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Message

From: Mark Spalding  
Subject: book review/otherwise/clayoquot  
To: Jjsusdev@aol.com,Internet

Deirdre

OTHERWISE

I have completed my review of CLAYOQUOT & DISSENT (see below). I would be happy to work with you should you require any edits or changes. Note that what I have as indented quotes are not indented due to limitations of email, so I have put quotation marks around them. Please keep me in mind for future issues of your publication. And, please send me a copy of the issues of Otherwise with my review, if it is accepted for publication.

Mark

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CLAYOQUOT & DISSENT  
Edited by Ronald Hatch  
Ronsdale Press/CACANADADADA Press Ltd. 1994 (219 p)  
ISBN 0-921870-29-9 \$??.??

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Reviewed by Mark J. Spalding  
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In September 1993, I was sent to Vancouver, British Columbia (BC) to research the province's forestry laws for the Natural Resources Defense Council's International Program. NRDC had been working with

the indigenous peoples of the Clayoquot (clack-whaat) Sound region to raise international awareness of the deforestation in the Sound. I took the opportunity to take a break from the dry and boring (and sadly, limited) legal research, to go see just what it was we in Washington were so interested in protecting.

When I arrived, I found myself staring in disbelief at some of the most beautiful natural scenery, along side of some the most devastated moon-like wastelands. In one of these wastelands, know as the "Black Hole", I visited the Peace Camp where the protesters lived and trained. I was clearly in a new and inspiring world. The beauty inspired me to conserve and protect. The deforestation inspired me to protest. And, the people who had dropped everything to be there to personally stop the logging, reminded me that there was a purpose to my research.

A temperate rainforest once spanned the coastline from northern California, through BC, and into southeast Alaska. Almost none of this rainforest remains in the contiguous United States. In Canada, however, a large intact piece of this rainforest, found on the western edge of BC's Vancouver Island, is an area of extraordinary biological value. As one of the last remaining contiguous intact watershed systems of ancient coastal temperate rainforest in the world, it supports numerous shell and fin fish populations, including five species of Pacific salmon; marine mammals, including two types of whales; the world's second largest shark; and some of the continent's largest predators, such as wolves, bears, and cougars. Clayoquot Sound's wide mud flats form a critical migratory staging area for some 70 species of waterfowl and shorebirds, and its waters provide a rich fishing ground for the area's indigenous peoples.

The Sound's forests are made up of cedars, firs and hemlocks, up to 60 feet around and 1,800 years old. Some reach as high as 300 feet. Unfortunately, virtually all of the timber in the Sound is clear-cut from these ancient forests and exported to the US, Europe and Asia. In short, BC's outdated, environmentally unsound forest practices are used to yield plentiful, inexpensive high-grade export timber.

With this background, I was intrigued when CLAYOQUOT & DISSENT arrived on my desk for review. This book is an excellent collection of six well written essays which relate a comprehensive account of the Clayoquot protest movement, including the creation of the Peace Camp and the Blockades; the importance of temperate rainforest ecosystems; the government's hijacking of the decision-making process; the misuse of science in the "land use decision"; civil disobedience; collusion between the police, the courts and the logging companies; and environmental rights. The essay viewpoints capture the history and importance of the Clayoquot Sound debate and provide one of the best chronologies of the protest and government action to date. The authors succeed in their goal, as stated in the introduction, to:

"combine experiential knowledge with academic and scientific understandings to provide a critical analysis of the struggle for Clayoquot Sound and the legal system in which hundreds have been entangled as a result of their dissent"

The first essay "Takin' it Back" is by Tzaporah Berman who was the spokesperson for the Friends of Clayoquot Sound and a blockade organizer. Her essay, which serves as a too limited introduction to the rest of the book, tells the story of the start of the civil disobedience at the Sound, including the role of indigenous peoples and the environmental organizations. She also briefly introduces the unjust treatment the protesters received at the hands of the BC legal authorities. Berman's essay does provide support for the nonviolent Gandhian-like civil disobedience needed to attain social change in the face of massive deforestation by multinational logging companies acting with few government controls. Finally, she introduces the linkage between social and environmental issues which is a central theme of the book.

"We are at a point of consensus between the environmental and native communities - that clearcutting irreparably damages our ecological, social and cultural landscapes."

The second essay, "The Ecology of a Conflict" is by Gordon Brent

Ingram, a Professor of Environmental Planning. He begins his essay with an excellent, and useful, nine page chronology of the history of the conflict over Clayoquot Sound. He then applies an interesting three-dimensional matrix of people, land/resources, and time to discuss how the Clayoquot conflicts arose, their global significance, the BC government's decisions and standards, international standards, the role of the indigenous peoples, and then closes with some suggestions to avoid future conflicts. Given the otherwise high quality of the essay, it is too bad Ingram did not expand on these suggestions.

Dr. Maurice Gibbons' writes the third essay, "The Clayoquot Papers". Dr. Gibbons tells the story of his involvement in the protests, his arrest and trial. This essay is an insightful perspective of a mature participant in the protests who had never before been an activist. The five page story of his arrest was very moving. "Three officers came to us. I said, 'Help us both up and we'll walk,' and they did. As we left, I turned and called out, 'It was an honour to be here with you on this day,' and I meant it." Gibbons follows the arrest story with a strong indictment of the BC justice system which seemed intent on silencing the protest.

Picking up where Gibbons left off, "The Clayoquot Show Trials" essay by Ronald B. Hatch, who was also arrested at the Kennedy River Bridge protest with Dr. and Mrs. Gibbons, outlines in great detail the unfair treatment of the protesters by the courts, the criminalization of the contempt order violations, the fines and jail time, the denial of juries, the denial of individual trials, and etc. Hatch also describes the ineptitude of the trial judges which was confirmed by the appellate courts, all in violation of precedents. He ventures into an amazing discussion of whether the judges were merely out-of-touch or were protecting MacMillan Bloedel (the logging company that had initiated the lawsuit from which the contempt order arose). This discussion includes an analysis of the accusation that the BC government, as a substantial shareholder of MacMillan Bloedel, had manipulated the trails. Finally, Hatch describes the improper collaboration between MacMillan Bloedel, the police and the

government prosecutors in collecting and exchanging information and evidence. As a lawyer, this essay was of particular interest to me. Hatch does a very good job of succinctly summarizing the arcana of the legal issues in a way that can be understood by everyone; all the while, avoiding the pitfall of becoming an unbalanced conspiracy theorist (despite the temptation, given the facts).

The fifth essay, "Clayoquot: Recovering From Cultural Rape" was written by Los Maigon, a Ph.D. specialist in Environmental Ethics and also an arrestee at Kennedy River Bridge. Maigon examines a cross-over; environmental problems are cultural problems. Democracy was at stake in Clayoquot, not just jobs and trees. In this discussion, Maigon introduces the idea that indigenous peoples, environmentalists, and the people of BC in general had rights to be protected, not just MacMillan Bloedel. This examination includes one of the most cogent explanations of indian/aboriginal concepts of "proprietary" rights I have read. Unfortunately, Maigon tries to draw a parallel between environmentalists and indigenous peoples and to then set both off against a technology driven society. This argument, while interesting, is weakly presented.

The last brief essay, "The Clayoquot Protests: Taking Stock One Year Later" was written by Christopher Hatch who was a civil disobedience trainer during the summer of 1993 (he was arrested in November 1993 with his arms locked to a barrel placed on the ramp onto Kennedy River Bridge). Hatch notes depressingly, nothing has changed on the ground. Clayoquot was still being clearcut. He does note two promising results of the protests, BC has signed an accord with its indigenous peoples regarding land rights, and BC has set up a panel of scientists to review industrial forestry activities in Clayoquot and the Province.

"We can only hope that the Clayoquot protests turn out to have been a watershed in our society's evolution towards balance and responsibility, not merely an early spasm in the death throes of a society pathologically bent on destroying its environs and obsessed with consuming itself. More than a brief moment of lucidity in a maelstrom of psychosis."

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As of the writing of this book review, the deforestation of Clayoquot Sound has been temporarily halted as a result of the findings and recommendations of the scientific panel mentioned in Christopher Hatch's essay.

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Mark J. Spalding, J.D., M.P.I.A. of Del Mar, California, USA, is a writer, consultant and attorney on international environmental policy and law issues. In 1993, as a volunteer consulting attorney with the Natural Resources Defense Council's (NRDC) International Program, he actively participated in the campaign to save Clayoquot Sound. His research was published in September 1995 in the Review of European Community and International Environmental Law's special edition on forests (Volume 4, Issue 3) under the title "Trade and the Environment: the British Columbia Timber Trade Example". He is currently the chair of the International Environmental Law Committee of the California State Bar's Environmental Law Section.

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