

Environmental Rhetoric: A Framing Analysis of Stakeholder Claims Surrounding the  
Northern Gateway Pipeline.

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## **ABSTRACT**

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Disputes about large-scale energy projects are as much a cultural issue as they are a technical and political one. With increased emphasis on trade in Canada, resource extraction and pipelines have become subject to scrutiny from competing networks. This study shows how, and on what points, stakeholders talk past each other regarding the framing of the Northern Gateway pipeline.

The proposed paper involves an analysis of rhetoric in the media, and the framing of specific issues throughout the proceedings of the Federal Review Panel. How effectively competing developer and environmental networks frame the debate on their terms affects the public consultations, public perceptions of the pipeline, and the policy leverage of each group. This analysis shows that stakeholders talk past each other, and that the public's view of the pipeline is highly reliant on these diverging points. Furthermore, the framing strategies are integral to the successful marketing of actors' claims inside and outside of the institutional context. This paper also highlights that different perceptions of 'risk,' costs and benefits, and how stakeholders weigh these concerns on different terms, influences the way they promote themselves and discredit each other.

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## Table of Contents

<b>LIST OF FIGURES .....</b>	<b>VII</b>
<b>INTRODUCTION.....</b>	<b>1</b>
<b>PURPOSE.....</b>	<b>2</b>
<b>LITERATURE REVIEW .....</b>	<b>3</b>
WHAT ARE FRAMES?.....	3
WHAT IS RHETORIC?.....	5
DISCOURSE.....	5
WHY THE INTERNET?.....	7
THEORY OF RHETORIC.....	9
MISTRUST OF SCIENTIFIC RHETORIC.....	13
EPISTEMOLOGICAL KNOWLEDGE AND RHETORIC.....	14
DIFFICULTIES OF ENVIRONMENTAL POLICY .....	17
DISCOURSES ABOUT OBJECTIVITY.....	18
RHETORIC AND DECISION-MAKING .....	20
CULTURE AND PERCEPTIONS OF SCIENCE .....	22
THE LOGIC OF FRAMES.....	26
<b>METHODOLOGY.....</b>	<b>27</b>
<b>BACKGROUND AND NATURE OF THE CASE STUDY .....</b>	<b>38</b>
OIL TRADE .....	40
ENBRIDGE SHAREHOLDERS .....	43
NEXAN .....	45
FIPA .....	45
ENVIRONMENTAL OPPOSITION.....	47
FIRST NATIONS.....	48
PROVINCIAL CONFLICT .....	50
JOINT REVIEW PANEL.....	52
GOVERNMENT .....	54
NORTHERN GATEWAY CHALLENGES .....	56
PIPELINE ADVOCACY.....	58
THE OIL LOBBY.....	60
<b>CASE STUDY .....</b>	<b>62</b>
INTRODUCTION .....	62
FRAMEWORK.....	63
RISK: IT IS NOT WHAT YOU SAY, IT IS HOW YOU SAY IT! .....	65
NATIONAL ECONOMIC BENEFITS FRAME .....	68
LOCAL RISKS VERSUS NATIONAL ECONOMIC BENEFITS .....	69
ENVIRONMENTAL RISKS REFRAMED AS GAINS .....	72
<i>Terminal Investment</i> .....	72
<i>Transportation Safety</i> .....	74
<i>'Procedures and Processes'</i> .....	75
<i>Acceptable Risk</i> .....	77
NATIONAL BENEFITS REFRAMED AS LOSSES .....	81

<i>GDP Projections</i> .....	81
<i>Exaggerated Jobs</i> .....	84
<i>Full Costing</i> .....	85
ETHICAL OIL?.....	89
BENEFITS REFRAMED AS LOSSES TO FIRST NATIONS .....	92
<i>Social Justice</i> .....	93
DEVELOPERS REFRAME FIRST NATIONS RISKS AS BENEFITS .....	95
REPRESENTATION .....	97
PRECAUTIONARY PRINCIPLE .....	99
HUMAN INTERVENTION .....	102
THE FACTS OF FRAMES .....	103
<b>CONCLUSION</b> .....	<b>107</b>
<b>DISCUSSION</b> .....	<b>110</b>
<b>BIBLIOGRAPHY</b> .....	<b>111</b>

## List of Figures

FIGURE 1: ENVIRONMENTAL NETWORK 1.....	28
FIGURE 1.1: ENVIRONMENTAL NETWORK 2.....	29
FIGURE 2: DEVELOPER NETWORK 1.....	33
FIGURE 2.1: DEVELOPER NETWORK 2.....	34

## **Introduction**

This case study, titled “Environmental Rhetoric: A Framing Analysis of Stakeholder Claims Surrounding the Northern Gateway Pipeline,” is an exposition and a deconstruction of the kinds of rhetoric used by political coalitions in order to affect public perception and attract policy attention. The study emphasizes the characteristics of network discourse, framing strategies used by actors, and where groups speak past each other. The following chapter will outline a conceptual introduction of framing and rhetoric, a historical context for rhetoric, relevant policy literature about decision-making and risk and briefly describe some epistemological literature about environmental issues. The writing below introduces the topic and its relevance.



## Purpose

The battle between developers and environmental groups is not new to political framing analysis.<sup>1</sup> However, there has seldom been much attention given to environmental discourse in Canada.<sup>2</sup> Numerous discourse studies about the environment have occurred in other countries, but Canada, despite its rich environment, lacks literature about framing impacts on policy processes. Given the rich resources and landscape of Canada, this study hopes to contribute to this literature's void. Canadian culture values the environment. A National Post poll found that despite recent cuts to environmental regulation in Canada, Canadians have great concern for their landscape and wilderness, almost unanimously.<sup>3</sup> Following in this finding, this paper hopes to offer insight about how Canadian groups express concern for the environment on terms of their own.

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<sup>1</sup> Maarten Hajer, "Coalitions, practices, and meaning in environmental politics: From acid rain to BSE," in *Discourse theory in European Politics*, ed. David Howarth and Jacob Torfing (New York: Palgrave MacMillan, 2005), 297-315.

<sup>2</sup> Laurie E. Adkin, "Environmental Politics, Political Economy, and Social Democracy in Canada," *Studies in Political Economy* 45 (1994): 130-69.

<sup>3</sup> Michael Den Tandt, "Michael Den Tandt: Polls show Canada actually more progressive after six years of Tory rule," National Post/Postmedia News, accessed July 6, 2012, <http://fullcomment.nationalpost.com/2012/07/03/canada-progressive/>.

## Literature Review

Institutions affect outcomes of policy decisions. The context in which the actors operate has structural and institutional constraints on their decision-making powers. These limitations affect the language and arguments used by actors to convince the public of their policy preferences. Therefore, the ideational strategies found in political conflict are co-existent with, and run alongside the institutional and legal processes.<sup>4</sup>

Despite the influence of institutions, this paper approaches conflict in energy development scenarios as also being dictated by the generation of knowledge. How groups frame their knowledge can cause networks to be victorious in setting the agenda, controlling the ideas of the discourse, and discrediting the oppositions.

### ***What are frames?***

Framing analysis is outlined in Clifford Bob's book, *The Global Right Wing And The Clash Of World Politics*. This book looks at international case studies and shows the rhetorical and non-rhetorical strategies that battle for policy salience. He suggests that international networks discredit each other by the framing of desired policy objectives. This is an integral part of promoting one's own agenda and helping to 'unmake' the

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<sup>4</sup> F. R. Baumgartner and B. D. Jones, *Agendas and instability in American politics* (Chicago: University of Chicago Press, 1993); G. Hoberg, "How the Way We Make Policy Governs the Policy We Make," in *Sustaining the forests of the Pacific Coast*, ed. D. K. Alper and D. J. Salazar (Vancouver: UBC Press, 2000), 26–53.

oppositions.<sup>5</sup> The following shows that framing is an appropriate framework for this case study and also highlights some topics found in the book.

Bob's book includes many examples of framing contests by NGOs and think tanks in the international community. One issue frame in the book is that of genetically modified food. Bob argues that genetically modified food is often contextualized as being a problem of the relationship between nature and technology. Bob illustrates that conflicts about nature and technology are sometimes framed in terms of 'solving world hunger' versus 'safety and public health' frames. These frames show how morality and justice are used to contextualize the issues of political conflict.<sup>6</sup>

The book also foreshadows other frames relevant to the Northern Gateway pipeline. The framing of opponents to the Northern Gateway pipeline as 'radicals' and 'foreigners' is also a theme of Bob's book because it shows that international relations networks demonize 'foreign influence.'<sup>7</sup> The Northern Gateway pipeline is also evidence of the book's hypothesis that "the less an issue affects the basic interests or beliefs of an organized segment of society, the less likely it will spark conflict."<sup>8</sup> The environmentalists, First Nations, and B.C. residents exposed to the pipeline risks have been brought together, despite their differences, by their common concerns about the effect of the pipeline on their environment.

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<sup>5</sup> Clifford Bob, *The Global Right Wing and the Clash of World Politics* (New York: Cambridge University Press, 2012), 185.

<sup>6</sup> *Ibid.*, 191.

<sup>7</sup> *Ibid.*, 21.

<sup>8</sup> *Ibid.*, 188.

## ***What is rhetoric?***

In their book, *Ecospeak: Rhetoric and environmental politics in America*, Killingsworth and Palmer define rhetoric as, “the production and interpretation of signs and the use of logical, ethical, and emotional appeals in deliberations about public action and persuasion.”<sup>9</sup> Rhetoric can be said to have two types of audiences: academics and practitioners of language who understand it as a practical art, and those that are concerned with its theory, management, communication, and public relations.<sup>10</sup>

## ***Discourse***

Rhetorical strategies form a discourse. A discourse is comprised of a shared narrative that links people together through a storyline.<sup>11</sup> In addition, this paper asserts that discourses form narratives, which can also be expressed as ‘a narrative frame.’ Discourse analysts assert that policy narratives work in context(s) as “cultural objects” associated in channels.<sup>12</sup> These ‘channels’ are comprised of images and frames that are instrumentally used in the discourse of problems, to affect their outcome.<sup>13</sup>

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<sup>9</sup> Jimmie M. Killingsworth and Jacqueline S. Palmer, *Ecospeak: Rhetoric and environmental politics in America* (Carbondale: Southern Illinois University Press, 1992), 1.

<sup>10</sup> *Ibid.*, 2.

<sup>11</sup> Ruth Stevenson, “Discourse, power, and energy conflicts: understanding Welsh renewable energy planning policy,” *Environment and Planning C: Government and Policy* 27 (2009): 512-526.

<sup>12</sup> Stephen Ellingson, “Understanding the Dialectic of Discourse and Collective Action: Public Debate and Rioting in Antebellum Cincinnati,” *American Journal of Sociology* 101 (1995): 100-44; Ann Swidler, “Cultural Power and Social Movements,” in *Social Movements and Culture*, ed. Hank Johnston and Bert Klandermans (Minneapolis: University of Minnesota Press, 1995), 25-40; Julia Miller Cantzler, “Environmental Justice and Social Power Rhetoric in the Moral Battle over Whaling,” *Sociological Inquiry* 77 (2007): 483-512.

Caveats within media discourse analysis delineate different discourse approaches and frameworks. For example, there is the study of the linguistic lexico-grammatical patterns of journalists;<sup>14</sup> ideological and critical approaches of linguistics;<sup>15</sup> and broader studies of discourse coalitions.<sup>16</sup> The framing approach undertaken here, asserts that discourses form the grounds for action in environmental policymaking and that opposing frames can compete in broad arenas for policy leverage.<sup>17</sup>

Maarten Hajer's approach views discourse as, "an ensemble of ideas, concepts and categories through which meaning is given to social and physical phenomena," and is partially inspired by Michel Foucault.<sup>18</sup> Killingsworth's view, inspired by Edmund Burke, seeks to show how environmental policy disagreement involves constructions of

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<sup>13</sup> Hank Johnston, "Verification and Proof in Frame and Discourse Analysis," in *Methods of Social Movement Research*, ed. Bert Klandermans and Suzanne Staggenborg. (Minneapolis: University of Minnesota Press, 2002).

<sup>14</sup> Felicitas Macgilchrist, "Positive Discourse Analysis: Contesting Dominant Discourses by Reframing the Issues," *Critical Approaches to Discourse Analysis Across Disciplines* 1 (2007): 74-94.

<sup>15</sup> Gunther Kress, "Linguistic and Ideological Transformations in News Reporting," in *Language, Image, Media*, ed. H. Davis and D. Walton (Oxford: Blackwell, 1983), 120-38; Roger Fowler. *Language in the News: Discourse and Ideology in the Press*. (London: Routledge, 1991); Robert Hodge and Gunther Kress, *Language as Ideology*, 2<sup>nd</sup> ed. (London: Routledge, 1993); Teun A. van Dijk. "Discourse semantics and Ideology," *Discourse and Society* 6 (1995): 243-59; Norman Fairclough, *Discourse and Social Change* (Cambridge: Polity Press, 1993); Fairclough, *Media Discourse* (London: Edward Arnold, 1995).

<sup>16</sup> Hajer, "Coalitions," 297-315.

<sup>17</sup> Hajer, *The politics of environmental discourse: ecological modernization and the policy process* (Clarendon Press: Oxford, 1995); Peter Haas, "Constructing Environmental Conflicts From Resource Scarcity," *Global Environmental Politics* 2 (2002): 1-11; K. Backstrand and E. Lovbrand, "Planting Trees to Mitigate Climate Change. Contested Discourses of Ecological Modernization, Green Governmentality and Civic Environmentalism," *Global Environmental Politics* 6 (2006): 50-75; Karen Litfin, "Constructing Environmental Security and Ecological Interdependence," *Global Governance* 5 (1999): 359-378.

<sup>18</sup> M. Hajer and W. Versteeg, "A Decade of Discourse Analysis of Environmental Politics: Achievements, Challenges, Perspectives," *Journal of Environmental Policy & Planning* 7 (2005): 175-184.

nature as a form of rhetoric.<sup>19</sup> Killingsworth's view is helpful because it implicitly constructs the way scientists and industrialists have diverging views regarding nature.

Backstrand and Hajer (as well as others) have been instrumental in analyzing climate governance. Their framework looks at the discourses of 'green governmentality,' 'civic environmentalism,' and 'ecological modernization.' These are significant concepts in international relations and environmental discourse studies. To explain it briefly, 'green governmentality' is an environmental discourse driven by science and centers around traditional state governance; 'ecological modernization' refers to decentralized neo-liberal market approaches to environmental governance; and radical and reformist perspectives take both a critical stance towards capitalist economics (radical approach) and encourage institutional and civic engagement of NGOs in pursuit of environmental responsibility (reformist approach).<sup>20</sup>

### ***Why the Internet?***

There are limits to the study of discourse on the Internet. The Internet does not represent all of the frames that affect the policy salience of an issue as legal documents, institutional processes, and governmental views of an issue also play an influential part. The Internet can also have a negative effect on perceptions of an issue, and allow to many stakeholders to make claims that are beyond their scope of knowledge. This can have a negative effect in keeping policy decisions about specific issues within the collective

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<sup>19</sup> Killingsworth and Palmer, *Ecospeak*, 7-14.

<sup>20</sup> Backstrand and Lovbrand, "Climate governance beyond 2012: competing discourses of green governmentality, ecological modernization and civic environmentalism," in *The Social Construction of Climate Change: power, knowledge, norms, discourses*, ed. Mary E. Pettenger (Great Britain: 2007, Ashgate), 124-36.

realm of decision-makers. However, for the purposes of this study the Internet is also seen as an appropriate place to gather democratic views about the pipeline. The project will have large impacts on the environment of B.C. and as a result many stakeholders have used the Internet as a medium to publicly raise their concerns.

Traditional approaches to the study of media discourse are now obliged to include the ‘minimal politics’ of blogs and alternative Internet dialogue.<sup>21</sup> These forms of Internet interaction act as venues for rhetoric and the changing political perceptions of political communication. As a result of this shift, alternative media communities have enjoyed more scholarly attention.<sup>22</sup> Furthermore, as Ulrich Beck points out, social movements depend on new media to get their concern out, and the environmental movement has a particularly large Internet presence.<sup>23</sup>

The Internet is the chosen location for this study because of its ‘interactivity,’ ‘diversity,’ and accessibility to formal and informal communication.<sup>24</sup> Much of the proposed pipeline debate includes geographically dispersed communities and a range of topics that affect culturally and biologically diverse regions. The Internet’s geographic accessibility makes it useful as an interactive conduit for the rhetoric of involved parties and stakeholders. As well, the presence of social movements involved in these debates can easily be identified since their message relies heavily on Internet communication.

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<sup>21</sup> Felicitas Macgilchrist and Inse Bohmig, “Blogs, genes and immigration: Online media and minimal politics,” *Media, Culture and Society* 34 (2012): 83-101.

<sup>22</sup> Richard Davis, “Blogs and Politics,” in *How Canadians Communicate IV*, ed. David Taras and Christopher Waddell (Edmonton, AB: AU Press, 2012), 55-70.

<sup>23</sup> Simon Cottle, “Ulrich Beck, ‘Risk Society’ and the Media: A Catastrophic View?” *European Journal of Communication* 13 (2005): 5-32.

<sup>24</sup> G. Mautner, “Time to get wired: Using web-based corpora in critical discourse analysis,” *Discourse & Society* 16 (2005): 809.

The Internet is an appropriate way to follow immediate, daily responses to the changing political conditions of the subject.

### ***Theory of Rhetoric***

The role of rhetoric in political deliberations concerning issues of science has long been debated. These debates are at the heart and origin of the very society that has come to develop as both a means of employing technology in order to affect transformation in the human condition in the physical world around us, as well as in gaining a more comprehensive understanding of the risks, damages, and dangers of these changes.

In early modern theory, rhetoric was generally thought of to be radically counter to the stability of a scientific and rational society. Much of this had to do with Hobbes's view of science and the modern state. Hobbes thought, and modern political thinkers tend to agree, that rhetoric was not objective and that it was counter to the stabilizing tendencies of authority and sovereignty. According to Garsten's reading of Hobbes, rhetoric was "a dangerous art"<sup>25</sup> that led men further into the state of nature.<sup>26</sup> When politics is left to the preferences of wordsmiths, Hobbes fears that this could lead to instability and a lack of control by the rational and sovereign governing body. This made the policy vulnerable to the unsanctioned mobs' arbitrary set of reasoning. The demonization of rhetoric was in response to fears about the polity falling into chaos and a loss of control by the authorities.

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<sup>25</sup> Bryan Garsten, *Saving Persuasion: A Defense of Rhetoric and Judgment* (Cambridge: Harvard University Press, 2006), 29.

<sup>26</sup> *Ibid.*, 35.



Liberal governance according to Hobbes was a consensual agreement “for the sovereign to decide to what extent the public should be included in real political deliberation...[because] once they had consented to being governed, their opinions had no independent claims to constrain the sovereign.”<sup>27</sup> Hobbes’s insistence about the authority of the sovereign can be seen as having implications for environmental decision-making. Arguably, some of the local environmental groups in this case study can be seen as challenging the consensual nature of Hobbes’s description. The local risks posed to British Columbian localities warrants the rejection of this consensual agreement on the basis that local environmental risks have not been accounted for by the Federal process. This shows how in environmental policy matters, ‘consent to be governed’ has different implications for separate geographical regions because of risks.

Garsten argues that the foundation of Hobbes’s moral science was scepticism intended to subvert the tendency for individuals to express “internal conceptions onto the external world.”<sup>28</sup> According to Garsten, therefore, the underlying logic found in Hobbes’s suspicion of rhetoric is actually a fear and mistrust of the social constructions of man. Hobbes compared rhetorical images, like frames, to colours, and uses this analogy to add mistrust to men’s senses, forming the underpinnings of his “moral science.”<sup>29</sup>

Hobbes’s project, according to Garsten, is to destabilize human judgment so as to secure obedience. Scientific expertise affirms that there is an external locus of reality that necessarily relies on factual and scientific knowledge. The justification for an

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<sup>27</sup> Ibid., 40.

<sup>28</sup> Ibid., 46.

<sup>29</sup> Ibid., 49.

institutional and governing apparatus is necessarily reliant on this external locus of reality in order for it to be pervasive to citizens. The “sovereign” for Hobbes is an extension of an external locus of control. The external locus of control provides an objective framework through which certainty and order are communicated to citizens against the powers of rhetoric. These circumstances are supposed to prevent rhetoric from entering public discourse.

Garsten posits that Rousseau responded to rhetoric in much the same way as Hobbes, by bracketing off public rhetoric from challenging the unity of society under governance by the sovereign. Rousseau argued that governance should be necessarily seen as a ‘non-human’ actor and godlike. He claimed that, “only if citizens believed the laws issued by the legislator came from a non human source would they be able to ‘obey with freedom.’”<sup>30</sup> He also advocated that there be no consultation or debate with others about this social contract. For these reasons, Rousseau also shared a negative interpretation of rhetoric.

Contrary to Rousseau and Hobbes, In *Saving Persuasion* Garsten argues that, “a theory of rhetorical deliberation must rest on a substantial faith in the possibility of making judgments,” and that rhetoric is a part of communicating.<sup>31</sup> Therefore, the judgments made by decision makers rely heavily on rhetoric and deliberation. Rhetorical deliberation informs the best judgements of the issues faced by decision makers. He further maintains that the connection between rhetoric and framing is implicit as they both “influence individuals’ perceptions of their interests and their calculations about

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<sup>30</sup> Ibid., 81.

<sup>31</sup> Ibid., 20.

how to pursue them.”<sup>32</sup> The question then becomes one of motives; is the intention of the rhetorician to facilitate controversy and democracy, or to shut it off? And what role does this posit for experts in events – such as large-scale environmental policy disputes – where controversy prevails?

Yet other political theorists do not view rhetoric in such negative light. A short reading of Aristotle shows that, to him, rhetoric is less perilous and more methodological than Garsten’s reading of Rousseau and Hobbes. Aristotle identifies many kinds of rhetoric, some of which have aims that are directed at groups that have limited access to information. Rhetoric can be used in self-defence or an accusatory way about a subject matter,<sup>33</sup> and is a technique that can achieve both good and bad ends, depending on the rhetorician.<sup>34</sup> This defines the value of rhetoric to be determined by the value of the author of its message.

Rhetoricians have played a controversial role in influencing public deliberation. With multiple and repeating storylines in the media it is difficult to deconstruct the underlying logic and emotive appeals of contemporary rhetoric. Perhaps this is what Garsten is attempting to demonstrate in his reading of early modern suspicions of rhetoric. Because the line between fact and rhetoric is not always clear it is difficult to find information that is beyond human distortion. Much like the network disputes, the rhetoric found in the media about the pipeline is challenging to interpret.

In contemporary debates, claiming that one has the facts on their side is a part of demonstrating that one’s own terms represents the appropriate view by which to judge

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<sup>32</sup> Ibid.

<sup>33</sup> Aristotle, *Rhetoric* 1.3, trans. W. Rhys Roberts (Adelaide: The University of Adelaide, 2012), accessed Oct 2, 2012, <http://ebooks.adelaide.edu.au/a/a8rh/index.html>.

<sup>34</sup> Ibid., 1.7.

the subject. In many cases, the one who possesses the most intelligible as well as scientifically accurate set of facts is also seen as the most legitimate and persuasive actor. Meanwhile, opponents' views are often seen as overly ideological, illegitimate, and not in the interests of the common good.

### ***Mistrust of scientific rhetoric***

There are three contemporary policy situations where mistrust of rhetoric is found. The first example is where technical knowledge and quantitative certainty is seen as positivist certitude, assuming that all things natural can be controlled and dominated. Arguably this premise is at the core of the modern project. Positivism is met with cynicism and mistrust because overly optimistic views of technology may underestimate the probability for human error and overestimate human potential for control (a sentiment common amongst anti-nuclear activists, for example).

Expert interpretations reframe 'the environment' in complex and inaccessible ways that suggest experts are the only true interpreter of nature. Positivist interpretations of nature are often not trusted by non-experts. The environmental impacts of failed technological mitigation, and different cultural values about nature have challenged positivist views. For these reasons, positivism has been confronted for limiting broader debates about environmental policy issues.

The second type of mistrust of environmental rhetoric is a mistrust of public relations and 'greenwashing.' Greenwashing is where the business strategy of being 'green' comes at a cost to natural systems, and is a marketing technique used to acquire

more capital and promote consumerism while maintaining investment in environmentally damaging practices.<sup>35</sup>

The third view is mistrust that activists' rhetorical principles, as they relate to science, demonstrate hidden ideological objectives. The term 'watermelon' is used to describe grassroots as well as other global environmental organizations that have been attacked for using environmental issues to pursue other social and political agendas. Social activist goals that are expressed by 'green' groups and organizations are reliant on scientific rhetoric to promote their ideological agendas that are not environmental in nature.

### ***Epistemological knowledge and rhetoric***

Environmental disputes bring to bear ontological questions about the neutrality of knowledge and the construction of valid knowledge. Context is responsible for the relevancy of facts. What the context presents is often implicitly shaping the subject of the context. Therefore the 'facts' are affected by what strategic and instrumental framing is presented around those facts and can be used by groups to afford a privileged view of certain information while overlooking others. These assumptions allow certain rhetorical statements to be more effective than others based on the frame.

Many authors focus on 'uncertainty and risk' in environmental problems and the implications of having large knowledge gaps between expert and public interpretations of an issue. In these situations, language use is of the utmost concern.<sup>36</sup> Environmental

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<sup>35</sup> J. B. Foster, *Ecology Against Capitalism* (New York: Monthly Review Press: 2002).

<sup>36</sup> Sally Eden, "Public Participation in Environmental Policy: Considering Scientific, Counter-Scientific and Non-Scientific Contributions," *Public Understanding of Science* 5

rhetoric and scientific transparency has garnered much attention from the policy literature community.<sup>37</sup> These problems include instances where highly technical environmental concerns affect public safety and space, and are often the subject of large public consultations with numerous stakeholders representing and concealing different arguments. Energy policy is often an area given intense attention because of the nature and gravity of the environmental impacts and the numbers and diversity of stakeholders involved in the deliberation.

Communication experts have to mediate between the technical aspects of a project and the public's understanding of the project. For example, whether to build an oil pipeline or nuclear power plant requires the approval of the region as well as passing any legal environmental assessments. The public relations and rhetoric used by communication experts in large-scale energy campaign highlights the significance of language use in these debates. At this point the line between scientific information and rhetoric becomes blurred. This is because communication experts campaign using rhetorical strategies to convince the public of certain policy preferences regardless of any issues involving scientific precision, environmental impacts, or reliability of technology. Communication experts in technical environmental areas must negotiate between

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(1996): 183-204; S. Jasanoff, "(No) Accounting for Expertise?" *Science and Public Policy* 30 (2003): 157-62.

<sup>37</sup> Frank Fischer, *Citizens, Experts and the Environment: The Politics of Local Knowledge* (Durham: Duke University Press, 2000); Haas, "Introduction: Epistemic Communities and International Policy Coordination," *International Organization* 46 (1992): 1-35; Arthur Edwards, "Scientific Expertise and Policy-making: The Intermediary Role of the Public Sphere," *Science and Public Policy* 26 (1999): 163-170; Backstrand, "Civic Science for sustainability: Reframing the Role of Experts, Policy-Makers and Citizens in Environmental Governance," *Global Environmental Politics* 3 (2003): 24-41; David H. Guston, "Boundary Organizations in Environmental Policy and Science: An Introduction," *Science, Technology and Human Values* 26 (2001): 399-408.

mitigations to environmental problems, and the need to justify to the public and to the government, how these solutions were conceived and on what grounds.<sup>38</sup> This affords public relations strategists responsibility in selecting scientific information and technology, and deciding what “useable knowledge” is given to the public, and “knowledge brokers.”<sup>39</sup>

As well, there are other parties and media influences from stakeholders, to citizens, to consumers that affect the policy process. Some of the groups critical of expertise stress the need for better ways of communicating science.<sup>40</sup> The implications for their concerns highlight demands for improved transparency of scientific information and heightened accountability of large commercial energy projects’ environmental impacts.<sup>41</sup> An example of calls for increased transparency about these topics is the Saskatchewan provincial government consultation where a nuclear reactor was rejected as a result of uncertainty of technological and environmental impacts.<sup>42</sup>

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<sup>38</sup> Genevieve Fuji Johnson, *Deliberative Democracy for the Future: The Case of Nuclear Waste Management in Canada* (Toronto: University of Toronto Press, 2008), 10.

<sup>39</sup> Haas. “When does power listen to truth? A constructivist approach to the policy process,” *Journal of European Policy* 4 (2004): 574.

<sup>40</sup> Jason Chilvers, “Deliberating Competence: Theoretical and Practitioner Perspectives on Effective Participatory Appraisal Practice,” *Science, Technology & Human Values* 33 (2008): 421-51; J. Petts, “The public-expert interface in local waste management decisions: Expertise, credibility and process,” *Public Understanding of Science* 6 (1997): 359-81; Fischer, *Citizens, experts and the environment*.

<sup>41</sup>A. Irwin, “The politics of talk: Coming to terms with the ‘new’ scientific governance,” *Social Studies of Science* 36 (2006): 299-320; L. Pellizzoni, “Uncertainty and Participatory Democracy,” *Environmental Values* 12 (2003): 195-224.

<sup>42</sup> “Most oppose nuclear power in Sask., report says,” *CBC News*, September 15, 2009, accessed January 4, 2013, <http://www.cbc.ca/news/canada/saskatchewan/story/2009/09/15/nuclear-plant.html>.

## ***Difficulties of environmental policy***

Conversely, climate change has amplified scepticism towards science and expertise because it has not been rhetorically successful. Climate change has been described as a “policy mess” because of the communication difficulties it poses to conflicting policy communities. Climate change has implications for virtually all sectors of government and public-private relationships. It is difficult, however, to mediate policy solutions between groups with such different understandings of the situation. Given the diversity of stakeholders and perspectives, it is nearly impossible to achieve and demonstrate a uniform objective view of climate change among all these competing discourses. Contemporary environmental governance of climate change involves so many stakeholders that encompassing policy changes are difficult to make. Policy inaction has therefore become the norm with regards to climate change. The Enbridge pipeline proposal that is the subject of this study highlights the usefulness of framing strategies as a means of achieving policy leverage where public controversy exists. Despite the relative consensus surrounding climate science amongst scientists globally, an appropriate cultural frame has yet to contextualize its risks in such a way as to significantly affect the national policies of Canada. The failure to frame the solutions to climate change in terms of national economic advantages is perhaps a part of the reason why other policy problems remain of greater priority.<sup>43</sup>

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<sup>43</sup> Bjorn Lomborg, *Cool It* (New York: Random House, 2008). Lomborg proposed that mitigation is a waste of resources and that it is best to prioritize poverty and social adaptation in response to climate change.



## ***Discourses about objectivity***

Opposing groups talk past each other because there are multiple interpretations of the extent to which science is a social or political process. Climate research in the United States provides an example of how people talk at cross-purposes regarding the nature of scientific investigation and policy implications of risk. The concept of safety, for example, can hold different meanings to networks interested in public health issues.<sup>44</sup> Since the last climate talks in Copenhagen there have been disputes about the concealment and possible tampering of climate change models. This conflict prompted climate science sceptics to dismiss consensus about global warming and rhetorically argue that climate scientists and activists are ideologically forming a conspiracy against the free world. This view is partially reinforced by Thomas Kuhn's assertion that 'normal science' is influenced by the social norms and practices of professionals and peers that construct findings to reinforce each other's research.<sup>45</sup> The view that scientists force consensus amongst dissenters and the public is highlighted in the following passage, where an American blogger wrote:

We [have] returned to the Dark Age of corruption, delusion, superstition and unreason. The Global Warming religion is as virulent and insidious as all mind-bending cults of *absolute certitude*, and yet it has become mainstream orthodoxy and infallible spirituality faster than any faith-based cult in history. It has its clerics and its passionate prophets; it has its machinery and lucrative industry; it

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<sup>44</sup> Definitions of risk in nanotechnology, genetically modified foods, and consumer protection laws operate on different terms. Multiple stakeholders vie for the acceptance of their definition of risk on terms to which they can agree. This is a political process as much as it is a matter of science and safety.

<sup>45</sup> Thomas S. Kuhn, "Logic of Discovery or Psychology of Research?" in *Criticism and the Growth of Knowledge*, ed. Imre Lakatos and Alan Musgrave (Cambridge: Cambridge University Press, 1977), 1-24.

has its urgent way and irrefutable truth. It awaits only its messiah. The Copenhagen Summit is the Ecumenical Council for the religion of the age.<sup>46</sup>

The criticism that science is used in the service of a pseudo-religious ideology is how some actors on the Internet discredit scientific finding. When climate change sceptics talk about science, they can discuss it as a social and political process rather than a research driven process, highlighting science's fallibility and lack of objectivity. For others, science is a practice collecting relevant facts to an established oeuvre of knowledge that has methods and standards. Lakatos and Popper point out how science builds new research findings into old research programs and progressively broadens principles and the generalizability of their assumptions based on observations.<sup>47</sup> However, those critical of this process believe science can be a way of bracketing off information that does not suit political interests.

How knowledge is created and by what standards it is deemed valid is attributed to different scientific and social processes. For example, in Shapin and Schaffer's famous story *Leviathan and the Air-Pump*, they document the disagreeable scientific terms that shaped the outcome of the debate between experimental knowledge and natural philosophy. Their disagreement led to supporting the view that in order for facts to be deemed as such, they did not have to be viewed with complete certainty, but according to

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<sup>46</sup> Brigitte Nerlich, "'Climategate': Paradoxical Metaphors and Political Paralysis," *Environmental Values* 19 (2010): 432.

<sup>47</sup> Karl R. Popper, "Normal Science and its Dangers," in *Criticism and the Growth of Knowledge*, 51-58; Imre Lakatos, "Falsification and the Methodology of Scientific Research Programmes," in *Criticism and the Growth of Knowledge*, 91-196.

certain levels of probability.<sup>48</sup> Much of the same debate can be applied to standards of risk which will be elaborated on further in this case study.

### ***Rhetoric and decision-making***

Because this case study involves a public consultation process, it is necessary to go over some points with regard to the problems of large-scale aggregation of opinion and preference. However open and transparent governmental deliberation is intended to be, it is much more difficult to maintain this accessibility in practice than in theory. Citizens are rarely included in productive discussion about scientific facts with scientists and their expert knowledge. In response to this failure, literature about post-positivism attempts to be more inclusive. This inclusiveness hopes to remedy conflict with “the cooperation necessary for an open, reasoned discussion of public affairs.”<sup>49</sup>

Despite wanting to include all views, policy agendas are set and maintained on terms defined by the state. In order to gain the trust of the people in which the state is governing, people must feel free to express views that are manageable and agreeable within the confines defined by the state. Frank Fischer states that, “despite much of the rhetoric surrounding the discussion of participation, experiences with new forms of participatory governance show participation to be neither straightforward nor easy.”<sup>50</sup> Citizens need expert facilitation through careful organization and skill to allow for

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<sup>48</sup> Steven Shapin and Simon Schaffer, *Leviathan and the Air-Pump: Hobbes, Boyle, and the Experimental Life* (Princeton: Princeton University Press, 1989), 24.

<sup>49</sup> Douglas Torgerson, “Between knowledge and politics: Three faces of policy analysis,” *Policy Sciences* 19 (1986): 51.

<sup>50</sup> Frank Fischer, “Participatory Governance as Deliberative Empowerment: The Cultural Politics of Discursive Space,” *The American Review of Public Administration* 36 (2006): 21.

aggregation of opinion and preference. For this reason, it remains difficult for successful citizen-based consultations to be simultaneously inclusive and fit within the terms defined by the state. Furthermore, citizen views that are not manageable by the state are often excluded despite being valid on separate terms.

Another problem faced by governments in public consultations is the issue, raised here by Foucault, that “normal is established as a principle of coercion in teaching with the introduction of a standardized education.”<sup>51</sup> This quote points to the double standard in which governments operate. For example, on the one hand, the protection of the public interest is the state’s mandate, however, much of what the bureaucracy does when faced with opinion outside of the terms defined by the state, is unknown and difficult to manage. Foucault’s statement illuminates the way norms exclude people in accordance with standardized education. In the context of governance, the same rules of exclusion can also be seen as having relevance. No matter how consensual or diverse a public consultation process is, all views cannot be reflected in the final policy recommendation. In this context, government stakeholders and interest groups use framing techniques and rhetoric to compete for definitional control over an issue, and networks operate in these contexts to define norms and affect policy salience.

Building democratic institutions also involves rhetorical strategies of convincing people to adopt moulds and identities that did not previously fit them. Policies are therefore constructions of coercion of “public, collective knowledge and identity... [that] link a memory of the past to the present, and possibly to some (rhetorical) future.”<sup>52</sup> This

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<sup>51</sup> Michel Foucault, “The Means of Correct Training,” in *The Foucault Reader*, ed. P. Rabinow (New York: Pantheon, 1984), 196.

<sup>52</sup> Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton

use of rhetorical strategizing involves the framing of categories, minorities and groups, and conversely renders others invisible and unaccounted for. Despite deliberative attempts to include citizens in public consultations, government reductionism is predicated on the ability to promote its own interests, and for experts to aggregate the preferences of citizens in an easily analyzable fashion. This leads to overlooking some preferences that are framed on different terms other than those of the government.

The difference between scientific and layman views of a policy issue also makes it difficult for decision makers to incorporate citizens into policy discussions. A general lack of scientific understanding makes policy change difficult in technical areas or areas where scientific phenomena is difficult to describe. It is therefore a cultural challenge that the claims of those who purport or represent the authority of science have fallen out of favour among many citizens.

### ***Culture and perceptions of science***

The view that science and ideology are intertwined makes it difficult for scientific information to influence perceptions about the environment. This loss of faith in science has happened on both sides of the political spectrum. Postmodern epistemological processes have been influential in attributing the view that science is a social exercise of power and knowledge, and that any “‘real’ and ‘administered’ needs or interests... are... grounded in something more than a contingent, historical power/knowledge regime or

background of social practices.”<sup>53</sup> That science is a social practice means scientific findings should be called into question on the grounds that they are contextualized by other social processes which give them legitimacy. This has influenced the post-modern left wing, but is similarly found in right wing American culture where forty percent of Republicans in 2010 still had not accepted the science of global warming.<sup>54</sup> Scepticism regarding the authority of scientists has been pervasive in both right and left wing critiques of scientific culture.

Addressing ‘what is known and what is not’ in environmental politics is not only a difficult question to answer from either side of the political spectrum but also a difficult question to answer epistemologically. For example, there are multiple and contradictory epistemological facts and logics presently surrounding climate change.<sup>55</sup> In 2004, Oreskes published a survey of all peer reviewed science journals from 1993 to 2003 and found that none disagreed with the scientific consensus of the IPCC.<sup>56</sup> However, as the science became more or less agreed upon, the cultural forces became more virulent in the opposite direction. Few historical cultural changes compare in both scale and intensity to that of climate change. Hoffman compares this social fierceness to information found in Adam Hochschild’s book on slavery remarking that at the turn of the eighteenth century, “if you stood on a London street corner and insisted that slavery was morally wrong and

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<sup>53</sup> Nancy Fraser, “Michael Foucault: A ‘Young Conservative’?” in *Feminist Interpretations of Michel Foucault* (State College: Penn State University Press, 1996), 23.

<sup>54</sup> Andrew J. Hoffman, “The growing climate divide,” *Nature Climate Change* 1 (2011):195.

<sup>55</sup> Ibid.

<sup>56</sup> N. Oreskes, “The scientific consensus on climate change,” *Science* 306 (2004): 1686.

should be stopped, nine out of ten listeners would have laughed you off as a crackpot.”<sup>57</sup>

Those in favour of slavery suggested that, “abolition would lead to a collapse of the economy and their way of life...at a time when 75% of the world’s population was in slavery or serfdom.”<sup>58</sup> Arguably, the eventual economic framing against slavery proved more effective in persuading people. The scale of this cultural shift is similar to the scale of shift necessary to reframe climate change. The economic arguments in favour of acting on climate change science have yet to garner enough policy attention from a successful frame.

The comparison can also be drawn that that economic arguments against abolishing slavery follow a similar logic to those denying the necessary changes to accommodate the economic impacts of climate change. Environmentalists presently do attempt to reframe climate change as damaging to GDP, which is highlighted by Lynas’s reflections below:

Slave-owners argued that the economic consequences of giving Negroes freedom would be disastrous, as the muscles of enslaved Africans were the main energy source of the time, as fossil fuels are today. They also argued that the consequences of abolition were just too uncertain to go through with it. Some even claimed that slavery was good for blacks---as some today argue that more carbon dioxide is ‘good’ for us.<sup>59</sup>

Similarly, many people today do not see environmental concerns such as climate change as a problem and consider the science as skewed or fraudulent in some way.

‘Climategate’ was a serious backlash to the environmental community trying to

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<sup>57</sup> Hoffman, “Climate change as a cultural and behavioral issue: Addressing barriers and implementing solutions,” *Organizational Dynamics* 39 (2010): 296.

<sup>58</sup> Ibid.

<sup>59</sup> Mark Lynas, “The Media Should Not Remain Neutral When Reporting on Climate Change,” in *Media Ethics*, ed. Julia Bauder (New York: Greenhaven Press, 2009), 162.

demonstrate that greenhouse gases increase the warming rate of the atmosphere, despite being cleared of any wrongdoing regarding scientific malpractice and data tampering.<sup>60</sup>

Climategate was not the first time climate scientists had to clear their name. In 2010, the IPCC climate scientists had to make a public apology regarding “inaccurate claims” in Working Group II’s 2007 projections that the Himalayan glaciers would be melted by 2035. Most of this attention alarmed deniers and sceptics with regained legitimacy in public discourse, despite the transparencies. The frames found around

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<sup>60</sup> D. Adam, “Scientists cleared of malpractice in UEA’s hacked emails inquiry,” *The Guardian*, accessed on October 14, 2012, <http://www.guardian.co.uk/environment/2010/apr/14/oxburgh-uea-cleared-malpractice>; “Q&A: Professor Phil Jones,” *BBC News*, February 13, 2010, accessed March 3, 2013, <http://news.bbc.co.uk/2/hi/science/nature/8511670.stm>.

Perhaps the highest profile incident of reframing was about the popular ‘hide the decline’ comment about which professor Jones had the following to say (transcript from the link above). “This remark has nothing to do with any “decline” in observed instrumental temperatures. The remark referred to a well-known observation, in a particular set of tree-ring data, that I had used in a figure to represent large-scale summer temperature changes over the last 600 years. The phrase ‘hide the decline’ was shorthand for providing a composite representation of long-term temperature changes made up of recent instrumental data and earlier tree-ring based evidence, where it was absolutely necessary to remove the incorrect impression given by the tree rings that temperatures between about 1960 and 1999 (when the email was written) were not rising, as our instrumental data clearly showed they were. This “divergence” is well known in the tree-ring literature and “trick” did not refer to any intention to deceive - but rather “a convenient way of achieving something”, in this case joining the earlier valid part of the tree-ring record with the recent, more reliable instrumental record. I was justified in curtailing the tree-ring reconstruction in the mid-20th Century because these particular data were not valid after that time - an issue which was later directly discussed in the 2007 IPCC AR4 Report. The misinterpretation of the remark stems from its being quoted out of context. The 1999 WMO report wanted just the three curves, without the split between the proxy part of the reconstruction and the last few years of instrumental data that brought the series up to the end of 1999. Only one of the three curves was based solely on tree-ring data.

The e-mail was sent to a few colleagues pointing out their data was being used in the WMO Annual Statement in 1999. I was pointing out to them how the lines were physically drawn. This e-mail was not written for a general audience. If it had been I would have explained what I had done in much more detail.”



climate change discourse in the United States media (religion, economics, risk, freedom, national security) are now commonplace on the Internet.<sup>61</sup>

### ***The logic of frames***

Logics are a part of how inter-organizational networks<sup>62</sup> attempt to dominate issue areas. Networks struggle over these issue areas at multiple levels.<sup>63</sup> They use various means to convince opposing sceptical logics of their dominance and accuracy in best describing emerging and widely acceptable versions of reality.<sup>64</sup> These logics are embedded in frames and articulate worldviews.<sup>65</sup>

This case study will explore both what frames and narratives exist amongst competing networks (developers and environmental groups) about the Northern Gateway pipeline, and attempt to situate their rhetoric in their frames (‘national economic benefits’ versus ‘local risks’). Because of the exploratory nature of this case study, much of the framing contests around the Northern Gateway pipeline are unique to this Canadian case study. However, its findings do have implications relevant to other literature and cases where there are conflicting perspectives on large-scale energy projects.

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<sup>61</sup> M. Hulme, *Why we disagree about climate change: Understanding controversy, inaction and opportunity* (Cambridge: Cambridge University Press, 2009).

<sup>62</sup> A. Nigam and W. Ocasio, “Event attention, environmental sense-making, and change in institutional logics: An inductive analysis of the effects of public attention to Clinton’s health care reform initiative,” *Organization Science* 21(2010): 823-841.

<sup>63</sup> D. McAdam and W. R. Scott, “Organizations and movements,” in *Social movements and organization theory*, ed. McAdam and Scott (Cambridge: Cambridge University Press, 2005), 4-40; P. Bourdieu and L. Wacquant, *Invitation to reflexive sociology*. (Chicago: University of Chicago Press, 1992).

<sup>64</sup> Hoffman, “Talking Past Each Other? Cultural Framing of Skeptical and Convinced Logics in the Climate Change Debate,” *Organization & Environment* 24 (2011): 8.

<sup>65</sup> Ibid.

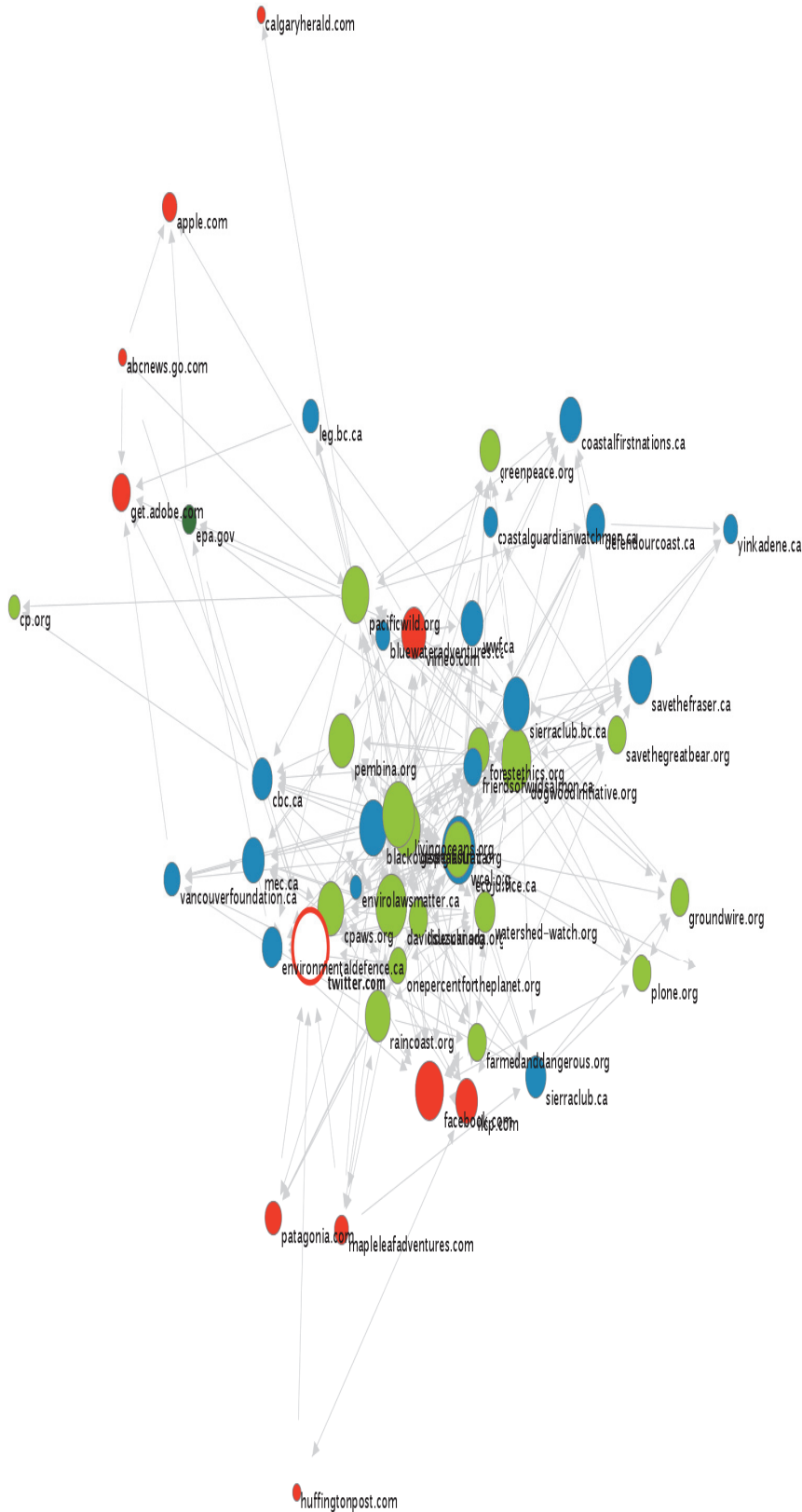
## Methodology

This case study analyzes the various ways in which stakeholders frame their own claims, and discredit each other's. The sample population was drawn from the network maps below. All information was collected in the "policy window" between December 2009 and February 2013 during the first two major public consultations, ending during the third round and final hearings.<sup>66</sup> The qualitative frames and rhetoric gathered was found amongst information used by networks to affect public perceptions of the issues on the Internet using the Issue Crawler network software. Issue Crawler was used to compile Internet sites relevant to the issue, producing an image and list of relevant stakeholders connected through their links. The network's images and websites are listed below. The first two networks are environmental ones, followed by a list of websites analyzed from Environmental Network 1. The subsequent Developer Networks are followed by a list of analyzed websites from Developer Network 1. From these networks I attained my sample population and entered the websites and related links to find the pieces of rhetoric used in the analysis section of the case study.

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<sup>66</sup> Gary Mucciaroni, "The Garbage Can Model & the Study of Policy Making: A Critique," *Polity* 24 (1992): 459-482.

FIGURE 1: ENVIRONMENTAL NETWORK 1



**Co-link Map Details:**

Author: Dagan Harding  
 Email: dagan@daganharding.com  
 Crawl start: 23 Oct 2012 - 02:13  
 Crawl end: 23 Oct 2012 - 05:05  
 Privilege starting points: off  
 Co-link Analysis Mode: page  
 Iterations: 2  
 Crawl Depth: 3  
 Node count: 49

Map generated from Issuercrawler.net by the Govcom.org Foundation, Amsterdam.

**Legend:**

● (red) ● (blue) ● (green) ● (dark green)  
 (.com) (.ca) (.org) (.gov)

**Statistics:**

 **twitter.com**

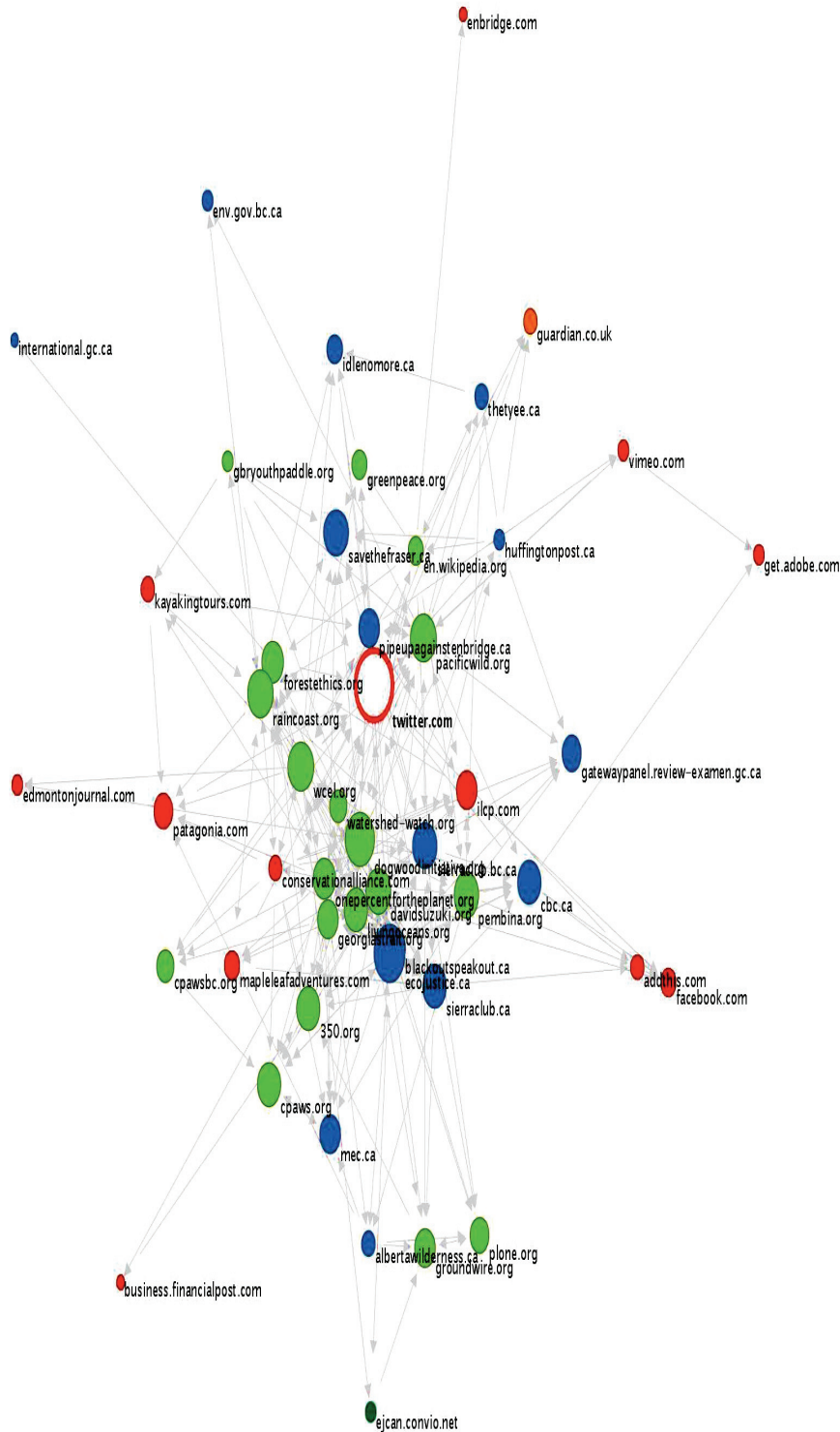
Destination URL: http://www.twitter.com/  
 Page date stamp: 23 Oct 2012 - 03:27  
 Links received from crawled population: 20864

**Links from network (1 - 20)**

1. patagonia.com	11. watershed-watch.org
2. mapleleafadventures.com	12. vimeo.com
3. epa.gov	13. cpaws.org
4. envirolawsmatter.ca	14. wce.org
5. abcnews.go.com	15. forestethics.org
6. huffingtonpost.com	16. cbc.ca
7. davidsuzuki.org	17. sierraclub.ca
8. tidscanada.org	18. sierraclub.bc.ca
9. environmentaldefence.ca	19. onepersentfortheplanet.org
10. vancouverfoundation.ca	

Links to network: 0

FIGURE 1.1: ENVIRONMENTAL NETWORK 2



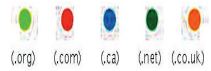
## Environmental Network

### Co-link Map Details:

Author: Dagan Harding  
 Email: dagan@daganharding.com  
 Crawl start: 29 Jan 2013 - 16:12  
 Crawl end: 29 Jan 2013 - 18:38  
 Privilege starting points: off  
 Co-link Analysis Mode: page  
 Iterations: 2  
 Crawl Depth: 3  
 Node count: 49

Map generated from Issuacrawler.net by the Govcom.org Foundation, Amsterdam.

### Legend:



### Statistics:

 **twitter.com**  
 Destination URL: http://www.twitter.com/  
 Page date stamp: none  
 Links received from crawled population: 26282

### Links from network (1 - 20)

- |                                |                         |
|--------------------------------|-------------------------|
| 1. greenpeace.org              | 11. patagonia.com       |
| 2. cpawsbc.org                 | 12. raincoast.org       |
| 3. conservationalliance.com    | 13. sierraclub.bcc.ca   |
| 4. davidsuzuki.org             | 14. sierraclub.ca       |
| 5. cbc.ca                      | 15. theyee.ca           |
| 6. guardian.co.uk              | 16. vimeo.com           |
| 7. huffingtonpost.ca           | 17. watershed-watch.org |
| 8. idlenomore.ca               | 18. gbryouthpaddle.org  |
| 9. mapleleafadventures.com     | 19. 350.org             |
| 10. onepersentfortheplanet.org | 20. wcel.org            |

Links to network: 0

< | >

## Environmental Network links

Startingpoints (amount = 5):

<http://www.friendsofwildsalmon.ca>  
<http://www.livingoceans.org>  
<http://www.pacificwild.org>  
<http://www.pipeupagainstenbridge.ca>  
<http://www.tankerfreebc.org/about>

Urls or hosts in network (amount = 100):

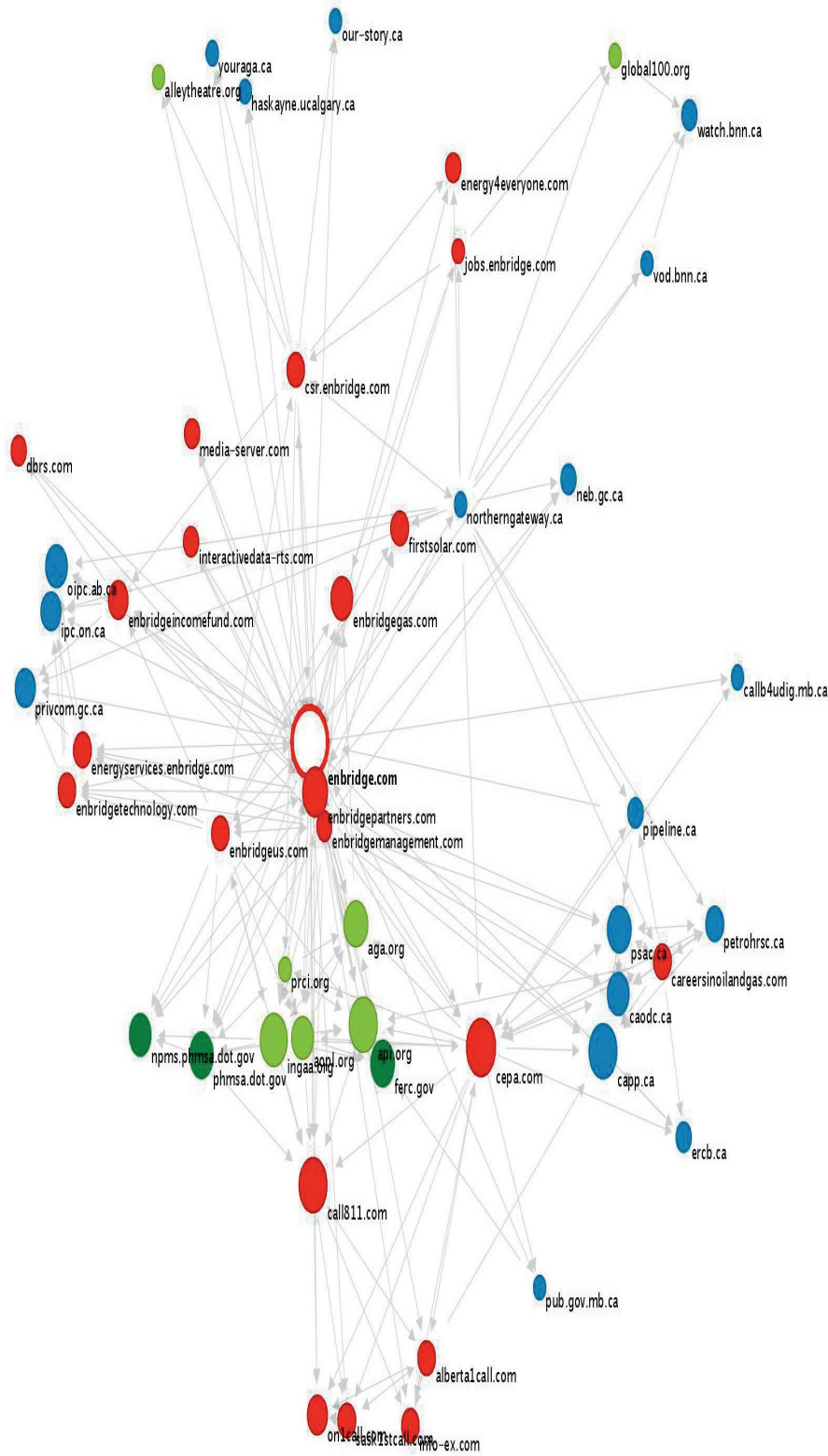
<http://abcnews.go.com/nightline/video/hunt-rare-spirit-bears-11942952>  
<http://blog.ecojustice.ca/>  
<http://blog.pacificwild.org/>  
<http://bucksuzuki.org/>  
<http://coastalguardianwatchmen.ca/>  
<http://defendourcoast.ca/>  
<http://environmentaldefence.ca/reports/king-carbon-how-enbridge-damages-our-climate-world%e2%80%99s-largest-tar-sands-shipper>  
[http://fish.gshaw.ca/files/asset/file/163/sc\\_sushi\\_card\\_web.pdf](http://fish.gshaw.ca/files/asset/file/163/sc_sushi_card_web.pdf)  
<http://get.adobe.com/flashplayer/>  
<http://groundwire.org/>  
<http://ilcp.photoshelter.com/gallery/great-bear-rainforest-rave-media-gallery/g0000mzku.a8adss/>  
<http://leadnow.ca/>  
<http://ngm.nationalgeographic.com/2011/08/kermode-bear/barcott-text>  
<http://ngm.nationalgeographic.com/2011/08/kermode-bear/nicklen-photography>  
<http://plone.org>  
<http://twitter.com/share>  
<http://vimeo.com>  
<http://vimeo.com/19582018>  
<http://www.apple.com/safari/>  
[http://www.bclocalnews.com/vancouver\\_island\\_north/northislandgazette/news/104815009.html](http://www.bclocalnews.com/vancouver_island_north/northislandgazette/news/104815009.html)  
<http://www.bcmca.ca/>  
<http://www.blackoutspeakout.ca/>  
<http://www.bluewateradventures.ca/>  
<http://www.calgaryherald.com/enbridge+spill+could+barrels/4902475/story.html>  
<http://www.cbc.ca/video/>  
<http://www.cetacealab.org/>  
<http://www.coalfreealberni.ca/>  
<http://www.coalwatch.ca/>  
<http://www.coastalfirstnations.ca/>  
<http://www.coastalfirstnations.ca/news-release/september-12-2012-831am>  
<http://www.coastfunds.ca/>  
<http://www.coastmountainexpeditions.com/>  
<http://www.cold-coast.com/>

<http://www.cp.org/>  
<http://www.cpaws.org/>  
<http://www.davidsuzuki.org/>  
<http://www.dogwoodinitiative.org/>  
<http://www.douglaschannelwatch.ca/>  
<http://www.ducks.ca/>  
<http://www.ecojustice.ca/>  
<http://www.ecojustice.ca/media-centre/media-backgrounder/species-at-risk-recovery-strategy-delay-litigation-fall-2012>  
<http://www.ecojustice.ca/publications/canadian-environmental-assessment-act>  
<http://www.ecologyaction.ca/>  
<http://www.elc.uvic.ca/>  
<http://www.envirolawsmatter.ca/>  
<http://www.environmentaldefence.ca/>  
<http://www.envlawforum.ca/>  
<http://www.epa.gov/enbridgespill/>  
<http://www.facebook.com/>  
<http://www.facebook.com/home.php?>  
[http://www.facebook.com/r.php?possible\\_fb\\_user=0&is\\_enabled=1&popup=1&locale=nl\\_nl](http://www.facebook.com/r.php?possible_fb_user=0&is_enabled=1&popup=1&locale=nl_nl)  
<http://www.facebook.com/recover/initiate>  
<http://www.farmedanddangerous.org/>  
<http://www.findingcoral.com/>  
<http://www.flowcanada.org/>  
<http://www.forestethics.ca/>  
<http://www.forestethics.org/>  
<http://www.friendsofwildsalmon.ca/>  
<http://www.georgiastrait.org/>  
<http://www.gitgaat.net/>  
<http://www.greenpeace.ca>  
<http://www.greenpeace.org/canada/en/>  
<http://www.haidanation.ca/>  
<http://www.haisla.ca/>  
[http://www.huffingtonpost.com/2011/01/31/tripods-in-the-sky\\_n\\_816236.html](http://www.huffingtonpost.com/2011/01/31/tripods-in-the-sky_n_816236.html)  
<http://www.ilcp.com/>  
<http://www.ilcp.com/?cid=274>  
<http://www.ilcp.com/projects/great-bear-rainforest-rave>  
<http://www.kingpacificlodge.com/>  
<http://www.kitasoo.org/>  
<http://www.leg.bc.ca/mla/3-1-1.htm>  
<http://www.lighthawk.org/>  
<http://www.livingoceans.org/>  
<http://www.livingoceans.org/media/releases/tankers/new-poll-shows-pipeline-and-tanker-concerns-rank-higher-h>  
<http://www.mapleleafadventures.com/>  
<http://www.mappocean.org/>

<http://www.mec.ca/>  
<http://www.onepercentfortheplanet.org/en/>  
<http://www.onthelinemovie.com/>  
<http://www.organizingforchange.org/>  
<http://www.pacificwild.org/>  
<http://www.patagonia.com/>  
<http://www.pembina.org/>  
<http://www.pipeupagainstenbridge.ca>  
<http://www.rabble.ca>  
<http://www.raincoast.org/>  
<http://www.savethefraser.ca/>  
<http://www.savethegreatbear.org/>  
<http://www.sierraclub.bc.ca/>  
<http://www.sierraclub.ca/bc/>  
<http://www.tidescanada.org>  
<http://www.twitter.com/>  
<http://www.vancouverfoundation.ca/>  
<http://www.watershed-watch.org/>  
<http://www.wcel.org/>  
<http://www.wetsuweten.com/>  
<http://www.wildernesscommittee.org/>  
<http://www.wildsight.ca/>  
<http://www.wwf.ca/>  
<http://yinkadene.ca/>



FIGURE 2: DEVELOPER NETWORK 1



### pro-pipeline3 depth3

**Co-link Map Details:**

Author: Dagan Harding  
 Email: dagan@daganharding.com  
 Crawl start: 26 Dec 2012 - 04:31  
 Crawl end: 26 Dec 2012 - 06:39  
 Privilege starting points: off  
 Co-link Analysis Mode: page  
 Iterations: 2  
 Crawl Depth: 3  
 Node count: 50

Map generated from Issuercrawler.net by the Govcom.org Foundation, Amsterdam.

**Legend:**

(.org) (com) (.ca) (.gov)

**Statistics:**

**enbridge.com**

Destination URL: <http://www.enbridge.com/>  
 Page date stamp: 26 Dec 2012 - 04:48  
 Links received from crawled population: 7262

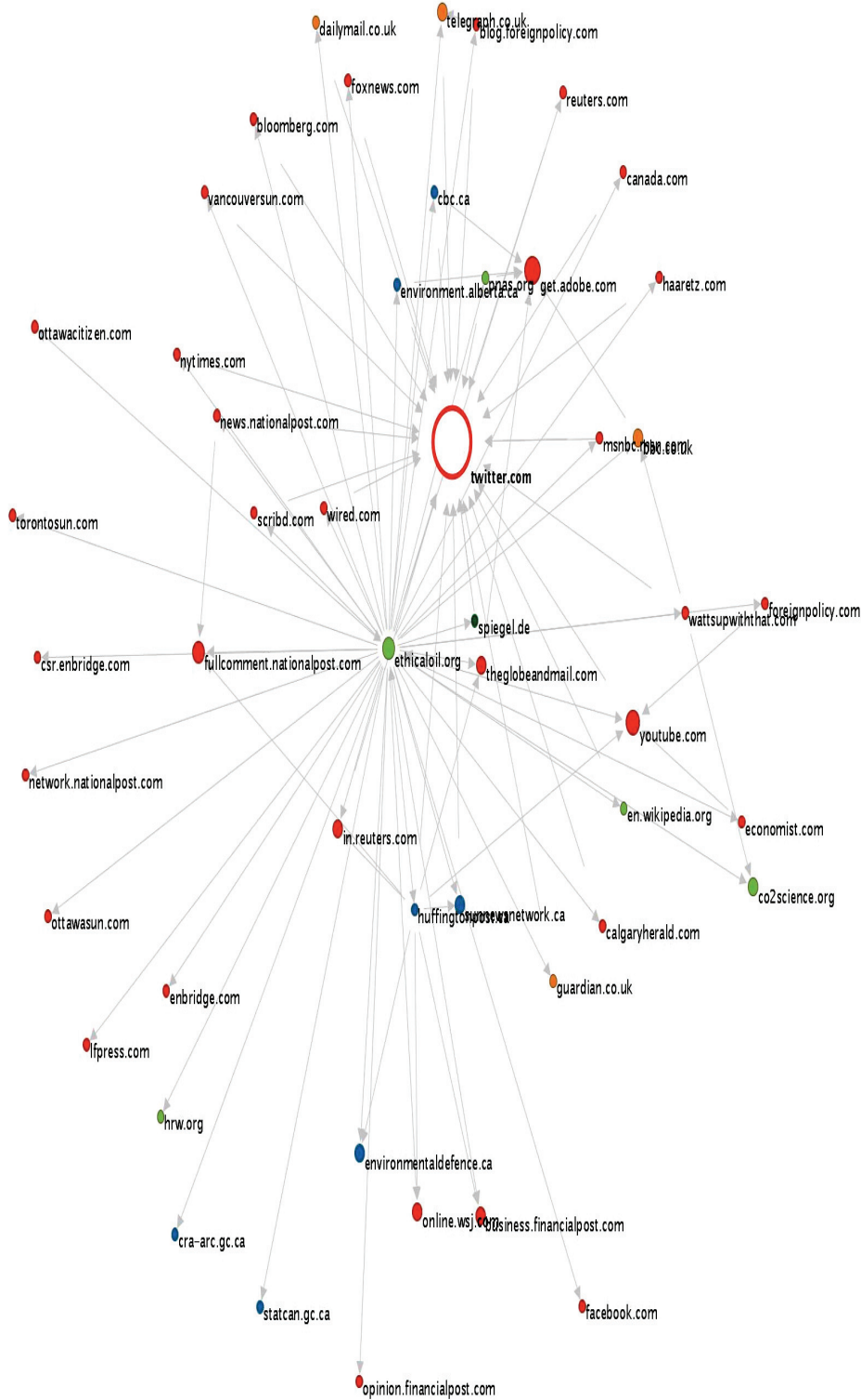
**Links from network (1 - 20)**

- 1. cepa.com
- 2. csr.enbridge.com
- 3. enbridgeincomefund.com
- 4. enbridgemanagement.com
- 5. enbridgepartners.com
- 6. enbridgetechnology.com
- 7. enbridgeus.com
- 8. energyservices.enbridge.com
- 9. haskayne.ucalgary.ca
- 10. our-story.ca
- 11. pipeline.ca
- 12. prci.org
- 13. youraga.ca
- 14. aga.org
- 15. jobs.enbridge.com
- 16. northerngateway.ca

Links to network: 36



FIGURE 2.1: DEVELOPER NETWORK 2



ourdecision

Snowball Map Details:

Author: Dagan Harding  
 Email: dagan@daganharding.com  
 Crawl start: 12 Nov 2012 - 23:28  
 Crawl end: 13 Nov 2012 - 03:41

Degrees of Separation: 1  
 Crawl Depth: 2  
 Node count: 50

Map generated from Issuecrawler.net by the Govcom.org Foundation, Amsterdam.

Legend:

- (.co.uk)
- (.com)
- (.ca)
- (.org)
- (.de)

Statistics:

twitter.com

Destination URL: http://twitter.com/  
 Page date stamp: 12 Nov 2012 - 23:33  
 Links received from crawled population: 41370

Links from network (1 - 20)

- |                           |                       |
|---------------------------|-----------------------|
| 1. vancouver.sun.com      | 11. ethicaloil.org    |
| 2. watsupwiththat.com     | 12. foxnews.com       |
| 3. theglobeandmail.com    | 13. guardian.co.uk    |
| 4. news.nationalpost.com  | 14. haaretz.com       |
| 5. nytimes.com            | 15. wired.com         |
| 6. en.wikipedia.org       | 16. youtube.com       |
| 7. environment.alberta.ca | 17. sunnewsnetwork.ca |
| 8. spiegel.de             | 18. telegraph.co.uk   |
| 9. canada.com             | 19. scribd.com        |
| 10. cbc.ca                | 20. reuters.com       |

Links to network: 0

< | >

## Developer Network links

Startingpoints (amount = 3):

<http://www.enbridge.com>

<http://www.northerngateway.ca>

<http://www.northerngatewayalliance.ca>

Urls or hosts in network (amount = 54):

<http://haskayne.ucalgary.ca/research/research-centres/eccs>

<http://jobs.enbridge.com/>

<http://vod.bnn.ca/video/735062>

<http://watch.bnn.ca/>

<http://www.aga.org/>

<http://www.alberta1call.com/>

<http://www.alleytheatre.org/>

<http://www.aopl.org/>

<http://www.api.org/>

<http://www.call811.com/>

<http://www.call4udig.mb.ca/>

<http://www.caodc.ca/>

<http://www.capp.ca/>

<http://www.careersinoilandgas.com/>

<http://www.cepa.com/>

<http://www.csr.enbridge.com/>

<http://www.dbrs.com/>

<http://www.enbridge.com/>

<http://www.enbridge.com/aboutenbridge/corporatesocialresponsibility/neutralfootprint.aspx>

<http://www.enbridge.com/investorrelations.aspx>

<http://www.enbridge.com/investorrelations/corporategovernance.aspx>

<http://www.enbridge.com/workwithenbridge/careersatenbridge.aspx>

<http://www.enbridgegas.com/>

<http://www.enbridgeincomefund.com/>

<http://www.enbridgemanagement.com/>

<http://www.enbridgepartners.com/>

<http://www.enbridgetechnology.com/>

<http://www.enbridgeus.com>

<http://www.energy4everyone.com/>

<http://www.energyservices.enbridge.com>

<http://www.ercb.ca/>

<http://www.ferc.gov/>

<http://www.firstsolar.com/>

<http://www.global100.org/>

<http://www.info-ex.com/>

<http://www.ingaa.org/>

<http://www.interactivedata-rt.com/>

<http://www.ipc.on.ca/>  
<http://www.media-server.com/m/p/mq5s52e2>  
<http://www.neb.gc.ca/>  
<http://www.northerngateway.ca/>  
<http://www.npms.phmsa.dot.gov/>  
<http://www.oipc.ab.ca/>  
<http://www.on1call.com/>  
<http://www.our-story.ca/>  
<http://www.petrohrsc.ca/>  
<http://www.phmsa.dot.gov/>  
<http://www.pipeline.ca/>  
<http://www.prci.org/>  
<http://www.privcom.gc.ca/>  
<http://www.psac.ca/>  
<http://www.pub.gov.mb.ca/>  
<http://www.sask1stcall.com/>  
<http://youraga.ca/>

One hundred websites were analyzed from the environmental network, and fifty-four websites from the developer network, as well as various relevant reports and formal submissions to the Joint Review panel, made by, or through, related organizations in both networks. Furthermore, various videos on YouTube, text, audio clips, and reports linked to websites in the network were compiled, transcribed and analyzed according to their frames.

Developer websites and high profile videos were analyzed.<sup>67</sup> YouTube was used to gather information about developers' online framing, and is defended in the submission to the Federal Joint Review panel below.

These videos are available for viewing on the Northern Gateway website and are also published on the popular video sharing website YouTube. The videos are referenced regularly through Northern Gateway's social media accounts and blogs. The videos published by Northern Gateway have been viewed over 82,000 times since the new website was launched in December 2011, with the comprehensive tanker safety and route safety videos being the most watched.<sup>68</sup>

YouTube is used by both opponents and proponents of the pipeline to market opposing views and contexts to a wider audience, about the costs and benefits of the project and is therefore a legitimate tool for framing analysis as well.

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<sup>67</sup> Many of developers YouTube clips have been viewed hundreds or thousands of times. They are high profile because they have been widely distributed and viewed.

<sup>68</sup> "Public Consultation Update: section 2.5" *Enbridge Northern Gateway Project*, last modified November 9, 2012, <http://www.ceaa-acee.gc.ca/050/documents/p21799/83930E.pdf>.

## Background and Nature of the Case Study

The Northern Gateway proposal consists of a dual pipeline running 1,177 kilometers from Bruderheim, Alberta, to Kitimat First Nations on the B.C. coastline. The project is designed to pump 525,000 barrels of bitumen per day, and 193,000 barrels of condensate to dilute the bitumen in the reverse direction. These substances will move across 773 watercourses,<sup>69</sup> various biological ecosystems, and First Nations communities through a thirty-six inch westward pipe, and a twenty-inch eastward pipe. Its route would take a remote northerly pathway around Jasper National Park, and the city of Prince George.<sup>70</sup>

Once on the B.C. coast, the raw bitumen will be shipped to California and across the Pacific Ocean to Asian markets for refining and upgrading. In preparation for this shipment, the oil will be loaded onto tankers at a terminal at the north end of the Douglas Channel. At the terminal, two ‘mooring berths’ will be used for the purposes of unloading condensate and loading oil. The area will also be site to a condensate line pumping station, and fourteen storage tankers. From this terminal, very large crude carriers (VLCC’s) and their crew and captains would navigate 580 kilometers of water along the Hecate Strait, the Douglas Channel, and across the Inside Passage,<sup>71</sup> following one of

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<sup>69</sup> Larry Pynn, “Oil spills costly to companies and environment, yet seem inevitable despite technology,” accessed March 10, 2012, <http://www.vancouversun.com/news/spills+costly+companies+environment+seem+inevitable+despite+technology/5956573/story.html>.

<sup>70</sup> Michael McCullough, “Pacific Gateway In a Jam,” *Canadian Business* 83 (2010): 12-13.

<sup>71</sup> Some organizations suggest the Hecate straight is the world’s fourth most dangerous body of water. In Mathew Boulton, “Financial Vulnerability Assessment: Who would pay for Oil Tanker Spills Associated with the Northern Gateway Pipeline?” accessed July

three shipping routes. An estimated 225 crude tankers will travel the route annually, ranging in size from 80,000 tons at the small extreme, to those larger than the famous Exxon Valdez, which carried fifty-five million gallons of oil. Enbridge claims the shipment of crude to other markets is in the interests of Canadians and shareholders and wishes to increase the number of jobs, revenue, and innovation in the oil sands.

According to Enbridge, Northern Gateway will bring \$270 billion in GDP over thirty years to Canada, not including \$400 million to aboriginal communities and businesses separately, \$4.3 billion in construction income, \$2.6 billion in tax revenues locally, provincially, and federally. They state that federal and provincial governments will benefit from an increase in \$81 billion in revenue over thirty years. Of that, about \$6 billion would go to B.C., while Ottawa would receive about \$36 billion and Alberta \$32 billion. Overall, if built, economic projections calculated by Enbridge speculate that export amounts will be tripled above 2010 levels, by 2035.<sup>72</sup> Supporters of the project have framed the rejection of pipeline as lost revenue. Those projections foresee “lost revenue” of 8 million dollars per year between 2012 and 2025.<sup>73</sup>

Despite lofty revenue projections, opponent groups have heavily contested these numbers and the project. The Canadian Center for Policy Alternatives released numbers

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10, 2012, [http://www.elc.uvic.ca/press/documents/2010-02-06-Tanker-Spill-Financial-Vulnerability-Assessment\\_Jan15%2011.pdf](http://www.elc.uvic.ca/press/documents/2010-02-06-Tanker-Spill-Financial-Vulnerability-Assessment_Jan15%2011.pdf).

<sup>72</sup> Other projections state within the current infrastructure and construction, production would still grow by 50% by 2025 from 2010 levels without expansion. In David J. Hughes, “The Northern Gateway Pipeline: an affront to the public interest and long-term energy security of Canadians,” accessed July 1, 2012, [http://www.albertasurfacerights.com/upload/files/HUGHES\\_Northern\\_Gateway\\_Pipeline\\_November\\_2011.pdf](http://www.albertasurfacerights.com/upload/files/HUGHES_Northern_Gateway_Pipeline_November_2011.pdf).

<sup>73</sup> Wood Mackenzie, “A Netback Impact Analysis of West Coast Export Capacity,” prepared by Alberta Department of Energy, December 2011, [www.energy.alberta.ca/Org/.../WoodMackenzieWestCoastExport.pdf](http://www.energy.alberta.ca/Org/.../WoodMackenzieWestCoastExport.pdf).

that suggest Enbridge “grossly overstated” employment gains and makes many “unjustified assumptions” in the modeling of projected jobs.<sup>74</sup> On top of the 5.5 billion dollars for construction, Enbridge has further invested 500 million more dollars for safety improvements based on concerns raised by First Nations and environmental groups.<sup>75</sup> They have also spent 250 million dollars in preparation for the public hearings on a PR campaign defending their reputation against allegations of safety mismanagement of their Kalamazoo leak in Michigan, which received international media attention.<sup>76</sup>

### ***Oil Trade***

In 2011, the U.S. imported 1,020,604 barrels from the Canadian oil sands and was steadily increasing imports in the years prior. Meanwhile, American imports from other parts of the world market have been decreasing since 2008, and the increase between 2010 and 2011 from non-OPEC nations is mostly attributed to Canadian imports.<sup>77</sup> Despite steady increases from Canada, the U.S. also maintains a large dependence on other OPEC, and non-OPEC nations like Nigeria and Algeria.<sup>78</sup> As well, in 2012, the

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<sup>74</sup> Marc Lee, “Northern Gateway pipeline jobs far from the number promised,” *CCPA Monitor* 19 (2012): 12-13.

<sup>75</sup> Lauren Krugel. “Northern Gateway Pipeline Improvements: Enbridge Proposes \$500 Million In Changes To Project.” accessed September 4, 2012, [http://www.huffingtonpost.ca/2012/07/20/enbridge-proposes-improve\\_n\\_1689941.html?utm\\_hp\\_ref=canada](http://www.huffingtonpost.ca/2012/07/20/enbridge-proposes-improve_n_1689941.html?utm_hp_ref=canada).

<sup>76</sup> “Enbridge pipeline panel demands scathing U.S. spill report: United Church of Canada Voices pipeline opposition,” *CBC News*, accessed September 2, 2012, <http://www.cbc.ca/news/canada/british-columbia/story/2012/08/15/bc-enbridge-pipeline-kalamazoo-report.html>.

<sup>77</sup> “U.S. Imports by Country of Origin,” *U.S. Energy Information Administration*, accessed October 2, 2012, [http://www.eia.gov/dnav/pet/pet\\_move\\_impcus\\_a2\\_nus\\_ep00\\_im0\\_mbb1\\_a.htm](http://www.eia.gov/dnav/pet/pet_move_impcus_a2_nus_ep00_im0_mbb1_a.htm).

<sup>78</sup> *Ibid.*

U.S. increased its imports from Saudi Arabia for the first time in recent years<sup>79</sup> and continued American dependence on the world market (including Venezuela, Saudi Arabia, Nigeria and Algeria) persists, outside of Canadian imports.

Alberta has the third largest oil reserves in the world. Despite Oil sands growth, the fear is that there will not be a market to sell to if Northern Gateway is not built. Obama originally rejected the XL pipeline before the 2012 election, which put pressure and instilled fear in Canadian leaders to search for other markets. Rob Tessier summed up the Canadian government's reaction to the rejection of the XL pipeline stating, "if you don't want it we'll send it to an Asian market."<sup>80</sup>

The growing energy independence and increasing export capabilities of the U.S., however, make the XL pipeline less of a 'no brainier' than Stephen Harper and other leaders suggest.<sup>81</sup> The U.S. is not only tied as a net importer on the world market, but is also in a transition regarding its domestic market, which affects Canada. Canada's aggression to 'economical diversity' is the result of precarious and indeterminate exports, and the U.S.'s energy independence is improving along with its exporting capacity. This American advancement is because the U.S. market continues to develop its own internal technologies. The U.S. announcement that have an "oversupply of light, sweet crude in

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<sup>79</sup> Clifford Krauss, "U.S. Reliance on Oil From Saudi Arabia Is Growing Again," *New York Times*, accessed November 2012, [http://www.nytimes.com/2012/08/17/business/energy-environment/us-reliance-on-saudi-oil-is-growing-again.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2012/08/17/business/energy-environment/us-reliance-on-saudi-oil-is-growing-again.html?pagewanted=all&_r=0).

<sup>80</sup> David Agren, "Pro-oil Canada has a beef with environmentalists," *USA Today*, accessed November 2012, <http://www.usatoday.com/story/news/world/2012/11/01/canada-oil-wars/1666215/>.

<sup>81</sup> Elizabeth Douglass, "Need for Keystone XL may be shrinking as U.S. expects to export oil," *Journal Star*, accessed October 2012, [http://journalstar.com/ap/otherstate/need-for-keystone-xl-may-be-shrinking-as-u-s/article\\_579f71bc-11a2-5bcc-beb3-60368bdf86d4.html](http://journalstar.com/ap/otherstate/need-for-keystone-xl-may-be-shrinking-as-u-s/article_579f71bc-11a2-5bcc-beb3-60368bdf86d4.html).



the Midwest” also has implications for Canadian hopes of increased southern export,<sup>82</sup> and American foreign interests also seek new markets to become less reliant on Canadian oil sands imports through recent fracking technologies. The inability for the U.S. to pay a world price for Canadian oil sands crude has prompted Enbridge to seek out new markets. The Northern Gateway is the culmination of these basic political and economic trade conditions.

Despite recent developments in Canada-U.S. relations and changes in the world energy market, there has been intermittent interest in Northern Gateway and shipping crude to Asia for years. Enbridge initially proposed the Northern Gateway pipeline in 2005, during a period that marked high investment. However, unresolved ‘hostility’ between the Canadian government and China National Petroleum Corp put the agreement on hold in 2007.<sup>83</sup> Following this pause, oil sands investments maxed in 2008 and dropped dramatically in 2009 along with energy prices,<sup>84</sup> lengthening the pause and prolonging ambivalence about the future of the pipeline. However, China’s growing economy has expanded across the globe, including in Canada. The Asia Pacific Foundation of Canada’s president Yuen Woo implies that China expects to continue investments in the oil sands even with the public’s rejection of the pipeline but is hopeful of the success of the Northern Gateway project. China’s investment level in Canadian oil sands has climbed by 7 billion dollars since 2010.<sup>85</sup>

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<sup>82</sup> Ibid.

<sup>83</sup> McCullough, “Pacific Gateway in a Jam,” 12-13.

<sup>84</sup> Albert Energy, “Our Business: Facts and Statistics,” accessed August 2012, <http://www.energy.alberta.ca/oilsands/791.asp>.

<sup>85</sup> Matthew Mclearn, “CNOOC’s Bid for Nexen a Sign of China’s Future,” *Canadian Business*, last modified September 3, 2012, <http://www.canadianbusiness.com/business-strategy/cnoocs-bid-for-nexen-a-sign-of-chinas-future/>.

It is unclear how Chinese investments in the region will affect Canadian job projections. Amongst opponents to the project, there are fears that cheap foreign works will be able to occupy many of the jobs offered at a lower pay rate due to changes in Federal labour laws.<sup>86</sup>

The increased role of foreign ownership and investment in the oil sands has changed the focus of the Canadian economy dramatically with increased national reliance on Alberta resource extraction. This economic shift, along with the Northern Gateway pipeline proposal, has changed Canadian national media discourse, which includes legal authorities, environmentalists, economists, and local First Nations groups.

### ***Enbridge Shareholders***

Most investment in the proposed pipeline comes from foreign companies, with Enbridge making up just under half of the partnership. This conglomeration of companies is called the Northern Gateway Pipelines Partnership. The subsidiary company includes major Chinese investors Sinopec Corp, Asia's second biggest energy company and largest refining company;<sup>87</sup> China's National Offshore Oil Co. (CNOOC), which recently bought Calgary's Nexen; and Petrochina, which recently purchased the Mackay River project, the newest oil sands operation. Other companies with stakes in the project

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<sup>86</sup> "Robyn Allan on Enbridge's Northern Gateway," YouTube video, 27:31, posted by Steph1971, October 3, 2012, <http://youtu.be/Uzu05knxEml>.

<sup>87</sup> C. Tait, "Sinopec teams up with Enbridge for Northern Gateway Pipeline," *Financial Post*, accessed June 2012, <http://www.financialpost.com/news/energy/Sinopec+teams+with+Enbridge+Northern+Gateway+pipeline/4128351/story.html>.

include China Petroleum Corporation,<sup>88</sup> Cenovus (TSX: CVE), Suncor TSX, SU from France, and MEG Energy, which is partially owned by CNOOC. Most of these companies also have major stakes in other oil sands investments with many planning to continue to mining, production, and trade relations in the oil sands.<sup>89</sup>

Canadian Prime Minister Stephen Harper mentioned in the media that the selling of Nexen represented an extraordinary circumstance for Canada and should not be seen as representative of future decision. He suggested that the sale is an agreement in Canada's favour because the Chinese economy is growing. The Prime Minister stated that, "what Canadians expect their government to do is act in a way that will take advantage of the opportunities that are offered to us without exposing us to the risks."<sup>90</sup> However, the strictness with which many of his statements were made, led Canadians to believe that future trade deals with government owned foreign companies was not a trend Canada is willing to set. This seemingly stonger stance against foreign investment marks a significant shift in Canada's approach to foreign owned companies participating in the oil sands. Being perceived as having the interests of Chinese foreign companies would have implications for the Canadian perception of the Northern Gateway pipeline. This shift may be the result of the government wanting to frame the Northern Gateway as a nationalist issue.

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<sup>88</sup> Nathan Vanderklippe, "Oil giants back Gateway Pipe," *Globe and Mail*, accessed January 20, 2012, <http://www.theglobeandmail.com/report-on-business/oil-giants-back-gateway-pipe/article1357505/>.

<sup>89</sup> Tait, "Sinopec teams up with Enbridge."

<sup>90</sup> "Harper promises greater scrutiny on foreign takeovers," CBC News, last modified December 7, 2012, <http://www.theglobeandmail.com/report-on-business/video/video-harper-promises-greater-scrutiny-on-foreign-takeovers/article6122995/>.

## **Nexan**

In July 2012, CNOOC bought Nexen for 15.1 billion dollars, marking the largest foreign takeover of a Canadian oil sands company.<sup>91</sup> Proponents of the proposal suggest the deal will result in a “net benefit to Canadians” because of increased trade relations with China, and will gesture to the United States that Canada is serious about exporting.<sup>92</sup> This buy out runs parallel to the interests of those behind Northern Gateway, and the Foreign Investment Promotion and Protection Agreement (FIPA). However, critics of both the foreign buy out and the trade agreement say its a step away from National energy security and could result in upgrading and value added jobs in the Canadian economy being overlooked, two themes that emerge in the framing case study ahead.

## **FIPA**

FIPA is “a (bilateral) Foreign Investment Promotion and Protection Agreement aimed at protecting and promoting foreign investment through legally-binding rights and obligations.”<sup>93</sup> Supporters of the agreement suggest that it is a huge win for the Canadian economy and business investment. However, NGO’s like the Council of Canadians and legal experts have been sceptical of FIPA, which if ratified would link Canadian trade and investment for three decades to China. Critics such as Gus Van Harten, professor of investment law at York University, believe that the treaty is in favour of China and does

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<sup>91</sup> Robert Curran, “Canadian activity levels out amid growing uncertainty,” *World Oil* 233 (2012): 61-65.

<sup>92</sup> Leonard Waverman, “Nexen deal’s benefits go beyond the economic,” *The Globe and Mail*, accessed November 25, 2012, <http://www.theglobeandmail.com/globe-investor/nexen-deal-benefits-go-beyond-the-economic/article5542692/>.

<sup>93</sup> Government of Canada, Foreign Affairs and International Trade, Article 8(2)(a)(i), Canada, <http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/fipa-apie/china-text-chine.aspx?view=d>.

not necessarily reflect Canadian economic interests. He cites China's amount of non-conforming measures as evidence of this power imbalance, and the amount of non-conforming measures that are not made public.<sup>94</sup> Other concerns about "laws, regulations and rules relating to the regulation of foreign investment" suggest that Canadian investments could be blocked by Chinese domestic governance rules, but because Canadian jurisdiction falls under the Federal Investment Canada Act, Canadian jurisdictions would be barred from doing the same. Furthermore, critics have also pointed out that this treaty forces the government of Canada to comply with all pre-planned investments, and disables the juridical authority of any federal court or legislature to protect Canadian jurisdictions, especially in the case of a pre-planned trade dispute. Article 28(1) and (2) also prevents the sued country from making public the reasons for the dispute and the financial costs incurred by the country, if deemed a private matter.<sup>95</sup> As is commonly argued by opponents of NAFTA, critics of FIPA state that it is an aggressive mechanism for streaming nationally generated revenue out from the Canadian economy that strips autonomy for Canadian jurisdictions and promoting a lack of transparency regarding Canadian economic governance. There was also an outpour against the government regarding its secrecy of the deal.<sup>96</sup> The deal has not yet been ratified as of March 17<sup>th</sup>, 2013.

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<sup>94</sup> Gus Van Harten, "Debunking the spin around Harper's FIPA with China," *Rabble*, accessed November 2012, <http://rabble.ca/news/2012/11/countering-spin-about-harpers-fipa-china>.

<sup>95</sup> Ibid.; Government of Canada, Foreign Affairs and International Trade Canada, Articles 28(1) and (2), <http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/fipa-apie/china-text-chine.aspx?view=d>.

<sup>96</sup> "Canada-China Agreement (FIPA)," *CBC Radio: The Current*, accessed October 30, 2012, <http://www.cbc.ca/thecurrent/episode/2012/10/29/canada-china-agreement-fipa/>.

## ***Environmental Opposition***

Environmental groups have been unanimously and outspokenly opposed to the risks and operation surrounding the pipeline. The major concerns for these groups include climate change, salmon watersheds, streams and rivers, worries about contaminating the Great Bear Rainforest, and the risk of a tanker accident on the coastal region's ecosystems and territories. Groups like the Pembina institute, Natural Resources Defense Council (NRDC), and Living Oceans Society have teamed up to publish papers outlining the various risks associated with the project.<sup>97</sup> Research done by these and other environmental groups focuses on ecological risks associated with the project, and specifics of the project that could have a negative environmental impact. For example, an NRDC report cites the increased risk of catastrophic pipeline failure because of the diluted bitumen (also found in the Kalamazoo leak) which can “dramatically increase the rate of pipeline deterioration” due to “rocky particles [that] wreak havoc by scrapping the inside of the pipeline.”<sup>98</sup> Based on technical and environmental knowledge of the project, environmental groups have been able to focus on the specific risks that may affect surrounding habitat.

Major opponents to the pipeline have also been responsible for mounting public participation at levels larger than any other federal review process, with activist groups encouraging others to register as ‘interveners’ in the public ‘oral hearings’ stage of the

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<sup>97</sup> A. Swift et al., “Pipeline and Tanker Trouble: The Impact to British Columbia’s communities, rivers, and Pacific coastline from tar sands oil transport,” *Pembina Institute; Living Oceans Society; Natural Resources Defense Council*, last modified November 29, 2011, <http://www.pacificwild.org/media/documents/resources/pipelineandtankertrouble-nrdc-report.pdf>.

<sup>98</sup> “Environmental Groups Warns of Pipeline Risks,” *Oil Spill Intelligence Report* 35 (2012): 3-4.

process. “Mob the mic” was instigated by the Dogwood Initiative and encouraged citizens to register oral presentations at the hearings, with 1600 statements formally accredited to its initiative.<sup>99</sup> Environmental groups have also garnered support through public opinion and Internet mobilization (the focus of this case study), with thousands of people having participated in direct action and public demonstrations at legislations around B.C.<sup>100</sup>

### ***First Nations***

The possibility of the pipeline being built in B.C. will only be successful with cooperation or, or at best, indifference from the twenty First Nations groups that live on the territory that is to host the pipeline. However, many of these groups have expressed opposition. A total of twenty-six First Nations groups from B.C. have registered to intervene in the first round of negotiations along with fourteen groups from Alberta. Their concerns vary from issues such as land claims, treaty rights, water and resource quality, and threats to their culture and way of life. There has also been a vocal contingent of those opposed that have cited the Crown’s lack of proactive consultation and their attempts to ‘buy off’ and politicize revenue sharing agreements.

The history of First Nations and Crown relations has not been neat and tidy. In B.C., Crown sovereignty was originally exerted by the government without agreement from First Nations groups, and ever since has formed the foundation for deep-seated

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<sup>99</sup> E. Swanson, “Stepping up to the mic,” *The Dogwood Initiative*, accessed July 2012, <http://dogwoodinitiative.org/blog/mob-the-mic-success>.

<sup>100</sup> J. Johnson, “More pipeline demonstrations in BC today,” *News 1130*, accessed October 25, 2012, <http://www.news1130.com/news/local/article/415007--more-pipeline-demonstrations-in-bc-today>.

strife and disagreement. The rights and titles of First Nations under the constitution of Canada and the ‘duty to consult’ and accommodate, if not performed adequately, could continue to provide a strategy through which to stall the project in Canadian and international courts.<sup>101</sup> The possible threat of a court injunction by First Nations could eventually stall or push back the final December 31, 2013 deadline of the Federal Review Process.<sup>102</sup> Jim Prentice, former minister of Indian Affairs and minister of environment similarly accredited the difficulties of the Northern Gateway pipeline so far, to the ineffective consultation process between government and First Nations.<sup>103</sup>

Despite unverified claims by Enbridge that 60% of First Nations have signed an equity agreement with the company,<sup>104</sup> the lack of transparency about the stated agreement between Enbridge and First Nations has also contributed to escalating disagreement. A vocal group representing five First Nations groups in opposition to the project is the Yinka Dene Alliance. Along with sixty-one other First Nations bands, the Yinka were instrumental in forming and signing the ‘Save the Fraser Declaration,’ which

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<sup>101</sup> J. Patterson, “First Nations tell Enbridge: No pipelines without consent,” *West Coast Environmental Law*, accessed July 2012, <http://wcel.org/node/1158>.

<sup>102</sup> Jason Fekete, “Northern Gateway Review Panel Warns Court Challenges Could Jeopardize it Completing Report by December 2013,” *Postmedia News*, accessed October 25, 2012, <http://o.canada.com/2012/10/17/130896/>.

<sup>103</sup> Barbara Yaffe, “Yaffe: Northern Gateway Being Attacked From All Sides,” *Vancouver Sun*, accessed October 17, 2012, <http://www.vancouversun.com/news/Yaffe+Northern+Gateway+being+attacked+from+si+des/7339456/story.html>.

<sup>104</sup> D. Meissner, “B.C. first nation reviews it’s Enbridge deal, others consider equity offers,” *The Globe and Mail*, accessed Sept 22, 2012, <http://m.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/bc-first-nation-reviews-its-enbridge-deal-others-consider-equity-offers/article551635/?service=mobile>; “Majority of aboriginal communities sign on to Northern Gateway,” *CBC News*, accessed August 5, 2012, <http://www.cbc.ca/news/canada/british-columbia/story/2012/06/05/bc-gateway-pipeline-first-nations.html>.



is a pledge to ban the Northern Gateway project from the territories of the signatory groups seeking protection for the Fraser Valley Salmon Watershed. Coastal First Nations are also an alliance of groups active in their opposition and campaigning against the project.

### ***Provincial Conflict***

The cultural and legal traditions regarding trade unionism, oil development, environmental activism, and aboriginal rights are not just polarized amongst Canadian ‘Nations,’ but also between provinces.<sup>105</sup> The disagreement between B.C. and Alberta’s premiers over the pipeline has been well documented in the media. Their differences culminated in five demands put forth by B.C. leader Christy Clark.

1. Successful completion of the environmental review process.
2. World-leading marine oil spill response, prevention and recovery systems.
3. World-leading practices for land oil spill prevention, response and recovery systems.
4. Legal requirements regarding Aboriginal and treaty rights are addressed.
5. British Columbia receives a fair share of the fiscal and economic benefits of a proposed heavy oil project that reflects the level, degree and nature of the risk borne by the province, the environment and taxpayers.<sup>106</sup>

After failed attempts to convince Allison Redford’s Alberta Conservatives to compensate B.C. for its risks with energy royalties, Clark threatened to cut off electricity

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<sup>105</sup> P. O’Neil and T. Audette, “Continental divide splits provinces’ views on Northern Gateway Pipeline,” *Vancouver Sun*, <http://www.vancouversun.com/Continental+divide+splits+provinces+views+Northern+Gateway+pipeline/5963119/story.html>.

<sup>106</sup> Ministry of Environment, “Environment Minister sets out government’s position on heavy oil pipelines,” *Government Of British Columbia*, accessed September 2012, <http://www.newsroom.gov.bc.ca/2012/08/environment-minister-sets-out-governments-position-on-heavy-oil-pipelines.html>.

to the pipeline should it be built without her consent.<sup>107</sup> These demands were not taken well by Albertans either, and in meetings between the two leaders, little gains were made. The contentiousness about the proposal further prompted the B.C. premier to walk out of a premiers meeting about a national energy strategy.<sup>108</sup> Defending her demands, Clark maintained that a solution to the demands outlined were not the responsibility of the B.C. government to provide. Furthermore, Allison Redford continued to advocate for a deal that would include greater royalties to B.C. from the private sector, not from Alberta. Despite the provincial breakdown, Clark's "fair share" argument has been acknowledged with openness from Enbridge, but no negotiations have been made.<sup>109</sup> The main point of contention remains that Alberta wants revenue without compensating B.C. for its risks, and it is unclear whether any political way forward is possible. Nonetheless, the issue is under Federal jurisdiction and will be judged by Federal authorities with provincial legislatures expected to comply. How far B.C. and other stakeholders will go to stand in opposition is yet to be determined.

These differences can be generally attributed to different cultural and legal traditions. Albertans generally view the economic benefits of the pipeline as desirable and the Alberta business community and government support the projected jobs and revenue from the project. B.C. residents, conversely, overall view the pipeline with scepticism or ambivalence, particularly among those that live along the route, and live or

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<sup>107</sup> Jameson Berkow, "Enbridge CEO says willing to talk Northern Gateway with B.C.," *Financial Post*, accessed December 1, 2012, <http://business.financialpost.com/2012/10/03/enbridge-ceo-says-willing-to-talk-northern-gateway-with-b-c/>.

<sup>108</sup> "B.C. premier boycotts national energy strategy," *CBC News*, accessed August 20, 2012, <http://www.cbc.ca/news/canada/story/2012/07/27/pol-premiers-friday.html>.

<sup>109</sup> Berkow, "Enbridge CEO."

depend on the coastal environment for sustenance and livelihood. Of these B.C. groups, there are four notable municipalities along the proposed route that stand in its firm opposition, and have officially denounced the project.<sup>110</sup> Reasons for their concern include affects of ruptures or tanker accidents on local industry, jobs, hunting, fishing, and tourism. And the majority of the pipeline falls inside the provincial jurisdiction of B.C. communities that thrive off of these industries. Contrasting cultural viewpoints from leaders party base, and the growing need of B.C. residents to have guarantees and concessions<sup>111</sup> have resulted in a break down of provincial negotiations and the slim possibility of a political agreement being made before the formal decision of the Federal government and National Energy Board.

### ***Joint Review Panel***

Despite the overwhelming effect that provincial tensions have had on the media discourse and public opinion surrounding the pipeline, ultimately the National Energy Board and the Canadian Environmental Assessment Agency, under the supervision of the Federal Government, will recommend and decide whether the pipeline is to be built. The National Energy Board plans to release its final report by the end of December 2013. The Panel hearings consist of a formal arena that rotates through communities along the pipeline where stakeholders and interveners are consulted and questioned based on

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<sup>110</sup> Bill Kaufmann, “Smithers joins B.C. communities opposed to Northern Gateway Pipeline,” *Calgary Sun*, accessed March 29, 2012, <http://www.calgarysun.com/2012/02/29/smithers-joins-bc-communities-opposed-to-northern-gateway-pipeline>.

<sup>111</sup> “B.C. residents could be swayed on Northern Gateway pipeline,” *CBC News*, accessed September 2012, <http://www.cbc.ca/news/canada/british-columbia/story/2012/08/01/bc-enbridge-gateway-pipelinepoll.html>.

evidence and arguments. The first round of panel hearings were conducted in communities along the proposed pipeline route starting in Kitimat, B.C. in January 2012, and concluded in Comox B.C. on August 10<sup>th</sup>. Over eight hundred oral statements were made at the first round of public hearings, much fewer than the original 4,300 expected. Starting in September 2012, the first round consisted of ten-minute oral presentations from various groups and individuals. The second round of hearings consists of technical hearings and the cross examination of experts. Beginning in December 2012, the final hearings consisted of a questioning phase where interveners had an opportunity to ask questions and test the validity of evidence produced.<sup>112</sup>

Sixteen oil sands companies have applied as interveners, five of which are groups funding the project.<sup>113</sup> Four other oil lobby groups including the largest, Canadian Association of Petroleum Producers, have applied as interveners along with numerous opposition groups. Enbridge has filed twenty thousand pages of documents with the Joint Review Panel, which is more information than for any other pipeline hearing in Canadian history. This is likely in response to the need for clarification by opposing groups, and because of the breadth and depth of technicality that the proposal includes.

It is important to mention that critics of the project have accused the Federal Review process of partisanship. Should the pipeline go forward, court litigations appear to be the only recourse to this accusation. These opponent groups suggest that much of

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<sup>112</sup> Enbridge Northern Gateway Project Joint Review Panel, *Canadian Environmental Assessment Agency*, accessed September 2, 2012, <http://gatewaypanel.review-examen.gc.ca/clf-nsi/prsnntn/fnlhrngwrkshp/fnlhrngwrkshp-eng.html>.

<sup>113</sup> National Energy Board, 2012a, "Interveners," *Northern Gateway JRP Public Registry*, accessed October 10, 2012, <https://www.neb-one.gc.ca/ll-eng/livelink.exe/fetch/2000/90464/90552/384192/620327/customview.html?func=ll&objId=620327&objAction=browse&sort=-name&redirect=3>.

the environmental assessment processes have not taken into account the “clash of different world views” between First Nations and the environmental regulatory body, and that a decision is already in the works.<sup>114</sup> Many of the opponents on the west coast have highlighted that the economic benefits do not outweigh the risks as is elaborated in further sections.

## **Government**

As a result of logistical, economic, and ecological uncertainty, the Canadian Federal Government struck a Federal Review Panel to assess the project. Northern Gateway’s application for regulatory review was officially filed with the government in May of 2010. The mandate of these consultations is to answer whether the project involves adverse environmental affects or whether it is in Canada’s national best interest.

With a variety of concerns, there were 4,300 people and organizations slated to address the panel. Amidst this attention, the Federal Government distanced itself from the hearings, and on January 9<sup>th</sup>, 2012, the Minister of Natural Resources Joe Oliver stated that “radical groups” were attempting to stall the process of the pipeline consultation.<sup>115</sup> Since the Federal inception of the panel and the subsequent quick distancing from it, the government has suffered backlash from the public, environmentalists, and interest groups. On January 12<sup>th</sup>, 2012, the Vancouver Observer wrote, “national security expert warned that Federal government rhetoric against opponents of the Enbridge Northern Gateway pipeline – with accusations of ‘radical groups’ and ‘foreign influence’ – bears

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<sup>114</sup> Catherine Labelle, “Pipeline Clash,” *Canadian Geographic* 131 (2011).

<sup>115</sup> Laura Payton, “Radicals working against oil sands, Ottawa says,” *CBC News*, accessed January 20, 2012, <http://www.cbc.ca/news/politics/story/2012/01/09/pol-joe-oliver-radical-groups.html>.

some disturbing similarities to Cold War red-baiting.”<sup>116</sup> This branding of critics as ‘radicals’ and supported by ‘foreign influence’ ignited nationalist support from organizations outspoken about it being a Canadian decision.<sup>117</sup> This further entrenched the furor of opposing national versus local discourses. The national framing of the issue is elaborated in further sections.

Controversy about Enbridge’s proposal comes most notably from the history of its ‘leak’ reputation. Attention the company received over its Kalamazoo pipeline leak was spurred when the National Transportation Safety Board branded the company “Keystone Kops” for taking more than seventeen hours to respond a major leak, the “longest and costliest pipeline cleanup in American history.”<sup>118</sup> This forced approximately thirty-five miles of river to be covered in oil sands crude and came with a price tag of over \$585 million.<sup>119</sup> The government’s need to distance itself from Enbridge and maintain an impartial stance was seen in Prime Minister Harper’s declaration that the future of

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<sup>116</sup> David P. Ball, “Government pipeline rhetoric reminiscent of Cold War, McCarthyism: prof,” *Vancouver Observer*, accessed January 20, 2012, <http://www.vancouverobserver.com/politics/news/2012/01/11/government-pipeline-rhetoric-reminiscent-cold-war-mccarthyism-prof>.

<sup>117</sup> “B.C. supports Northern Gateway. Foreigners and their puppets don’t,” last modified January 6, 2012, *EthicalOil.org*, <http://www.ethicaloil.org/news/b-c-supports-northern-gateway-foreign-billionaires-dont/>.

<sup>118</sup> Henry Henderson, “Kalamazoo River Spill: Two Years Later and the Tar Sands Mess in Michigan Still Looks Ugly,” *Huffington Post*, accessed October 29, 2012 [http://www.huffingtonpost.com/henry-henderson/kalamazoo-river-spill-two\\_b\\_1700343.html](http://www.huffingtonpost.com/henry-henderson/kalamazoo-river-spill-two_b_1700343.html).

<sup>119</sup> Kirk Johnson and Dan Frosch, “A Pipeline Divides Along Old Lines: Jobs Versus the Environment,” *New York Times*, accessed January 30, 2012, [http://www.nytimes.com/2011/09/29/us/rancor-grows-over-planned-oil-pipeline-from-canada.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2011/09/29/us/rancor-grows-over-planned-oil-pipeline-from-canada.html?pagewanted=all&_r=0).

Northern Gateway will be decided by “science,” not by politics.<sup>120</sup> However, many remain outspoken that in order for the scientific sector to produce environmental “science” about the pipeline, it must have resources to do so.<sup>121</sup> Nonetheless, this stance demonstrates the government’s affirmed commitment to the judicial impartiality of the Federal Review Process, regardless of Enbridge’s failing reputation among critics. This also puts emphasis on framing the decision in terms of technical rather than ethical matters.

### ***Northern Gateway Challenges***

Challenges to the project have not just come in the form of activist groups or the Enbridge’s reputation. Plans to expand some eastern Canadian pipeline routes situate the Northern Gateway as one of many projects up for governmental review. Its feasibility does come with the same ease, or assurances as others do. With increasing oil demand in eastern Canada and Quebec’s unwholesome reliance on importing crude from the south, a national energy policy which would see the reversal of pipelines already in existence has become that much more feasible.<sup>122</sup>

As well as projects internal to Canada, there are also companies competing for international access to eastern markets besides Enbridge. This includes Kinder Morgan’s

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<sup>120</sup> “Harper defends independence of pipeline approval process,” *CBC News*, accessed Oct 5, 2012, <http://www.cbc.ca/news/politics/story/2012/08/07/pol-gateway-tuesday-harper-bc.html>.

<sup>121</sup> “Northern Gateway review hobbled by budget cuts, critics say,” *CBC News*, accessed September 2012, <http://www.cbc.ca/news/technology/story/2012/08/19/gateway-pipeline-science.html>.

<sup>122</sup> Nathan Vanderklippe, “Eastern Oil Pipeline Feasible, TransCanada Says,” *Globe and Mail*, last modified November 10, 2012, <http://www.theglobeandmail.com/globe-investor/eastern-oil-pipeline-feasible-transcanada-says/article4756213/>.

Trans Mountain pipeline from Edmonton, AB to Burnaby, B.C.<sup>123</sup> In fact, Kinder Morgan Canada attempted to stall the NEB's review process of Northern Gateway claiming the company had not demonstrated economic feasibility.<sup>124</sup> Despite this challenge, Kinder Morgan's terminal, which has been operational since 1957, is both aging and under resourced for the proposed VLCC tankers.<sup>125</sup> This would mean more shipments of crude, and greater risks should the proposed terminal location be chosen to be there.

The proposal to ship crude to Asia has been contested in other ways. The idea to build a refinery in Kitimat has enjoyed some popularity in the media by tycoon David Black. His poll found that of 1400 people, 37% supported a refinery in Kitimat to upgrade the bitumen instead of shipping it to Asia on tankers, citing reasons of 'job growth' and 'reduced environmental risk.' The reduced environmental risk of the idea comes from the buoyancy of refined products to float or evaporate, making a clean up easier but not preventable. The refinery idea claims prospects of "10 times as many jobs as the pipeline and eliminat[es] the shipment of [heavy] oil off the coast."<sup>126</sup> Support for this project has not moved past the hypothetical stage.

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<sup>123</sup> Vanderklippe, "Oil Giants back Gateway Pipe," *Globe and Mail*, accessed March, 2012, <http://www.theglobeandmail.com/report-on-business/oil-giants-back-gateway-pipe/article1357505/>.

<sup>124</sup> Nathan Lemphers, "Pipeline to Nowhere? Uncertainty and unanswered questions about the Enbridge Northern Gateway Pipeline," accessed June, 2011, <http://www.pembina.org/pub/2143>.

<sup>125</sup> McCullough, "Pacific Gateway in a Jam," 12-23.

<sup>126</sup> Gordon Hoekstra, "Majority of British Columbians support \$13B Northern Gateway refinery proposal: poll," *Financial Post*, accessed October 2, 2012, <http://business.financialpost.com/2012/09/26/majority-of-british-columbians-support-13b-northern-gateway-refinery-proposal-poll/>.



## ***Pipeline Advocacy***

One major initiative led on behalf of the Northern Gateway pipeline is Ethical Oil's Our Decision campaign. The Our Decision movement spearheaded an aggressive media initiative against environmentalists funded by non-Canadian agencies, and gained national media exposure. The premise of Ethical Oil's attack is that environmental groups are engaged in "impermissible political activities" according to their public policy and partisan involvements as "charities."<sup>127</sup> As a result of Ethical Oil's Our Decision campaign and along with its augmented demonization of foreigners, the Canadian government allotted the Canadian Revenue Agency funding to audit charitable organizations involved and to challenge their public participation in policy matters with such funding.

Some of the environmental groups Ethical Oil and the Federal Government targeted include the Gordon and Betty Moore Foundation out of California which focuses on conservation, scientific research, and patient health; the William and Flora Hewlett Foundation which is an environmental and social charity; the Rockefeller Foundation which does philanthropy and was founded by Standard Oil Company's John D Rockefeller Sr; Also targeted is Tides Canada, a donations distribution organization for groups involved in climate change, aboriginal issues, poverty, international development, wilderness protection, and marine conservation; and the Bullit Foundation, a children's peace and environmental philanthropic foundation run by Dorothy Bullit. The funding breakdown of the Bullit Foundation and Moore foundation is as follows:

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<sup>127</sup> Agren, "Pro-oil Canada has a beef with environmentalists."

- Bullitt Foundation gave 1 million dollars over 16 years to David Suzuki and \$735,000 over 13 years to EcoJustice, as well as \$20,000 to Vancouver aquarium Marine Science Center, \$564,000 over 20 grants to Tides foundation, and nine grants worth \$210,000 to the Sierra Club.
- Gordon and Betty Moore foundation gave 2 million dollars to the World Wildlife Federation Canada over 3 years, \$250,000 to Simon Fraser University for First Nations decision making, \$611,000 for small scale hydro, \$600,000 for Tides Canada's Canadian Freshwater alliance, and \$981,000 to the Tides Canada Foundation wild salmon ecosystem grants fund, \$262,000 to the First Nations Fisheries Council, \$324,000 to the Hartly Bay Village Council, \$314,000 to Coastal First Nations Turning Point Initiative Society, and \$266,000 to Kitasoo-XaiXais.<sup>128</sup>

Enbridge conversely has raised 100 million dollars from partnering companies to get through the first environmental review process of its project.<sup>129</sup>

Go Newclear, a PR company with both party affiliations and non partisan ties to the Conservative Party, along with Ethical Oil and Conservative Resources Group were the main actors behind the 'our decision' campaign. Through various media, these actors were successful at questioning whose interests were being reflected at the Federal Review Panel's first hearings, suggesting groups 'stacked' and 'hijacked' the process.<sup>130</sup>

These actors were responsible for the National framing of the pipeline. Hamish Marshall who is the president of Go Newclear Productions and husband of Ethical Oil's Kathryn Marshall played an instigating role. As did Brendan Jones, past web administrator of the Conservative Party and current member of Conservative Resources Group; Travis Freeman of the Conservative Resources Group; and perhaps most

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<sup>128</sup> Dene Moore, "Enbridge questions Northern Gateway Pipeline Critics over Foreign Funding," *Globe and Mail*, accessed October 22, 2012, <http://www.theglobeandmail.com/news/politics/enbridge-questions-northern-gateway-pipeline-critics-over-foreign-funding/article4597466/>.

<sup>129</sup> Ibid.

<sup>130</sup> Emma Pullman, "Ethical Oil political connections, part 1: Conservative 'Go Newclear,'" *Deep Climate*, last modified January 13, 2012, <http://deepclimate.org/tag/go-newclear-productions/>.

predominantly “Calgary-born lawyer, Sun News TV host and all-around gadfly,” Ezra Levant.<sup>131</sup> Those opposed to this network have tried to discredit the public relations behind the campaign that led to the national framing of the pipeline and developers’ scrutiny of ‘foreigners’ by highlighting the PR firms ties to government.<sup>132</sup>

### ***The Oil Lobby***

There are a number of large organizations working to ensure the success of the Northern Gateway project. An important group promoting the benefits of the project is the Northern Gateway Community Alliance. This group is comprised of B.C. community leaders in favour of the pipeline and funded by Enbridge to promote the construction of the pipeline in various B.C communities.<sup>133</sup> The group’s purpose is to integrate the national scope of the project with local interests that believe it is in favour of B.C. interests. The Canadian Association of Petroleum Producers is another one of the oil sands’ largest advocacy groups and has interests in preserving jobs in the oil sands and the growth of the resource sector in general. Another organization that is also engaged in discrediting environmental groups whilst attempting to improve the environmental reputation of the oil sands is the Canadian Association of Petroleum Producers (CAPP). In response to growing environmental concerns about the pipeline, they released a report that oil sands production has decreased its emissions by 1% a year over the last twenty

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<sup>131</sup> Paul Wells, “Canada’s crude awakening,” *Macleans*, accessed February 2, 2012, <http://www2.macleans.ca/2012/01/20/crude-awakening/>.

<sup>132</sup> Pullman, “The Harper Government, Ethical Oil and Sun Media Connection,” *Rabble.ca*, accessed May 2012, <http://rabble.ca/blogs/bloggers/alex/2012/01/harper-government-ethical-oil-and-sun-media-connection>.

<sup>133</sup> Northern Gateway Alliance, accessed September 2, 2011, <http://www.northerngatewayalliance.ca/>.

years and should be considered on par with conventional oil mining.<sup>134</sup> CAPP regularly uses information to promote the relative environmental safety of oil sands development including the expansion of pipelines like the Northern Gateway.<sup>135</sup> IPCC climatologist Dr. Weaver's findings that if all oil reserves in the oil sands were extracted and used, it would only raise average global temperatures 0.36 degrees were welcomed by CAPP, despite the fact that Weaver's study did not account for a tanker accident, or state what his projections of burning fossil fuels were by other countries. Travis Davies of CAPP cited these findings as "important" to reduce "the inflamed rhetoric from the other [environmentalist] side."<sup>136</sup>

The oil lobby has become strengthened with recent findings that global warming has 'paused,' despite feedback from environmental groups and scientists that sixteen years without a warming trend is a relatively insignificant amount of time.<sup>137</sup>

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<sup>134</sup> Agren, "Pro-oil Canada has a beef with environmentalists."

<sup>135</sup> "Oil sands not a major climate change source, says Canadian scientist," *Radio Canada International*, accessed May 17, 2012, [http://www.rcinet.ca/english/archives/column/the-link-s-top-stories/15-22\\_2012-02-21-oil-sands-not-a-major-climate-change-source-says-canadian-scientist/](http://www.rcinet.ca/english/archives/column/the-link-s-top-stories/15-22_2012-02-21-oil-sands-not-a-major-climate-change-source-says-canadian-scientist/).

<sup>136</sup> Vanderklippe, "Canada's oil sands: Not so dirty after all," *The Globe and Mail*, last updated February 23, 2012, <http://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/canadas-oil-sands-not-so-dirty-after-all/article548315/>.

<sup>137</sup> Agren, "Pro-oil Canada has a beef with environmentalists."

## **Case Study**

### ***Introduction***

The relatively new concept of sustainability has purportedly brought stakeholders from both energy development and environmental causes together under the single umbrella of sustainable development.<sup>138</sup> Despite a growing awareness of the need to improve environmental practices in the energy sector, and accountability in both private and public sectors, significant differences between developers and environmental organizations are apparent. As this case study shows, opposing development and environmental discourses, and their frames, have failed to evaluate the costs and benefits of the Northern Gateway pipeline on the same terms, around the same set of “facts,” and they continue to talk past each other’s rhetoric about appropriate environmental considerations.

Despite their exclusions from the formal processes, environmentalist and First Nations are important and vocal stakeholders in the future of the region, and continue to oppose the expansion of the Northern Gateway pipeline in the face of growing pressure to connect Canada’s oil sands with southern and eastern markets. Concurrently, Chinese investors, who now own about half of Canadian production capital, continue to push for the development of this unrefined Canadian bitumen and for its export through B.C. and ship it to Asian and American refineries. However, given that Canada is a country with both resource riches and a strong environmental movement, there have been significantly

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<sup>138</sup> United Nations General Assembly, Resolution 42/187, “Report of the World Commission on Environment and Development,” December 11 1987, <http://www.un.org/documents/ga/res/42/ares42-187.htm>.

conflicting developers and environmental frames of analysis relating to the pipeline which have been reflecting different concerns and unresolved points of contention. These conflicts are evident in the different ways in which the major players in the process frame their discourse. While the environmental stakeholders frame the benefits touted by the pipeline enthusiasts as “costs,” and industry frame the “costs” marketed by opponents as benefits. The significant instances in which the two groups talk past each other demonstrates where general environmental and industrial cooperation breaks down, particularly with regard to accounting for “costs” and “benefits” of large scale, mega energy projects and the framing of energy development and accounting. Because of this divide, a large faction of B.C.’s environmental and First Nations groups oppose developers’ attempt to build the project, highlighting where Enbridge has failed to fully cost the project, despite their framing and reframing techniques.

### **Framework**

Framing analysis, which maintains the importance of “cognitive structures” to “guide interpretation of new experience,” is useful in understanding how discourses present facts and engage in conflict about what information is relevant to this issue.<sup>139</sup> This approach, which analyzes how and where groups talk past each other, helps to uncover at which points public stakeholders interpret and project phenomena differently, and reframe each other’s claims. Clifford Bob’s work in *The Global Right Wing* highlights the usefulness of framing, as a concept in the analysis of conflict between

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<sup>139</sup> Deborah F. Shmueli and Michal Ben-Gal, “Stakeholder Frames in the Mapping of the Lower Kishon River Basin Conflict,” *Conflict Resolution Quarterly* 21 (2003): 212.

groups and how they debate and vie for public support while discrediting each other's interpretation of the issues.<sup>140</sup>

The second part of the framework comes from literature on environmental risk and costs. This vast body of literature is helpful in pinpointing where perceptions of environmental risk are contentious, and can affect the presentation of costs and benefits.<sup>141</sup> Thus, cost and benefits of perceived risks do have something to do with the frames in which they are presented. For example, expert framing does not always account for the interpretation of the same issue by the layman. There are commonalities among these groups regarding perceptions of risk and technology, and how these affect stakeholders' view of an issue and its costs and benefits.

Furthermore, these differences have been identified along culturally defined rationalities.<sup>142</sup> These cultural cleavages are also connected to views of risk and values of individuality, fatalism, egalitarianism, and hierarchy.<sup>143</sup> Building upon these value distinctions, and those drawn out by Cotgrove and Duff regarding the differences between industrial and environmental perceptions of pollution, this paper wishes to contribute to understanding how developer and environmental stakeholders in the Northern Gateway pipeline conflict about facts, appropriate each other's concerns, and talk past each other's points. Perhaps one day environmental and developers' claims can be framed from a more cohesive and shared narrative and perspective.

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<sup>140</sup> Bob, *The global right wing*.

<sup>141</sup> Robert M. Entman, "Framing: Toward Clarification of a Fractured Paradigm," *Journal of Communication* 43 (1993): 52.

<sup>142</sup> M. Schwarz and M. Thompson, *Divided We Stand: redefining politics, technology and social choice* (London: Harvester Wheatsheaf, 1990), 7; Stephen Cotgrove, *Catastrophe or cornucopia?: the environment, politics and the future* (Chichester: John Wiley, 1982).

<sup>143</sup> Schwarz and Thompson, *Divided We Stand*, 5.

***Risk: It is not what you say, it is how you say it!***

The definition of risk in this case study is taken from Rosa, and is defined as “a situation or an event where something of human value (including humans themselves) is at stake and where the outcome is uncertain.”<sup>144</sup> Decisions about risk cannot be made outside of “a certain mode of knowledge of objects and relationships” that provide meaning as context.<sup>145</sup>

The purpose of this paper is to ask how competing stakeholders (developers and environmentalists) conflict and frame the costs and benefits of the Northern Gateway pipeline on different terms. While developers need to submit an approved Environmental Assessment and have a positive recommendation from the National Energy Board before approval of the project, developers must also recruit support from the national audience by using rhetorical argumentation (*Topoi*) that captures the popular imagination.<sup>146</sup> This argumentation includes how they discuss and frame “risk production” and “risk neutralization.”<sup>147</sup>

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<sup>144</sup> E. Rosa, “The logical structure of the social amplification of risk framework (SARF): metatheoretical foundations and policy implications,” in *The Social Amplification of Risk*, ed. N. Pidgeon, R. E. Kasperson, and P. Slovic (Cambridge: Cambridge University Press, 2003), 56.

<sup>145</sup> Herve Corvellec and Asa Boholm, “The risk/no-risk rhetoric of environmental impact assessments (EIA): the case of offshore wind farms in Sweden,” *Local Environment* 13, no. 7 (2008): 625.

<sup>146</sup> *Topoi* in environmental discourse is referred to in the introduction by Coppola & Karis on page xxvi. *Topoi* is discussed in terms of regulation and attempts at achieving the perception of balance in nature. In Nancy W. Coppola and Bill Karis, *Technical Communication, deliberative rhetoric, and environmental discourse: connections and directions* (Stanford, CT: Ablex Publishing, 2000).

<sup>147</sup> Corvellec and Boholm, “The risk/no-risk rhetoric,” 625.



There are multiple perceptions of risk phenomena, including risk as fate and risk as test of strength.<sup>148</sup> These conceptions are affected by the rhetorical ability to persuade against certain types risks and in favour of others. Therefore, certain risk preventions can be viewed as more efficacious than others. There are studies describing how rhetorical interventions affect the frames of reception regarding how people evaluate risk,<sup>149</sup> and individual's medical decisions about risks to their health.<sup>150</sup>

The uncertainties regarding risks of large-scale energy projects also have implications for the local communities that host them and are therefore tied to the communication to those communities about risk. Presuming that the risks are perceived as worthwhile, the degree to which local communities trust how the risks are being communicated has an important influence on their acceptance of developers' plans and their presentation of costs and benefits. However, how these risks are communicated, or not communicated, does not always reflect the degree to which they are of concern. The social construction of risk has cultural, social and normative considerations over which environmental and developer networks have conflict.

The perceptions of risk are closely linked to perceptions of technology. According to the 'nationalist economic benefits' frame, developers' views of risk are based on the belief that "waste products of society are accommodated by nature through the

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<sup>148</sup> O. Renn, "Perception of risks," *The Geneva paper on risk and insurance* 29, no. 1 (2004): 102–114.

<sup>149</sup> J. D. Hamilton, "Exploring technical and cultural appeals in strategic risk communication: the Fernald radium case," *Risk analysis* 23, no. 2 (2003): 291–302.

<sup>150</sup> Hoffmann et al. "Risk talk: rhetorical strategies in consultations on hormone replacement therapy," *Health, risk and society* 5, no. 2 (2003): 139–154.

application of skill, innovation and enterprise.”<sup>151</sup> On the other hand, for local environmentalists, risk perceptions are affected by values requiring humanity to “tread lightly on the earth and at the same time to respect a communal way of life based on consent and not compulsion.”<sup>152</sup> Harrison and Burgess note that energy developers claim to attempt to “produce the balance between society and nature that so many Egalitarians seek. But unlike the way of life advocated by Egalitarians, [development] rhetoric disguises the means through which such a balance is to be achieved.”<sup>153</sup> These divergent perspectives hold different meanings with regard to the themes found in the debate, which include social justice, ethics, representation, local control, First Nations traditions and customs, economic exaggerations, methodology, regulation, investment, transportation, procedures and processes, expertise, acceptable risk, fraudulent projections, scientific methodology, precautionary principle, human-intervention, full costing, and technology costs. Furthermore, how groups talk past each other on these points is a symptom of the weighing of the costs and benefits by national and local framing of the pipeline. The national framing of the pipeline sees it as mostly an ‘economic issue’ and the local framing as an ‘issue of risk.’ Opposing stakeholder groups battle over the appropriate context to frame these differences, and on what terms they are spelled out. How competing groups do this will become more apparent as the chapter unfolds.

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<sup>151</sup> C. M. Harrison and J. Burgess, “Social construction of nature: a case study of conflicts over the development of Rainham Marshes,” 19, no. 3 (1994): 298.

<sup>152</sup> Ibid.

<sup>153</sup> Ibid.,300.

## ***National economic benefits frame***

In developers' public relations, the Northern Gateway pipeline is defined as a matter of national economic benefits, with the debate being contextualized in terms of GDP increases, royalty rates,<sup>154</sup> tax revenues, and jobs.<sup>155</sup> With 0.001 per cent of Canada's population living in the affected area, the local risks have been said to pale in comparison to the national economic benefits. John Carruthers, president of Enbridge's Northern Gateway Pipelines division has even compared the pipeline project to other large-scale national projects like the Canadian Pacific Railway and the St. Lawrence Seaway.<sup>156</sup> Developers argue that the national economic benefits afforded by accessing new markets for bitumen would bring Canada greater returns from the global market, and less reliance on the instability of American demand. Developers have argued for acceptance of the national economic benefits frame by the Canadian public, as the benefits will outweigh the costs and the Canadian economy and people will benefit greatly in compensation from the construction for the project.

Developers and supporters of the project have encouraged the Canadian public to accept the argument they have put forward about the national economic benefits of the project. However, in doing so, developers have framed the decision as a national issue

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<sup>154</sup> Arno Kopecky, "The \$273 Billion Question: Enbridge and the Northern Gateway Controversy," *Readers Digest*, accessed February 1, 2013, <http://www.sierraclub.bc.ca/media-centre/press-clips/the-273-billion-question-enbridge-and-the-northern-gateway-controversy>.

<sup>155</sup> Developers refers to the network of the following groups: Enbridge Northern Gateway Pipeline Partnership, Canadian Association of Petroleum Producer's, Ethical oil, The Federal Government of Canada, the Province of Alberta and other supporting groups in the network.

<sup>156</sup> "Enbridge says Northern Gateway 'no different' from other projects," CBC News, last modified September 4, 2012, <http://www.cbc.ca/news/canada/edmonton/story/2012/09/03/edmonton-northern-gateway-pipeline-hearings-resume.html>.

rather than a global environmental issue, or a local one. The Canadian public has therefore been asked to prioritize the national economic benefits over the local and global risks that the project poses.

Environmental views are often framed as ‘local,’ ‘national,’ or ‘global’ in scope.<sup>157</sup> The present case study shows how the national economic benefits frame, which defines the pipeline as primarily a matter of economic benefits for the nation, is used to overshadow the local risks among communities in British Columbia. This frame defines the scope of developers’ interpretation of the issue. This framing allows developers to contextualize the scope of many of the ideas found in the media discourse as an economic benefit, particularly regarding jobs and GDP.

### ***Local Risks versus National Economic Benefits***

Competing stakeholders attempt to persuade us through rhetorical argument that their policy preferences are the appropriate logical view by which to judge the issue. With multiple stakeholders involved, it becomes difficult to objectively judge the quasi-scientific rhetoric that surrounds policy preferences. In *Resolving Messy Policy Problems*, Ney notes that policy and science are a difficult match, particularly in relation to environmental policy because the actual policy is not “obvious” and requires skillful interpretation alongside rhetorical and persuasive action.<sup>158</sup> Rhetorical and interpretive frames offer meaning to a set of facts. We are able to distinguish between how groups

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<sup>157</sup> Cottle, “Mediating the Environment: Modalities of TV News,” in *The Mass Media and Environmental Issues*, ed. Anders Hansen (London: Leicester University Press, 1993), 118.

<sup>158</sup> Steven Ney, *Resolving Messy Policy Problem: Handling conflict in environmental, transport, health and ageing policy* (London: Earthscan, 2009).

understand the same set of facts on these different terms. Because the evidence is viewed in light of different contextual arrangements, frames that make that information relevant and non-relevant, objective evidence fuels the policy contention. Contentious environmental issues like the pipeline are debated by presenting various items of information as factual, and various items as non-factual through methodological modeling.<sup>159</sup> The scientific methodology behind studies provides contestable terrain for opposing groups to challenge and reframe the arguments around the terms of reference that give their frame meaning and legitimacy.

An example of this re-framing is offered by Todd Nojay, representing developers, who stated that a World Wildlife Federation study that calculated local risks as outweighing national economic benefits of Northern Gateway pipeline had numerous flaws. First, he challenged the scientific methodology stating that Northern Gateway's experts have "a number of concerns about the assumptions and the methodology used in the report... [and] that the available documents do not permit testing the conclusions and assertions on a scientific basis."<sup>160</sup> Staying true to their resolve that technological mitigation efforts can prevent the negative outcomes associated with risk, developers further state that "an actual spill may also affect a smaller area than that projected by (environmental groups) models, due to spill response activities and containment ...[and]

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<sup>159</sup> Mark Miller and Bonnie Riechert, "Interest groups strategies and journalistic norms: New media framing of environmental issues," in *Environmental Risks and the Media*, ed. Stuart Allan et al. (London: Routledge, 2000), 45-55.

<sup>160</sup> "Northern Gateway and marine safety live from Prince Rupert," *B.C. Almanac*, CBC Radio One, December 12, 2012, <http://www.cbc.ca/player/Radio/Local+Shows/British+Columbia/B.C.+Almanac/ID/2315295061/>.

because of the preparedness and mitigation efforts of the project, these impacts would not be of such a scale as represented in this report.”<sup>161</sup>

Through this weighing of costs and benefits, developers discredit the methodology of the environmental report by reframing it. They argue that the report “rolled back into the analysis hypothetical spill response and cleanup costs to result in a hypothetical cost,” and that without this ‘roll back’ the report itself would have also shown the project to be in B.C.’s favour.<sup>162</sup>

The framing of costs and benefits are difficult to judge in relation to the weighing of risk. What some groups view as ‘costs’ according to one set of risks, other groups view as ‘benefits’ according to another set of risks. As a result of these differences in interpretation, a group’s ability to demonstrate the accuracy of a claim is not based on any scientific merit, but based on the context in which it is presented. Despite developers’ critique of this WWF study, they are unable to prove with any certainty that a spill of the predicted magnitude in the study (a medium level spill) will be preventable according to their methodology. Rather, they use alternative methodological approaches to argue that their intervention and investments in spill response procedures will indeed intervene in the event of an incident.

Opposing groups frame the pipeline issue at cross-purposes based on how they see the costs, the benefits, and the perceived risks. Developers accuse environmental

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<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

groups of inaccurately weighing the costs of the project so as to guarantee the “costs [as] greater than the marine terminal benefits.”<sup>163</sup>

All of this is a disagreement over the costs and benefits. However, developers have a high stake in the national economic benefits of the pipeline. This nationalist framing also ensures that the economic benefits, which are exaggerated according to environmentalists, are perceived to outweigh the environmental costs. The local risks frame, on the other hand, which developers maintain exaggerates the cost of spills, posits that the costs will outweigh the national economic benefits. These dichotomous contexts, when tied to local and national frames, pose many disjunctive claims by which groups talk past each other. Through this discourse, the opposing groups vie for support from the public, claiming that their set of ‘facts’ are representative of the whole picture, and are not a bias of their frames.

These conflicting narratives illustrate differences in context emerging from the framing views of competing groups, views that have implications for the interpretation of costs and benefits and for the points at which groups talk past each other.

### ***Environmental risks reframed as gains***

#### **Terminal Investment**

Developers acknowledge that there are risks that come with the pipeline, but they do not discuss these risks on the same terms as opponents of the pipeline. Developers reframe many of these risks to appear as gains. The notion of risks is not contextualized

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<sup>163</sup> “WWF-funded report deeply flawed,” *Northern Gateway*, last modified December 12, 2012, <https://www.northerngateway.ca/news-and-media/northern-gateway-blogs/marine-safety/wwf-funded-report-deeply-flawed/>.

as something that threatens the region, but rather is thought of in relation to potential improvements to the region through technological investments.

According to developers, the risks associated with the marine terminal can be mitigated through economic investments in “world class safety standards.”<sup>164</sup> This argument essentially posits that the risks can be mitigated by upgrades that will improve the environmental safety of the region offering gains. The safety and investment brought about by the project is promoted as an environmental asset. Because ‘upgrades’ to the surrounding area are necessary to facilitate for increased tanker traffic, local risks as a result of increased tanker traffic are reframed by Enbridge as local investments despite the risk of tanker accidents. Janet Holder, Executive Vice President of Western Access at Enbridge states,

We’re planning to spend hundreds of millions of dollars here in the north west coast to improve the safety of marine traffic, we’re wanting double hauled tankers, we will be insisting that there are two tug boats one tethered to each one of these tankers when it’s in the channel. We will have installed improved weather stations, improved navigational aids all through the channel and the north coast of British Columbia such that it’s actually going to be a safer channel for both Rupert and Kitimat than it is today.<sup>165</sup>

Developers’ ‘national economic benefits’ argument reframes risks to the local region as gains and the technological upgrades necessary to the project will improve the region’s economic status; this, however, is not the perception of local communities that oppose the project.

Developers also use this national economic benefits frame to approach the discourse on safety and improved regulation. Developers contextualize local

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<sup>164</sup> “It’s a path to...,” YouTube video, 0.30, posted by Enbridge Pipelines, June 4, 2012, <http://youtu.be/7OBpib-hlE0>.

<sup>165</sup> “Northern Gateway and marine safety.”



environmental risks as an economic investment in the region's safety and technology, reframing it as a gain instead of a loss.

### **Transportation Safety**

Another example of how developers and environmental groups talk at cross-purposes as a result of their frames is found in their environmental views of transportation. Developers reframe environmental safety as a question of transportation options. This reframing contextualizes environmental risks from an oil spill as a question of mitigation by choosing the safest transportation option. The efficiency of choosing the most economical form of transportation is equated with the most environmental route. In this frame, transportation safety accounts for improved environmental performance. An Enbridge promotional video states,

Compare the safety and sustainability of using vehicles like trains and trucks to move that oil by the millions of barrels versus using a stationary pipeline that is buried in the ground, there is no comparison, the pipeline is the better option, it's also the most economical option.<sup>166</sup>

Developers do not go into detail in their public appeals about risk mitigation but instead reframe questions of environmental protection as transportation issues. For them environmental sustainability means choosing the best route with the fewest number of risks, so that transportation of oil is done with environmental care as opposed to viewing the transportation of oil as unnecessarily burdensome to the environment in and of itself. Environmental risks result from choosing the wrong type of transportation to move the substance. In other words risks are not the result of any inherent danger of the substance being transported, but of the form of transportation used.

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<sup>166</sup> "Energy 101," YouTube video, 2:14, posted by EnbridgePipelines, November 7, 2012, [http://youtu.be/9x\\_WuWs5PB4](http://youtu.be/9x_WuWs5PB4).

The necessity of the transportation of oil shows how certain activities are a given for developers. The demand for oil as an essential good and prerequisite for modern life is the argument that developers make regarding increased oil trade. The advancement of the argument that oil is ‘essential’ helps to lay the logical ground for its transportation. Framing oil as a ‘need’ helps persuade stakeholders, and the wider audience of Canada, that the Northern Gateway pipeline is necessary. An Enbridge promotional video states, “we rely on energy for heating our homes, growing our food, transportation, power generation and manufacturing the countless other essentials in our lives.”<sup>167</sup>

Framing oil as a necessity to modern life allows developers to contextualize environmental care as a transportation concern. Furthermore, seeing oil as an essential resource to society contextualizes whatever environmental concerns that exist among critics as questions of transportation mitigation.

### **‘Procedures and Processes’**

As well as contextualizing environmental risks as questions of economic investment or transportation, developers frame risks as problems of ‘processes and procedures.’ The rhetoric of ‘processes and procedures’ is historically found in the literature on nuclear regulation, labour standards, and management. In this context developers reframe risks as matters of “corrective action.”<sup>168</sup> For example, developers talk about procedural breakdown and how corrective action will improve the ‘procedures and processes’ that are responsible for the failure in risk management. The language in question is found most clearly in the developers’ public response to the Kalamazoo spill,

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<sup>167</sup> Ibid.; “Patrick Moore,” YouTube video, 6:03, posted by EnbridgePipelines, April 5, 2012, <http://youtu.be/X1DlgeR12Og>.

<sup>168</sup> Timothy L. Sellnow et al., “The compatibility of corrective action in organizational crisis communication,” *Communication Quarterly* 46, no. 1 (1998).

in which their original cost projections of the spill went from \$281 to \$767 million, not including rehabilitation costs.<sup>169</sup> In response to the Kalamazoo spill, which flowed for seventeen hours before regulators noticed, Janet Holder stated:

That was a very humbling experience and it made us really look at our processes and our procedures right from the get-go. As soon as that situation happened we spent a lot of time analyzing what really transpired, what could we do to avoid that into the future.<sup>170</sup>

The correction of processes and procedures is seen as a way of improving environmental performance by accounting for past mistakes so as to not reproduce the same risks in the future. Developers discussing risks in terms of transportation safety, investment, and improvements in processes and procedures, reframe risks as questions of mitigation and they contextualize the project as offering gains through these investments. These improvements, however, are not seen as gains by environmental groups. These re-framing techniques (investment, transportation safety, processes and procedures) highlight where groups speak past each other regarding environmental risks.

Developers' language about improvements due to risk mitigations do not always account for environmental impacts. Improvements in investment, in safer transportation, and in processes and procedures have built-in risks that cannot account for environmental

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<sup>169</sup> Dean Bennet, "Enbridge Northern Gateway Pipeline to be the safest in Company History," *Canadian Press*, last modified on September 7, 2012, [http://www.huffingtonpost.ca/2012/09/07/enbridge-northern-gateway-pipeline-safest\\_n\\_1865404.html](http://www.huffingtonpost.ca/2012/09/07/enbridge-northern-gateway-pipeline-safest_n_1865404.html); Nikki Skuce, "Another tall tale from Enbridge," *ForestEthics*, accessed November 30, 2012, <http://forestethics.org/blog/another-tall-tale-enbridge>; "The grim reality is that the Kalamazoo is still oily. As Enbridge was making its presentation, the U.S. Environmental Protection Agency sent out a press release warning Enbridge of an 'oily sheen' from submerged oil, ordering additional clean-up in three different sections of the river 2," in *ibid*.

<sup>170</sup> "Northern Gateway and marine safety."

impacts. According to a report filed by a number of west coast environmental groups in opposition to the pipeline:

The minimum requirements for such [pipeline] systems allow the loss of two percent of the pipeline's capacity per week (one percent per month). For a 525,000 bpd pipeline like Northern Gateway, meeting Canada's federal standards would still allow a spill of over eleven million litres a week (forty-five million litres a month) to remain undetected.<sup>171</sup>

Critics are adamant that environmental risks will not be addressed through these means. This again shows there are specific points where groups talk past each other with regard to risks. The lack of trust in regulation, technology, and developers' environmental safety practices regarding transportation, investment, and 'processes and procedures' shows that developers and environmental groups do not have a shared understanding of acceptable risks. This lack of common ground is also shown in the federal review documents filed by the Haisla First Nations:

On June 4, 2008, Enbridge received the final report on the 2007 MFL inspections results from the tool vendor. The final report indicated a total of 140 anomalies requiring action within 180 days, of which 26 were repaired and 114 remain. Is this statement accurate? Please provide and fully explain Enbridge's failure to repair all anomalies promptly.' Northern Gateway's response was, 'All of the remaining features were maintained to an appropriate safety factor...' To which they reply 'The July, 2010 spill could not have occurred if an appropriate safety factor had actually been maintained. Either the response statement is false or the safety factors require re-assessment.'<sup>172</sup>

### **Acceptable Risk**

The developers' narrower conception of 'acceptable risk,' when compared to their opponents' 'local risk' frame, suggests a narrower set of responsibilities to prevent oil

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<sup>171</sup> Swift, "Pipeline and Tanker Trouble," 10.

<sup>172</sup> Northern Gateway Pipelines Inc., "Supplemental Responses to Haisla First Nation Information Request," Section 52 of National Energy Board Application for Enbridge Northern Gateway Project, filed May 2010, [www.ceaa-acee.gc.ca/050/documents/p21799/81081E.pdf](http://www.ceaa-acee.gc.ca/050/documents/p21799/81081E.pdf).

spills. Developers' national economic benefits frame ensures that risks from a terminal accident are not seen as their responsibility. The extent to which developers address local risks is limited to ensuring "inspection of the ships" and having "emergency response equipment."<sup>173</sup> According to their definition of acceptable risk, this is going above and beyond the call of duty for developers. Janet Holder of Enbridge states,

The responsibility of the tanker is not our responsibility. We are taking on a responsibility to ensure that all the vessels are inspected on a basis that we can all accept. That they do have a level of insurance that's appropriate for the circumstance, and that on top of it, though the ship is not our responsibility we will have emergency response equipment on the tugs.<sup>174</sup>

However, according to environmental groups, these limited and limiting notions of responsibility in no way ensure proper accountability for the impacts of the project; considering the local costs a spill would have on coastal communities, developers should have to take some responsibility if a spill occurs.

The view of risk within the local risk frame is based on the precautionary principle. This principle maintains that there should be zero-sum evaluation of risk where there is enough uncertainty. Regardless of what safeguards are in place, the potential of even a single spill as a result of a lack of human intervention or an undetected pipeline leak is unacceptable for environmental groups adhering to the 'local risk' frame.

Enbridge's reputation and the risks of the project have also prompted many non-environmental groups that do not usually adhere to the precautionary principle, to oppose the project. Many groups not usually aligned with the environmental movement have rejected the proposed pipeline because of its unique and sizeable risks. Environmental as

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<sup>173</sup> "Northern Gateway and marine safety."

<sup>174</sup> Ibid.

well as non-environmental groups have opposed the project, including large financial institutions, as ForestEthics notes below:

The largest financial institution based in BC, VanCity, decided to divest from Enbridge in August 2012. VanCity Investment Management said Enbridge no longer met its criteria for socially responsible investments. Investors who integrate sustainability considerations into their portfolios should take [this] into account.<sup>175</sup>

Other non-environmental groups including unions, have also stressed the view that the project's risks are not worth the economic and employment opportunities that they usually support. These groups represent a part of society that does not always advocate on behalf of environmental causes but believes strongly enough that the risks of the project are not worth the financial opportunities. ForestEthics furthers this point by writing,

The United Fisheries and Allied Workers Union have been vocal and put forward evidence for the federal Joint Review Panel. The Alberta Federation of Labour are opposed because the shipment of raw bitumen means the shipment of jobs overseas. The BC Teachers Federation passed a resolution to divest its pension funds from Enbridge. The Kitimat-Terrace and District Labour Council summarizes their environmental policy as: 'We want jobs but not at any cost', and they are 'opposed to the Enbridge pipeline and its connected tanker traffic'. [Furthermore,] the Communications Energy and Paperworkers Union (CEP), the Canadian Autoworkers Union (CAW), the BC Teachers' Federation, the United Fisherman and Allied Workers' Union-CAW, and the Canadian Union of Public Employees BC (CUPE BC) have all endorsed an action called "Defend Our Coast" in Victoria.<sup>176</sup>

The number of non-environmental groups expressing opposition to the pipeline highlights that the developers' view of acceptable risk is not enough, even among non-environmental groups. This runs contrary to the view that opponents are of an extreme

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<sup>175</sup> Skuce, "Enbridge Northern Gateway Pipelines: A Dead-End Investment," *ForestEthics Advocacy*, accessed January 2013, [forestethics.org/downloads/enbridge-investor-briefing-2012](http://forestethics.org/downloads/enbridge-investor-briefing-2012).

<sup>176</sup> Ibid.

ideological persuasion and instead highlights the overwhelming amount of ‘normal’ support against the project. This also shows that the precautionary principle is not only used in this present case study by more radical environmental groups, but also by organizations that are not ideologically opposed to development. This lack of shared mutual understandings of risk is a direct result of developers’ nationalist economic benefits frame, which has a different definition of acceptable risk than the precautionary principle, which many environmental and non-environmental groups use to judge the project.

Opponents are critical of developers’ levels of acceptable risk because they feel it will inevitably allow for environmental accidents. They suggest that,

Enbridge is preparing to use a paper-based or Alberta-based concept of acceptable risk as opposed to listening to the First Nation that will be most directly affected by any disaster in the Kitimat harbour or estuary.<sup>177</sup>

According to environmental groups, oil spills, of whatever size, can have carcinogenic implications for which developers’ risk mitigations do not account. Transportation, investment, processes and procedures are developers’ national economic benefits arguments for adequate risk prevention. However, opponents suggest that these levels of acceptable risk can be seen as failed mitigation practices that have built-in risks and which are incapable of accounting for the environmental impacts.

For opposition groups, oil spills can potentially wreak permanent and irreparable damage to salmon spawning grounds, human health, species at risk, vegetation, and cultural and local ways of life that depend on the environment. Once oil enters the food

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<sup>177</sup> Robin Rowland, “The empire strikes back I: Enbridge takes on First Nations, small intervenors,” *Northwest Coast Energy News and Issues*, last modified June 29, 2012, <http://nwcoastenergynews.com/2012/06/29/3038/empire-strikes-i-enbridge-takes-nations-small-intervenors/>.

chain, its carcinogenic properties immediately bio-concentrate and have long and large environmental impacts. These impacts however, are downplayed by gains made in transportation options for safe oil delivery, investment in technology, and corrective action to ‘processes and procedures.’ But local environmental groups maintain these mitigation measures are endemic and inbuilt to the Northern Gateway pipeline proposal.

Construction impacts occur primarily at stream crossings and are characterized by short-lived, acute physical and water quality impacts. These impacts include the direct destruction of sensitive gravel beds and the generation of silt, which disrupts salmon embryos and spawning.<sup>178</sup>

The national economic benefits frame contextualizes environmental impacts as technological problems that transportation choices, investments in safety, and corrective action by regulators can mitigate, according to their levels of acceptable risk. However, those opposed to the project perceive environmental impacts as inherent to the transportation of oil, despite improvements. Contrary to developers’ conception of acceptable risk, the local risk frame and the precautionary principle contextualize risks in terms of environmental impacts that developers’ mitigations do not prevent or rectify.

### ***National benefits reframed as losses***

#### **GDP Projections**

Developers and environmental groups reframe each other’s losses as gains, and gains as losses by using different definitions of risk. For developers, risk consists of the potential economic losses suffered by not building the pipeline. Based on this definition, developers can calculate the benefits based on the relative risks to the Canadian economy by not building the pipeline. Relative risk is expressed by comparing one scenario of the

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<sup>178</sup> Swift, “Pipeline and Tanker Trouble,” 11.



pipeline against another without the pipeline.<sup>179</sup> According to opponent groups, this allows developers to provide an exaggerated case of the benefits based on relative risks because relative risks do not causally link the pipeline to the benefit of the outcome.

In medicine, relative risk is used to express the efficacy of an intervention. For example, smoking. The relative risks of developing lung cancer for smokers compared to a group of non-smokers can be calculated to present quitting smoking as an efficacious way to prevent lung cancer.<sup>180</sup> Opponents to the pipeline have accused relative risk

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Risk	Disease status	
	Present	Absent
Smoker	<i>a</i>	<i>b</i>
Non-smoker	<i>c</i>	<i>d</i>

The chart above outlines a relative risk comparison. This is meant to illustrate the simple nature of RR comparisons.

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$$RR = \frac{a/(a+b)}{c/(c+d)} = \frac{20/100}{1/100} = 20.$$

The formula above is an example of how relative risk calculations are made. Where smokers have a 20% chance of developing lung cancer, and non-smokers have a 1% chance, the relative risk calculation states that it is fair to conclude that smokers have a 20 times greater chance of developing lung cancer than non-smokers. The calculation of relative risks can therefore be used to promote treatments in medicine that have relative benefits to the patient. This has been demonstrated to affect patient's perceptions of the efficacy of levels of intervention. "For example, suppose a medication reduces the risk of an adverse outcome from 0.05 to 0.025. In relative terms it reduces the risk by 50%, while in absolute terms it reduces the risk by 2.5%. Thus, the presentation of (relative risk) may magnify the perception of efficacy." (in David J. Malenk et al. "The framing effect of relative and absolute risk," *Journal of General Internal Medicine*, 8 (1993): 543.). In the case of medical treatments, this can affect how patients view their chances of improvement, and their decision to take a certain course of action over another. Opponents argue that to exaggerate the benefits of the project, the same framing of relative risks have been used by developers' as by doctors to increase the efficacy of certain treatments over others.

calculations of allowing developers to present the relative risks of not building the pipeline as greater than they are.

How does Enbridge come up with 270 billion in projected GDP, while the government of Alberta comes up with 8 billion in producer benefits? Enbridge projects benefits for thirty years and it does so by building Northern Gateway the equivalent of thirty times. Each year in the Northern Gateway economic case, is its own unique base case, one without Northern Gateway, and one with Northern Gateway. After building thirty pipelines instead of one, as the Alberta consultant did, Enbridge takes the price increase each year... multiplies it by the CAPP forecast, and puts these numbers into an input output model, a model that is not even designed to estimate the macro economic impact of a project like this on the Canadian economy. It's not intended for that use, and it shouldn't be used for that use. It is this inflated and unbelievable number that is used to claim the benefit. The whole exercise is smoke and mirrors but it has been pawned off on the Canadian public, and publicly endorsed by the Federal Government.<sup>181</sup>

The economic benefits, according to opposition groups, have been calculated by drawing on exaggerations of projections of not building the pipeline in a relative risk scenario. Environmental groups reframe these exaggerations as 'a loss' to the Canadian economy in that the benefits, when calculated properly, would not outweigh the costs because they would not be exaggerated as they have been. This reframing shows how developers' 'benefits' can be seen as a loss when weighed appropriately against the costs. The projects benefits are therefore less advantageous because they are not as beneficial as proponents suggest.

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<sup>181</sup> "Robyn Allan on Enbridge's Northern Gateway," 27:31.

"Robyn is a major critic of Enbridge's Northern Gateway and of Enbridge itself, both for the misleading plan for the Northern Gateway but also for their handling of the Michigan spill. Recorded at Canfor Theatre, UNBC (Prince George) Ms. Allan is a distinguished Canadian economist and former head of ICBC whose research shows that the export of raw bitumen via the Enbridge Pipeline would have negative effects, not only on the environment, but also on our economy."

## Exaggerated Jobs

In economic matters, like medical matters, communication is often a question of word choice. Word choice can have a significant effect on the perception of the benefits and costs of a project. In the case of the Northern Gateway project, opponents to the pipeline have challenged developers on the grounds that the exaggerated national economic benefits have wrongfully communicated the number of jobs to the Canadian public. Robyn Allan, economic critic, suggests that developers have skewed job projections by inappropriately calculating and presenting employment information. She states:

Enbridge claims construction jobs from Northern Gateway are a big plus. Enbridge states and I'm quoting, "over three thousand construction jobs at the peak of construction." Sounds, you know, O.K., until you look into the document. That number comes from volume 6C of their application to National Energy Board, page 4-8. The number is 3,029 person years of employment for three months in the third year, of a five-year construction project. Person years of employment are not jobs. If you work for a company for five years as a carpenter or as an electrician that is one job, Enbridge would call it five. The construction jobs when you dig a little deeper into the document are just a tad over a thousand, not the three thousand claimed by Enbridge.<sup>182</sup>

Opposing groups challenge the developers' economic calculations that are their basis for the national economic benefits frame. The challenge is based on the fact that developers have calculated the economic benefits improperly through the use of relative risk scenarios and the concept of "person years of employment" versus the actual number of potential jobs. The developers' economic projections compare the potential lost revenue in one scenario with the potential gained revenue in another, which allows them to exaggerate the GDP projections. Those who oppose the pipeline claim that developers

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<sup>182</sup> Ibid.

have used these calculations to wrongfully exaggerate hypothetical revenue and benefits, and present the pipeline in a positive light to the Canadian public. Opponent groups reframe the calculations made by developers as losses to the public; they do not allow for the appropriate set of benefits to be weighed against the costs and risks.

### **Full Costing**

The ability to frame the Northern Gateway pipeline as an issue of national economic benefits is dependent on the idea that economic benefits will improve the Canadian economy and Canadian society in general. GDP calculations are the most common medium of calculating such economic improvements. However, the national economic benefits promoted by developers rely on the proposition that oil production and transportation is an economic ‘good’ that affords such benefits. This claim is a contentious issue among those critical of the pipeline because the so-called ‘good,’ is framed as ‘bad’ according to full costing economics. The nationalist economic growth frame presents GDP as an accurate measure for proper economic accounting. However, opponents to the operation challenge the feasibility of GDP for measuring the overall utility of the economy. This reframing of accounting practices exposes how benefits defined as GDP increases also externalize costs. Furthermore, this reframing of accounting practices shows that the environmental impacts from counting oil extraction as a ‘good,’ has damaging effects on other parts of the economy with greater utility.

These accounting failures pose national economic losses to the country, as

Grantham states:

GDP measures must be improved so that they begin to measure output of real usefulness or utility. The current mish-mash of costs and of “goods” and “bads” produces poor and even damaging incentives. Accurate measurements of growth must eventually include the full costs of running down our natural assets. True

income... is meant to allow for sustained productive capacity, which our current measures clearly do not.<sup>183</sup>

This statement endeavors to show how developers' 'nationalist economic' frame uses GDP to account for growth, when it is accounting for 'goods' that should be counted as 'bads.' The economic benefits frame used by developers to promote the project thus has costly incentives built into it that opponents to the project see as damaging to the national economy.

The full costing argument against GDP measures suggests that the economic benefits of the pipeline are actually 'bads,' and offer damaging market incentives. Developers' benefits are grounded in accounting measures that direct investment away from renewable and non-resource sectors of the economy. What developers count as benefits, which are justified in GDP terms, are contextualized by opponents as skewed measurements of 'bads' as 'goods.' This contrary position contextualizes GDP increases from the pipeline as a burden on the environment and the economy by directing investment away from other sectors that have greater long-term returns with fewer costs.<sup>184</sup> Opponents to the pipeline assert that the renewable and non-resource sectors, which do improve GDP, need more investment than the non-renewable resource sectors.

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<sup>183</sup> "Grantham on the end of (growth) days," *Macro Business: House and Holes*, last modified November 28, 2012, accessed January 6, 2013, <http://www.macrobusiness.com.au/2012/11/grantham-on-the-end-of-growth-days/>.

<sup>184</sup> "CERI study confirms B.C. Benefits from pipeline," *Northern Gateway*, last modified August 10, 2012, <http://www.northerngateway.ca/news-and-media/northern-gateway-blogs/jobs-and-benefits/ceri-study-confirms-b-c-benefits-from-pipeline/>.

Enbridge claims increases of 270 billion dollars in GDP from the pipeline, and 8.9 billion additional GDP over 25 years. 1.2 billion in Tax Revenue over 23 years (2.3 according to the CERI study), 3000 construction jobs for B.C. (560 long term); increases of direct, indirect and induced Canadian employment of 30,000, settling at 2,500 in operating jobs and 575 billion GDP over 25 years in the North Coast.

This stance is exemplary of opposing groups not only disagreeing about where money should be invested, but also disagreeing over which GDP measures constitute growth. Full costing arguments against the pipeline thus present the project as an economic loss to Canada, instead of a gain.

### *Technology Costs*

According to opponents of the pipeline, developers also externalize the project's costs through the omission of rising prices in oil sands extraction technology. Opponent groups suggest that the national economic benefits would be far less if the actual costs of the technology used to extract the resources were incorporated into the benefits scenario used by developers. This framework suggests that the extraction of the bitumen, and other associated costs, are a hindrance to the economy because the same resources and government support could be used elsewhere with greater returns. Rubin, and others critical of the Northern Gateway pipeline suggest "the very prices that bring these fuels out of the ground stop our economy in its tracks. No amount of government pump priming or printing money is going to suddenly make that fuel more affordable."<sup>185</sup> In opposition to developers' national economic context, critics suggest that the Canadian economy would benefit from fully costing the price of the technology used by developers into the economic projections they make. Full costing would include the costs of technology used to extract the bitumen as well as a number of other externalized costs that are wasteful of resources.

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<sup>185</sup> Jeff Rubin, "Jeff Rubin: 'Oil's collar on growth will leave us all poorer,'" *Globe and Mail*, last modified October 8, 2012, <http://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/jeff-rubin-oils-collar-on-growth-will-leave-us-all-poorer/article4596911/>.

GDP, technology, exaggerated benefits, and jobs are topics that are reframed by opponents to challenge developers' national economic frame. In relation to GDP, developers are falsely accounting for growth in sectors where greater utility exists. In regards to technology, developers are not incorporating the costs of technology used to extract the bitumen, into the economic projections. In the case of exaggerated benefits, developers are using relative risks projections that define not building the pipeline as risk. As well, developers are exaggerating employment forecasts through their misleading choice of words. These talking points show how the national economic benefits of the Northern Gateway pipeline are perceived as drawbacks by those who oppose the pipeline. These issues further demonstrate how developers can be accused of falsely contextualizing the project on exaggerated economic terms.

The national economic benefits frame also ignores how the pipeline is a detriment to economic projects that would have greatly improved the national economy. For example, exporting unrefined raw bitumen to Asia, particularly in the current void of a national energy plan, represents a cost to the Canadian economy.

Despite what we're being led to believe, Canada has a number of options regarding our energy strategy, these options would provide a win/win solution for Alberta and all Canadians. First of all, we need to get western crude to eastern Canada and remove our dependency on higher priced oil from volatile and uncertain markets like the Middle East. Almost 100% of eastern Canadian oil is imported. Alberta needs to expand upgrading capacity to not only reduce its reliance on Condensate import pipelines, but to where condensate can become an exportable Canadian product. If we upgrade our bitumen here, we could actually end up being a net condensate exporter. If the industry continues to claim upgraders are not economic, then let's store the unprocessed bitumen in the ground for free until they are. If dilbut exports were restrictive for Alberta as Prime Minister Stephen Harper promised they would be in his election campaign in 2008, sufficient and profitable upgrading capacity would be built in this growing dependence on foreign condensate imports would be avoided.<sup>186</sup>

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<sup>186</sup> "Robyn Allan on Enbridge's Northern Gateway."

Opponents have challenged the pipeline project because developers' economic benefits frame has falsely presented benefits to Canada. This frame ignores many losses including a misuse of resources, the foregoing of a national energy plan, refinery jobs and the exclusion of increasing costs of oil sands technology.

### ***Ethical Oil?***

Kathryn Marshal, spokesperson for the developer organization Ethical Oil maintains that the pipeline is an ethical project upholding Canada's environmental and human rights record. The developers' argument is that in comparison to other oil exporting OPEC nations, Canada embraces ethical principles and should be supported before those other countries. Therefore, an endorsement of the pipeline not only supports the national economic benefits of the project but also human, labour and environmental rights.

Well first of all, I'm very glad that Eric [Swanson: Dogwood Initiative, environmental group] brought up human rights, the reason why the Northern Gateway pipeline is a good project for Canada is because it would allow Canada to export more of our ethically produced oil to different countries that can reduce their dependency on conflict oil from nations like Nigeria, Saudi Arabia, and Iran that have atrocious human rights records. If you care about ethically produced oil and if you care about ethics then support jurisdictions like Canada that have environmental laws, have human rights protections, have workers rights protections. I mean I'm glad you brought up Nigeria because this is a country that doesn't have any concern for the environment so if you want oil to be produced ethically, support oil that's produced in Canada. By opposing the Northern Gateway pipeline, you're simply increasing the market share for countries that don't have any concern for the environment, or you know human rights laws.<sup>187</sup>

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<sup>187</sup> "Kathryn Marshall debates Northern Gateway," *YouTube video*, 9:07, posted by Kathrynmarshall1, September 5, 2012, [http://youtu.be/KvIx\\_w1mOII](http://youtu.be/KvIx_w1mOII).



However, developers and local Canadian environmental groups differ on their definition of ‘ethics’ and how they present arguments for and against the pipeline. Environmental groups opposed to the project view the pipeline as a continuation of the ethical problems associated with environmental abuses that affect First Nations downstream from the Oil sands. Furthermore, opponents to the pipeline suggest that China is not an ethical trading partner.

And if we’re going to talk about ethics, let’s talk about those companies that are operating in the oil sands such as Shell Oil, which have a deplorable human rights record in Nigeria. If we’re going to talk about ethics, let’s talk about the actual human rights violations and treaty rights violations that are occurring in the Alberta tar sands. Why is it that the Beaver Lake Cree have to file litigation, why is it that the Athabaskan Cree have to file litigations. Well the actual ethics of what’s going on here is we’re going to be sending oil or bitumen to be processed into a country which has a deplorable history against their people in China, and if that’s what we’re about, I don’t think our people, especially Canadians should be engaged with an organization.<sup>188</sup>

Developers define ethics differently than opponents. Developers’ ethics are a means to justify the national economic benefits of the project, by stating the Canadian public should support the shipment of Canadian oil on the basis that we have ethical regulations that other countries do not have. Opponents state that an endorsement by the Canadian public to ship crude to Asia, sanctions the ethical problems and mistreatment of Chinese workers, as well as the ethical problems associated with First Nations groups that are in court disputes with the Federal government about environmental impacts due to downstream effects of the oil sands.

The ethical argument made by supporters of the pipeline is an example of how developers confuse the environmental and ethical dimensions raised by environmentalists

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<sup>188</sup> Ibid.

opposed to the project. Developers' national economic benefits frame discredits the ethical concerns of environmental groups implying that they are not acting in Canada's best interest. For developers, this is an ethical point. Developers argue that environmental groups lack the ethical justification to oppose the pipeline on behalf of the country, sometimes even defining them as 'foreigners.' Developers reframe ethical concerns about the environment as unethical because they are preventing the national benefits from the pipeline and may even be taking money from foreign environmental organizations to do it.

Eric Swanson: If I got duffle bags of money delivered from Martians from outer space, I would still take that money to make sure that British Columbians and those most affected —

Kathryn Marshall [Ethical Oil, developer]: You would take it from any country? Is there any country in the world you wouldn't take money from?

Eric Swanson: There are ethical standards about the receipt of money... [from]... American foundations... they're dedicated to improving the well being of communities in North America, they're local environments, lands and waters.

Kathryn Marshall: But this is a Canadian decision, you said it yourself Eric this is a Canadian decision; don't let foreign interests dictate what's best for Canada.<sup>189</sup>

According to local environmental groups, the ethical wrongdoings have to be contextualized in terms of harming the environment and the First Nations people against their will. However, those adhering to the national economic benefits frame, suggest it is wrong to accept money from foreign organizations. According to developers, environmental groups are preventing the benefits from improving Canada's economy. And this is unethical because it is contrary to nationalist objectives.

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<sup>189</sup> Ibid.

## ***Benefits reframed as losses to First Nations***

First Nations groups, however, are not always culturally receptive to the benefits that developers promote through the national economic benefits frame. First Nations see developers' benefits as risks to their customs and connections with the environment. These differences are found in Federal Review Panel documents, and the interaction between developer Enbridge, and Gitga'at First Nation:

Enbridge Question: Please indicate whether the Gitga'at First Nation would also be prepared to discuss employment opportunities and benefits that could be available should the Northern Gateway Project proceed.

Gitga'at First Nation response: In addition to our response to NG IR 1.1d and 1.2h we would like to point out that the employment opportunities and benefits proposed by Northern Gateway are inconsistent with Gitga'at laws, policies and customs and cultural heritage and environmental stewardship plans. The cultural incompatibility of Northern Gateway's proposed benefits further reflects their neglect to consider seriously Gitga'at Nation's interests alongside the harms, hazards, and risks associated with routine tanker traffic and the devastating consequences that an oil spill would have on the Gitga'at way of life, community well being, culture and heritage and Aboriginal title and rights.<sup>190</sup>

This document demonstrates how developers' jobs and growth projections for the economy are not necessarily seen as benefits, but can be seen as risks by First Nations. Developers' benefits do not mesh with First Nations views because the pipeline is seen as a risk to the environment and First Nations' customs rely on the environment. The economic benefits are antithetical to their way of life and therefore are framed as risks and losses. They interpret the project benefits as inherent risks to the culture.

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<sup>190</sup> "Gitga'at First Nation Response to Northern Gateway," *Canadian Environmental Assessment Agency*, last modified July 6, 2012, [www.ceaa-acee.gc.ca/050/documents/p21799/80535E.pdf](http://www.ceaa-acee.gc.ca/050/documents/p21799/80535E.pdf).

## Social Justice

Other spiritual and ecumenical faith based organizations highlight these same risks. Their argument is that the interconnections of First Nations culture with the environment and their dispossession through the ‘national’ framing of the issue represents a social injustice; that the local risks posed by the pipeline may harm their way of life against their will. Some religious groups in B.C. assert moral teachings about the interconnectedness between people and nature. The exposure of First Nations to risks against their will, is seen as both immoral and unjust to human and ‘non-human’ neighbours. Sarah Stratton writes,

I think that we have much to learn from traditional Indigenous teachings, as well as from the Judeo-Christian texts that continue to inform our thoughts each Sunday and, I hope, our actions every other day of the week.... and so this brings me back to our text these last three weeks -- to Mark’s emphasis in the first on treating our neighbour as ourselves. Who is our neighbour if not the peoples with whom we share this land? As a covenant people, what is our responsibility to them? Not to try and mold them into our likeness as we did in the residential schools era, but rather to build right relationships built on mutuality and respect... Last week we heard the story of a system that demanded of its most vulnerable, a widow, “all that she had to live on.” BC Native Ministries’ submission to General Council makes it very clear that that is what Canada is asking of them if it allows Northern Gateway to go through. This is what we are asking of Creation itself. The simple truth is that how we treat the vulnerable and how we treat the breadth of Creation is a reflection of our faithfulness to God. Our dedication to God’s justice compels us to see how our actions –as individuals, as communities, as churches, and as a nation– impact other communities, human and non-human. Put these three stories together and you get a pretty strong condemnation of the status quo, a temple system which to Jesus’s frame of mind valued priestly authority over community; ritual and symbolism over good works; recognition of status and wealth over justice for the poor and oppressed. It’s kind of like prorogations of legislatures and omnibus bills rather than parliamentary debate; millions for war bicentennials rather than increased social welfare spending on reserves; tax cuts to fossil fuel corporations rather than investment in conservation and sustainable energy projects... It’s a bit trite to ask you “what would Jesus do?” in light of the Northern Gateway pipeline and the vulnerable communities in its path. So instead I will ask you, in light of the position that our

church has taken up, “what is our responsibility to this Jesus, the Jesus of Mark, in this time and this place?”<sup>191</sup>

Religious groups that oppose the project contextualize the local risks of the pipeline will present for First Nations culture and environmental customs as oppression towards ‘creation’ and to the ‘most vulnerable.’ The social and environmental risks that the project poses will have local effects on First Nations’ way of life for which the economic benefits cannot compensate.

Many First Nations groups along the west coast and pipeline route have deep and strongly held views about their interconnections with the environment and the preservation of their culture and customs. Nancy Nyce of the Haisla First Nation states,

We just came off a salmon season where we canned and smoked for the winter. Soon the whole family is going out to harvest clams, cockles and crabs. It is as simple as that with us. It is who I am. Every year my calendar is run by the sea and the land. You can’t take away that essence of me.<sup>192</sup>

The threat the pipeline poses to this relationship has led many to oppose the pipeline because they see the project as an attack on both their local knowledge and spiritual customs.

However, the social justice issues that persist in many First Nations communities, such as poverty, water sanitation, and education, are contextualized by developers’ national economic benefits frame, as circumstances that can be alleviated by partnering with the pipeline providers. Through the economic benefits, First Nations traditions can be strengthened and greater local control and autonomy can be guaranteed. The view that

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<sup>191</sup> Sara Stratton, “Temple and Pipelines,” *Trinity St. Paul’s and Bathurst Street United Churches*, last modified November 18, 2012, [www.kairosCanada.org/.../Sus-CJ-NG-39-12-TemplesPipelinesStratto](http://www.kairosCanada.org/.../Sus-CJ-NG-39-12-TemplesPipelinesStratto).

<sup>192</sup> Swift, “Pipeline and Tanker Trouble,” 21.

the pipeline poses benefits and not risks to First Nations is shown in developers' media promotions, which feature certain First Nations groups that have partnered with developers.

### ***Developers reframe First Nations risks as benefits***

Developers attempt to incorporate First Nations' social issues into their arguments in favour of the national economic benefits of the pipeline. In order to solicit support from other First Nations groups in Canada, they encourage reframing First Nations' risks (local control, poverty, customs, culture, and environmental stewardship) into their benefits frame to promote the pipeline. Chief Ken Chalmers of the Birdtail Sioux First Nation states,

What you have here is our traditional territory. There's deer, moose and elk back there. We just finished our annual hunt for the reserve and now our fridge is just about in every household full of those meats and it helps our people get through the winter. Right behind me you have the right of ways of two pipelines; one is Enbridge and one is TransCanada pipelines. It hasn't changed our hunting or the way they are crossing these right of ways, nothing to that sort. We also fish down the Assiniboine river, where its very close to that pipeline. We were very concerned, but nothing has happened and we've had no problems for the last four years. I mean, we're still doing the stuff we did a thousand years ago, in our traditional territory. I can't wait till that's done, I already got four kids signed up for adult ed... the seed money for that came from Canadian National Railways, our engagement with that corporation.<sup>193</sup>

Developers contextualize First Nations customs, environmental concerns and alleviation of social problems as compatible with the national economic benefits from the pipeline. Developers argue that Canadian First Nations will be beneficiaries of the pipeline because it will provide opportunities for them to improve their social and

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<sup>193</sup> "Birdtail Sioux: Sustaining our People," *YouTube videos*, 4:03, posted by Enbridge Pipelines, March 15, 2012, <http://youtu.be/RID4bNfLMI0>.

economic status, without jeopardizing their ability to practice their traditional environmental customs and environmental stewardship.

Through their national economic benefits argument, developers can be seen as appropriating many First Nations values, and present the benefits of the project as being in favour of First Nations beliefs and values, not in opposition to them. This illustrates how groups talk at cross-purposes, depending on their frame, regarding the benefits and risks of the pipeline. The pipeline is either a burden to, or provides relief to, the social justice and environment needs of local communities. Chief Ken Chalmers states,

We have children right now that need help, not later. Why should I shut all my doors to people that are coming in to actually train my people, put more money into my reserve. But the main motivation is seeing our children, no future for them, and the cycle repeating itself. And our children are the future; these little kids will be saving our language for us. I see business opportunities wherever I look. And my job is to bring my children up so they have that chance. It's great to have these young people that are excited about these opportunities.<sup>194</sup>

Despite attempts by developers to appropriate First Nations concerns into their promotions of the pipeline, for many First Nations groups the environmental risks posed by the project would jeopardize the land and customs that they rely on. A lack of trust in historical relations with developers and businesses has tarnished First Nations' perceptions that developers' projects might be able to promote social justice in their communities. There is a heightened scepticism that First Nations communities will benefit from the national economic benefits promoted to the Canadian people by developers, without jeopardizing the environmental connections on which their customs are based. Chief Marilyn Slett of the Heiltsuk Nation states,

The history of the Heiltsuk is filled with broken promises from various companies that have come into our territory and reaped the benefits of exploiting the

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<sup>194</sup> Ibid.

resources on which we have always relied upon. These companies told us we would benefit from their businesses. Instead they have left our territory and our community with deep economic and environmental scars.<sup>195</sup>

There are thus opposing views about how the pipeline will affect First Nations' ability to alleviate themselves from social injustice. This is another point where groups talk past each other. Developers attempt to incorporate these concerns into their economic benefits frame to attract support. Developers argue that, through economic development, the status and health of First Nations communities can improve while allowing them to practice their customs, traditions, and language. In this way, developers contextualize cultural preservation and language as compatible with the economic gains afforded from the pipeline.

First Nations opposed to the pipeline on the basis of local risks believe that their ability to self govern their own resources, according to their traditional laws and customs, also means that they should be able to deny the project on the same terms. Developers in turn incorporate these concerns into their economic benefits frame, arguing that they can improve on social problems without jeopardizing First Nations customs or environmental stewardship.

### ***Representation***

Local opponents have also used 'environmental democracy' to argue that the local risks have not been adequately reflected in the national level of debate. Environmental democracy requires that there be some connection between the interests of those making

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<sup>195</sup> Chief Marilyn Slett, "Heiltsuk Nation vows to continue fight to stop Enbridge," *Coastal First Nations Great Bear Initiative*, last modified September 5, 2012. <http://www.coastalfirstnations.ca/news-release/september-5-2012-1047am>.



the decisions, and those who are exposed to the risks as a result of the decisions. This logic illustrates the merging of environmental and democratic organizations against the project, on the basis that it is ‘anti-democratic’ to make a decision on behalf of the local communities exposed to the risks, as Eric Swanson of the environmental group Dogwood Initiative suggests below.

I’m proud of every single one of those dollars because it allows us to advance our mission, which agrees with Kathryn [Marshall: Developer, Ethical Oil], and that is to advance the ability of British Columbians, those most affected by Enbridge’s Northern Gateway project to assert control over their lands and waters and make this decision for themselves. So I agree, it should be our decision, and our mission is to make sure that British Columbians, and those most affected get the say.<sup>196</sup>

This view, that the democratic process should afford local control to those most at risk, is another point where stakeholders disagree. Opponents to the pipeline believe those groups that are exposed to the majority of environmental risk should have a greater say than those who are not. Developers believe that the facts speak for themselves and dictate that those who are most knowledgeable will make the most prudent decision.

Arthur Caldicott states in an interview that,

The proponent comes with lawyers and the best experts in the world and endless funds to work 24/7 in developing and promoting the project. Some of the interveners – CAPP, the shippers, the Government of Canada – are similarly able to engage fully in the process. It’s quite different for the intervener groups – First Nations, environmental and public interest groups, and citizens. The structural and economic imbalance puts a different spin on the word ‘opportunity.’<sup>197</sup>

Developers argue that experts deserve a privileged decision-making position and should be most trusted. Experts are thus used to reframe the demands of democratic inclusion by those most affected from the local risks. Experts are justified by the

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<sup>196</sup> “Kathryn Marshall debates Northern Gateway.”

<sup>197</sup> Arthur Caldicott, “Enbridge Northern Gateway Hearings – Phase 2,” *Watershed Sentinel*, accessed February 25, 2013, <http://www.watershedsentinel.ca/content/enbridge-northern-gateway-hearings-phase-2>.

developers' framing of technological investments as a counter-measure to the problem of 'environmental risks.' Developers claim that the experts increased knowledge of technical specifics warrants increased representation. The competency and experience of experts justifies criticism of claims made by environmental groups who lack technical experience. This is shown by a developer request to see the resume of a local resident opposing the project. Enbridge writes,

Mr. Minchin provides extensive opinion relative to geotechnical and other technical matters. Request: Please provide Mr. Minchin's curriculum vitae which includes his education, training and employment history, to demonstrate his qualifications to provide geotechnical and other technical opinions that appear.<sup>198</sup>

Experts are situated to manage the line between what is deemed 'acceptable risk' and what is not. The difference between expert and layperson knowledge also represents a difference between how developers and local environmental groups view appropriate political representation: developers promote expertise with knowledge of risk mitigation, while environmental groups who emphasize local impacts state that those most exposed to the risks should be most represented in the decision making process.

### ***Precautionary Principle***

For those opposed to the pipeline, the discussion of technological information and impacts can present a barrier between experts and the public.<sup>199</sup> In large-scale projects the role of government bureaucracies has serious implications for environmental impacts.

According to some opponents there is a lack of institutional protection for the

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<sup>198</sup> "Douglas Channel Watch Response to Northern Gateway Pipelines," *Canadian Environmental Assessment Agency*, accessed February 20, 2013, [www.ceaa-acee.gc.ca/050/documents/p21799/80572E.pdf](http://www.ceaa-acee.gc.ca/050/documents/p21799/80572E.pdf).

<sup>199</sup> Francois Bregha, "Institutional barriers to environmental information," *Environmental Monitoring and Assessment* 20, no. 2 (1992): 191-200.

environment against political and economic interests and development experts are politically situated to protect these interests. As much as they are technically capable, developer experts are seen as embedded in institutional interests that narrow as well as select on their knowledge base. In an article by Dene Moore, Tim Leadham, environmental lawyer states,

I can't help but get the sense from some of the answers that this panel has given that what's going on here is a work in progress, that you've put together a proposal and there's a lot of preliminary process and preliminary design, but with respect to the actual pipeline - where it will go, what it will look like, how it will cross certain streams - that it very much, 'We don't really know at this stage.' Is that fair?<sup>200</sup>

In large-scale energy disputes, expert stakeholders define the risks perceived by environmental stakeholders on different terms. This disconnect between expert and environmental group interpretations shows how the precautionary principle is a divisive approach to decision-making.<sup>201</sup> According to opponents, including environmental and some non-environmental groups, the risks identified by developers in this case study do not depict a situation where there is enough certainty to guarantee a non-spill scenario. However, developers maintain, “spills are NOT inevitable.”<sup>202</sup> Opponents support the zero-sum view of risk that the precautionary principle advances because of the large impacts even one accident might have. In contrast, developers maintain expert definitions

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<sup>200</sup> Moore, “Fluidity of Enbridge’s pipeline plans a frustration at environmental hearings,” *Friends of Wild Salmon*, last modified October 12, 2012, [http://friendsofwildsalmon.ca/news/article/fluidity\\_of\\_enbridges\\_pipeline\\_plans\\_a\\_frustration\\_at\\_environmental\\_hearing](http://friendsofwildsalmon.ca/news/article/fluidity_of_enbridges_pipeline_plans_a_frustration_at_environmental_hearing).

<sup>201</sup> M. A. Saner, “An ethical analysis of the precautionary principle,” *International Journal of Biotechnology* 4, no. 1 (2002): 81-95; Karsten Klint Jensen, “The moral foundation of the precautionary principle” *Journal of Agricultural and Environmental Ethics* 15, no. 1 (2002): 39-55.

<sup>202</sup> “Marine assessment and our first response plan,” *Northern Gateway Pipeline*, accessed August 4, 2012, <http://www.northerngateway.ca/environmental-responsibility/marine-assessment-and-our-first-response-plan/>.

of levels of acceptable risk should dictate the proper course of action. Contrasting developer and opponent claims about decision making further illustrate how groups speak past each other.

The precautionary principle suggests that where there is any chance of a serious local accident we should err on the side of caution. For developers, a spill is not a certainty. The disagreement over the certainty of a spill shows how economic or risk framing of the issue implies different standards for what is deemed acceptable. The principle for opponents is not only founded on scepticism towards technical knowledge, but also a historical view of what impacts past accidents have had. The Gitga’at First Nation points out their cynicism in the Federal Review Panel submission below:

Gitga’at culture and self-identity are based on intimate links to their bioregion and its renewable resources. Thus, technological threats to the environment such as those posed by the ENGP Project are also threats to the Gitga’at People. They are aware that human error and technological failure are very real and very likely to accompany the ENGP Project. The Gitga’at First Nation has recent experiences with the sinking of the Queen of the North and the Petersfield accident in nearby Douglas Channel. These incidents acutely reinforce concerns about oil spills threatening their way of life and the Provincial and Federal governments’ inability or reluctance to protect Aboriginal title and rights as well as hold responsible parties fully accountable for damages.<sup>203</sup>

The challenges that environmental groups have mounted based on the precautionary principle zero-sum view of risk are in part an attempt to discredit the developers’ notion of acceptable risk. In contrast opponents claim that uncertainty exists and that there can be no way of knowing what risks the project will pose to the health and safety to the public. Developers are asking for trust from the public that accidents will be averted or minimized based on their levels of acceptable risk. There is a gap between the

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<sup>203</sup> D. Gill, and L. Ritchie, “A Social Impact Assessment of the Enbridge Northern Gateway Pipeline Project in Regard to the Gitga’at First Nation,” Section 5, 2011, accessed January 2013, <https://etc-cte.ec.gc.ca/050/documents/54604/54604E.pdf>.

view of acceptable risk held by environmental groups in accordance with the precautionary principle and the technical experts' definitions of acceptable risk.

It is difficult to know whether certain conditions would alleviate the concern over risks expressed by environmental groups. However, non-environmental groups including all political parties in B.C. have also opposed the project based on these risks. It is therefore inconclusive as to whether meeting certain conditions would alleviate the risks of some groups and not others. It is also difficult to know what views of risk represent an extreme view of risk because of the diversity and amount of expressed opposition not traditionally aligned with environmental causes. Having mentioned the amount and diversity of opposition, it is also important to recognize that certain groups have also gone the other way. For example, the Haisla First Nation who initially rejected the proposal as a part of Coastal First Nations have since left the group. However, the Haisla maintain impartiality with regards to their support of the pipeline. Haisla First Nations leader Mr. Ross states, "can we be persuaded? I don't know. I really don't know...you're really looking in a crystal ball now if you want that question answered."<sup>204</sup>

### ***Human Intervention***

Opponents critique technological mitigation whereas developers see this as a way to rectify error and to acknowledge that uncertainty exists. An environmental report states,

As diluted bitumen flows through a pipeline, pressure changes within can result in the formation of gas bubbles that can impede the flow of oil and send faulty

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<sup>204</sup> Vanderklippe, "Haisla First Nation Retreat from Gateway Opposition," last modified December 5, 2012, <http://www.theglobeandmail.com/globe-investor/haisla-first-nation-retreat-from-gateway-opposition/article6012622/>.

signals to the detection system. Because of this phenomenon known as column separation real leaks may go unnoticed if operators assume that leaks are just cause the typical response to column separation is to pump more oil through the pipeline, misdiagnoses can result in an even bigger leak. For example, the initial investigation of the Enbridge diluted bitumen pipeline in Michigan found that pipeline operators who received monitoring data interpreted it to be a column separation rather than a leak.<sup>205</sup>

Regardless of technical soundness, the human component will continue to be a matter for which developers cannot fully account. The local risk mitigation techniques of developers are subject to human intervention. According to opponents, despite investment, transportation consideration, levels of acceptable risk, or improvements in processes and procedures, risk management is always subject to perceptions and actions of human control. And this is not enough of a guarantee for local environmental groups.

### ***The Facts of Frames***

Developer Janet Holder states, “[Opponent] concerns are probably very valid and that’s why it is important that everybody has a chance to understand what the facts are with regards to our proposal.”<sup>206</sup>

Understanding ‘what the facts are with regards to [their] proposal’ while maintaining opponent claims as ‘valid’ suggests that even according to developers, there is a difference between how local and national economic benefits are framed. The two frames are talking past each other according to the multiple points raised. The points that opposing groups make are not the same points that developers make and thus they are having separate conversations about separate subject matters. Developers are preoccupied

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<sup>205</sup> Swift, “Pipeline and Tanker Trouble,” 10.

<sup>206</sup> “Northern Gateway and marine safety.”

with promoting their technology and selling the benefits of the proposal to the Canadian people because they believe it is in the National interest. Meanwhile, the local environmental groups attempt to frame the developers' benefits as having inherent risks to both the economy and the environment. Developers can assess opponent claims about risk as 'valid,' only in so far as they are given credence as safety and investment issues. They are not policy issues about zero-sum risks that should be dealt with according to the precautionary principle, which is emphasized by the local risk frame. So opponent groups concerns are 'valid,' but not on developers' terms. Developers evaluate the environmental impacts of the project according to acceptable risk and investments in the coastal region, improvements in transportation choices, and corrective gains made in 'processes and procedures' can help mitigate these risks. Furthermore, developers claim that economic benefits can help improve First Nations' ability to practice their customs by providing economic gains to the community that will not jeopardize the environment on which they rely.

Developers framing the national debate around 'what the facts are with regards to [their] proposal' prejudice that local risks view the economic benefits as exaggerated jobs, GDP, technological costs, etc. These matters are framed out of the controversy because the scope of the project is seen to revolve around the technical aspects of acceptable risk regulated by expert decision. Coastal communities believe that these decisions should be theirs, based on the risks and costs being greater for them.

Developers justify the ethical dimension of the pipeline because fewer ethical practices will be supported in markets outside of Canada, if Canada does not build the pipeline. Canadian human rights and environmental regulations are the ethical reasons

why the pipeline should be supported by the Canadian public. However, opposition groups claim human rights abuses occur with Chinese workers and First Nations affected by the oil sands. As a result of these environmental and human rights abuses, opponents argue that the Canadian public should not support the pipeline. Social justice support for First Nations from religious groups are incorporated into developer advertisements to suggest that First Nations problems will be alleviated through economic development. However many see the economic benefits as posing risks to First Nation culture and environmental stewardship.

The 'facts' of the Northern Gateway pipeline are framed according to the limits of the nationalist economic benefits frame, which allow developers to talk over and past the local risk frame. As is shown above, developers reframe environmental risks as gains through contextualizing them as investment, transportation, safety, 'processes and procedures,' and issues of acceptable risk. This allows developers to weigh the impacts in a less burdensome way than the benefits. Environmental groups weigh the risks as zero-sum and claim that the economic benefits are exaggerated. The developers' view of acceptable risk is in sharp contrast to the environmental groups' adherences to the precautionary principle. Furthermore, developers and environmental groups speak past each other according to their views of representation by those most affected versus those with the most expert knowledge. Whether the pipeline is ethical or not is also a basis of disagreement.

Moreover, this analysis shows how developers incorporate social justice concerns, and First Nations customs of environmental stewardship and cultural preservation into their marketing of the pipeline. First Nations' traditions, social and economic status,



customs, and environmental stewardship will all improve from the national economic benefits of the pipeline. Contrastingly, environmentalists are able to reframe GDP, technology costs, and job projections as losses to the Canadian public and economy after factoring in full costing economics and questionable relative risk calculations.

## Conclusion

Much of the information that is given meaning under the frame of ‘local risk,’ and evaluates zero-sum risks according to the precautionary principle, was excluded as ‘peripheral issues’ and ruled out of the scope of the Federal Review Panel in 2009. Then the scope of the project was narrowed enough to exclude local effects from greenhouse gas emissions, downstream effects of oil sands expansion, First Nations traditional knowledge, and tanker liability and insurance concerns. This left the national economic benefits frame to prevail with its consideration of environmental risk as questions of investment, technology, acceptable risk, ‘processes and procedures,’ and transportation solutions, despite continued opposition from environmental and non-environmental groups. The nationalist economic benefits frame contextualizes environmental risk in this manner and directly frames out the relevancy of the local risks about which opponents are concerned.

The nationalist economic benefits frame required Enbridge to fill gaps in the technical aspects of the proposal.<sup>207</sup> However, the risk of court litigations and further province wide demonstrations remains. With the withdrawal of Coastal First Nations from the Federal Process due to a lack of resources, and the third round of the Federal Review Panel set to decide on the pipeline in the last week of December 2013, the Northern Gateway remains a polarizing subject. Each side claims polls are in their support but with all provincial B.C. parties opposing the project it is possible that the local risks will ultimately, politically outweigh the national economic benefits argument.

Canada remains divided over the Northern Gateway pipeline partially because frames weigh benefits and costs in vastly different ways. And according to those frames, the other's benefits and costs are also re-contextualized by opponents to mean something other than what they were intended. The scope of the case study provides fertile ground to show how facts, costs, and benefits are interpreted is highly dependent on the context in which the actors present them. And, furthermore it shows that re-framing opponent groups' claims on different terms other than their own is a way to discredit those claims and gain legitimacy.

The definition of risk according to the developers is not necessarily the definition of risk according to environmental or First Nations groups. This case study highlights how the perceptions of environmental risks are socially constructed and defined along institutional barriers that separate the values of First Nations and environmental groups from those of developers. How risk is defined by each group and how they are to be remedied, varies greatly. There is a fundamental difference in how decision-making about large scale energy projects is to be carried out, depending on who is being exposed to the risks versus who can mitigate them. Experts and local groups are not seen as equal participants; experts are given privileged decision-making authority that corresponds with the national economic benefits frame.

The incorporation or exclusion of costs appears to be at the heart of the disagreement over the Northern Gateway pipeline. According to the local risk frame, you cannot account for national economic benefits without also accounting for externalized environmental and economic risks to culture, the economy and environment. However the ability for developers claims to resonate with the Canadian people is reliant on their

persuasion and rhetoric that their levels of acceptable risk are appropriate to ensure for environmental performance. Whether these diverging views about environmental risks and environmental performance can be reconciled under the common banner of sustainability is yet to be known.

Despite these disagreements about environmental risk, groups do not prescribe to a uniform notion of costs and benefits. How the Northern Gateway project is evaluated on separate terms is reliant on different notions of risk, which are dependent on the framing of said risks by opposing groups. The developers' view of acceptable risk remains highly contentious among both environmental and non-environmental organizations in opposition to the project. However, the developers' idea of environmental safety is contextualized by their view that oil is an essential component and product of modern life, and that how it is transported accounts for appropriate environmental considerations.

## Discussion

The ways in which groups advance their policy preferences is reliant on their framing strategies. In policy matters that concern science and environmental controversy, quite often efficacy is communicated to the public through the logic of frames. Scientific reason no longer provides enough of a basis for sound policy. Instead, rhetorical techniques used by stakeholders are necessary to create a frame that contextualizes scientific information to highlight or downplay certain benefits and costs associated with the issue. Creating policy out of scientific information is therefore reliant on interpretation and agency to promote and frame these messages to local and national audiences.

The public perceptions of risk highlight the subjective nature of environmental policy concerns and the modeling of projections that are used to justify certain policy decisions over others. These controversial projections are done in accordance with the framing strategies of each group. As this study shows, the relevant facts of environmental policy matters are contextualized not only by scientific and technical information, but also by the success of the respective frames and how they structure, reframe, and organize this information into relevant and coherent messages. This study also highlights the normative nature of perceptions of risk and the different lived experiences and cultures of the stakeholders involved.

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