lived in Beaver Creek for five years, when his wife taught at the school.

"As far as I'm concerned, they(the aboriginal people) were given the reserves," he said. "Now they want to take over the province. The ones on the reserves now weren't even here when those treaties were signed... They just want to see what they can get, but they don't survive off hunting the way they used to. This'll hurt them in the end."

Chief Lameman, a seventy-something man whom everyone calls Chief AI, understands that if his lawsuit were successful, people in the region would lose jobs, aboriginal and non-aboriginal alike. But he says he has the complete support of other chiefs in Alberta, and of his membership. "Money is good, but it's not going to help us when it's gone," he said. "Yes, people may suffer in the short term. But in the long run they'll be way ahead."

Monaghan and Baines, from Manchester, see the battle of Beaver Lake as a small yet resonant part of a growing global consensus. It's one piece of The Co-operative Group's "Toxic Fuels" campaign, which was launched in partnership with the World Wildlife Fund.

Baines discovered the lawsuit through an Internet search when he started working on the campaign, and decided the Beaver Lake Cree Nation's interests fit perfectly with those of The Co-operative Group. The company flew Lameman and council members to London in the spring to rally in Trafalgar Square and meet members of parliament.

Since then, 164 British MPs from all parties have signed on to an early-day motion to have oil companies disclose carbon liabilities in their financial statements.

There was, certainly, a sophisticated public relations aspect to Friday's celebration in Beaver Lake. But campaigns like these go far beyond what we're accustomed to: bad press when migratory birds perish in tailings ponds, an unfurled banner by Greenpeace at a Conservative cocktail party, a noisy gathering in Washington's National Mall or a report that Canada is at the bottom of the G8 for the growth of per-capita carbon dioxide emissions.

Monaghan and Baines are mobilizing the co-operative financial service sector around the world to count carbon as a liability on their balance sheets. They have convinced dozens of international financiers --representing pension funds, insurance companies and other institutions-- to come on board to the tune of "\$25 trillion worth of investors," according to Monaghan.

They're well aware of Alberta's hope that carbon capture and storage technology might save the day, but they dismiss it the same way the government dismisses the Beaver Lake lawsuit--as frivolous.

"It's spurious," Baines said. Of course, they recognize this lawsuit will require much more than a few hundred thousand dollars. The Alberta and Canadian governments employ fine lawyers, and the multinational oil companies with stakes in the oilsands are not exactly cash-poor. But Monaghan and

Baines, like Chief Lameman and Jack Woodward, glow with the confidence that they're on the right side of history.

As the powwow continued, the British bankers and the British Columbia lawyers were invited to dance inside the circle. They sort of danced, in their ties and casual pants, while little boys in traditional regalia, bright streamers and feathers and little girls in fancy shawls and jingle dresses--future leaders of the Beaver Lake Cree--hopped and spun about them. Every time it seemed the dance was finished, the drums started up again.

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