In today’s globalized world of risks and uncertainty, global realities are increasingly impinging on the options available to Albertans and Canadians with regard to the development and export of their energy resources, particularly the bitumen sands of northern Alberta. This has led to a contentious debate—evident in the conflict over the terms *oil sands* and *tar sands*—that is taking place at local, national, and global levels.

Clearly, in a globalized world, the spaces of politics are being transformed. No longer is politics solely centred around the institutions of the state. Thanks to digital technologies, there is a new spatiality, one that Manuel Castells (2010a, xxxii) describes as the “space of flows”—“the material support of simultaneous social practices communicated at a distance,” made possible by “the production, transmission and processing of flows of information.” This space of flows, with its ideas, politics, new transnational political actors, and advocacy, is now intersecting with provincial and national politics and public policy. The result is a new cycle of what Charles Tilly (2008, 5) calls “contentious politics,” defined as “interactions in which actors make claims bearing on someone else’s interest, in which governments appear either as targets, initiators of claims, or third parties.” Contentious politics—in this case, surrounding energy development in Canada—means that the normal expression of politics no longer centres around traditional interaction with the state (letters to MPs, lobbying, personal contact) but takes more disruptive forms, such as demonstrations. There are two forms of globalization at work here: globalization from above, in which governments and corporations are the key actors, and globalization from below, in which social movements, nongovernmental organizations (NGOs), and citizens are the key actors.
In this chapter, I argue that globalization and neoliberalism have opened up new spaces for political contestation in Alberta. A shrinking state characterized by a reduction in expenditures and functions and a weakening of democratic institutions within a globally driven oil economy makes Alberta vulnerable to this type of contestation. I explore this new era of contentious politics over the development and export of Alberta’s bitumen sands, arguing that this newly contentious approach is already having significant political effects, particularly in regard to relations with Canada’s Indigenous peoples. Essentially, Indigenous groups argue that Canada and mining companies are ignoring their rights, titles, and interests and that further development threatens their survival and the environment on which they depend. Not having received satisfaction from either the provincial or the federal state, many Indigenous groups are taking their case to the global level, often in alliance with environmental organizations. The global scope of the struggle over bitumen development means that, today, it is the national government, with its responsibilities for external relations, that is mediating the conflict on the international and global levels, with the Alberta government, historically the primary advocate of the oil industry, playing a secondary role. This has already had two effects. First, the Conservative-led Canadian government has warmed its once cool relations with China, a potential market, and, second, Alberta is in a period of warming with regard to its relations with Ottawa.1 What is uncertain, however, is the outcome of the cycle of protest explored in this chapter.

I begin this chapter by placing this cycle of contention in a global context, arguing that it features two conflicting ideas of “how the world should be organized”: the neoliberal vision relegates political and economic power to the market, and the justice-oriented vision emphasizes democracy at all levels, including international institutions and the liberal democratic state (Smith 2008, 3). In this first section, I also consider the changing locus of power in the world, the rise of the garrison or security state, the emergence of new political opportunity structures, and the framing of political messaging. I move in the second section to a discussion of the development and export of bitumen as the latest example of Canada’s dependence on staple products, noting both the uncertainty surrounding bitumen export and the concern of critics in civil society. The third section considers the cycle of contention within the Canadian context, examining the issue of bitumen sands development and export in general and profiling this contention not in terms of the Keystone XL pipeline to the United States but on other fronts of the battle, including Europe and
British Columbia, the site of the proposed Enbridge Northern Gateway pipeline. I discuss the major players—in particular, the governments of Alberta and Canada, allied corporations and governments in Europe, and the networked transnational opposition represented by a growing confluence of Indigenous and environmental movements across Canada, the United States, and Europe. I focus particularly on how the debate has been framed and how both sides take advantage of political opportunity structures to press their case. The final section is an attempt to assess the relative success of each side in this continuing drama. I conclude with thoughts about the possible future of political contestation in Alberta and Canada: Is transnational activism a harbinger of things to come, especially in the natural resource sector?

Neoliberalism, Dissent, and National Discourse

There is little doubt that Albertan and Canadian energy development and export is spurring a new cycle of protest, one that has become transnational. This cycle needs to be situated within the context of the waves of protest against neoliberal globalization that began in the 1990s and continue to the present. Protests, then, have become a staple of contemporary political life.

Neoliberalism represents the latest form of globalization. Neoliberalism can be defined as a social, political, and economic ideology according to which markets, not states, should be the fundamental allocators of values in a society. With neoliberalism has come a shift in the loci of political power. First, external to the state itself, markets are increasingly replacing states as allocators of societal values and are viewed by proponents of neoliberalism as the best means of improving the lives of most people; thus, the role of the state in society has become more limited in scope. Internally within states, as Donatella Della Porta and Sidney Tarrow acknowledge (2005, 2), “there has been a continuing shift in power from parliaments to the executive, and within the executive, to the bureaucracy and to quasi-independent agencies.” This shift represents a clear de-emphasis of democracy. Moreover, as states have begun to lose their capacity and willingness to perform and to deliver what many citizens want, political alienation has risen worldwide. Governments, parliaments, and global corporations now rank very low in terms of public trust. All of this has led Manuel Castells (2010b, 414) to conclude that “political [i.e., liberal] democracy . . . has become an empty shell.” Castells may be too dismissive here. Democratic institutions, while weakened, are still worth contesting. However, the trend
is toward a “leaner, meaner state” (Evans 1997, 85), sometimes referred to as a “garrison state,” in which the welfare state—a critical means to the provision of social and economic justice (in the form of social security, equality of access to education and health care, and the equitable distribution of wealth)—is de-emphasized in favour of security, the military, the protection of property, and the building of prisons (Smith 2008, 71). Yet at the same time, as Foucault (1978, 94–95) notes, “where there is power, there is resistance.” Those who are engaged in nonviolent resistance and protest against neoliberal globalization, though, are often seen as another threat “on par with terrorism, football hooliganism, and transnational organized crime,” to which authorities must respond (Smith 2008, 73).

Thus, dissenters are perceived as a threat to security, another risk to be managed. Foucault (1991) argues that risk is socially produced and that groups deemed to be sources of risk are subject to surveillance and to discipline and control through the collection and application of knowledge. Today, according to the Canadian government, these threats are “environmentalists” and other “radical groups,” such as Indigenous peoples. (Oliver 2012). Just how the Government of Canada has framed these threats shall be examined shortly.

Although global neoliberalism has contributed to the rise of the garrison state in Canada, globalization also facilitates resistance. In particular, it fragments authority and creates new political opportunity structures for social movements and other nonstate actors. As Hein-Anton van der Heijden writes (2006, 28), “Political opportunity structure refers to the specific features of a political system . . . that can explain the different action repertoires, organizational forms and impacts of social movements, and social movement organizations in that specific country.” In other words, a political opportunity structure (POS) is where one goes within a state—its institutions and personnel—to find friends, mobilize allies, and draw political attention to one’s concerns. Today, globalization provides POSs beyond the state.

POSs can either constrain or enable collective action. On the one hand, the more decentralized and “the more open the formal institutional structure and the more integrative the informal elite strategies, the larger will be the number of NGOs that try to influence the politics . . . by conventional means” (37). Thus, a nation-state that features competitive parties, a legislature with relative independence, an independent judiciary, and political and bureaucratic elites who listen is a preferred POS for social movements and NGOs. At the international level, the same principle of decentralization and openness applies.
The United Nations is a preferred POS because it offers social movement organizations both consultative status and an opportunity to be heard, although the UN has little formal power to implement decisions. The European Union is also relatively open and decentralized, with social movement organizations able to gain access to political and bureaucratic elites.

On the other hand, Van der Heijden argues that “the more closed the formal institutional structure and the more exclusive the informal elite strategies, the larger will be the number of unconventional . . . actions” such as protests (38). Under the influence of neoliberalism, Laurie Adkin (2009, 2) argues, the Canadian and provincial political systems are closing. In Alberta, this is exacerbated by a historically weak legislature, strong executive, and weak party competition (see Harrison, this volume). While in recent years, the Alberta government has initiated multistakeholder consultations on bitumen sands development, the process is cosmetic and produces little policy change. As a result, “the government’s strategy has lost its legitimacy” (Hoberg and Phillips 2011, 524).

However, as political spaces close in one venue, they can open up in another. One option for social movements is to go to bodies such as the UN and EU. In addition, governing institutions, whether national or international, in which political spaces have closed can find themselves targets of political protests and transnational campaigns against their policies. Increasingly, social movements and NGOs are also creating their own POSs, within which people can meet and organize. In a globalizing world, then, political spaces are becoming reconfigured, more complex, and fragmented (Crack 2007; Mouffe 1999). Citizenship is also becoming more complex and is being practiced on a variety of domestic and global levels (Sassen 2003).

Globalization, moreover, has stimulated the creation of global Indigenous and environmental movements. The exponential growth of the global economy has led to a thirst for cheap energy and resources (Haluza-DeLay and Davidson 2008). According to Ken Coates (2004, 216), “The imperatives of the industrial world, which needed energy, minerals, wood and pulp . . . drove nations to move aggressively into remote regions. In very few instances . . . did the national governments take the concerns and needs of indigenous peoples very seriously.” Since states proved unresponsive to Indigenous peoples, the United Nations became a preferred venue, not only for human rights advocacy but also for participation in climate conferences, often together with environmental groups (Powless 2012). The rapid expansion of the global economy, the externalization
of environmental costs, and the fear of climate change spurred the rise of a global environmental movement. In particular, the 1992 UN Conference on Environment and Development (UNCED) in Rio de Janeiro served as a catalyst for the creation of this movement (United Nations Department of Public Information 1997).

Given that the grievances and claims of Indigenous and environmental movements cannot be taken for granted, framing is critical to the success of these movements. Frames provide meaning and the symbolic construction of collective identity for social movements; they also assist in articulating the nature of the problem and the call for action (Gamson 2004, 243). However, governments can also frame an issue in a particular way; thus, frames can clash, with both sides—social movements and governments—competing to shape public opinion.

The terms *tar sands* and *oil sands* provide an excellent example of competing frames. As Debra Davidson and Mike Gismondi (2011, 27) point out, the bitumen deposits of northern Alberta have been known by both terms since their discovery in the 1800s. Today, governments and media prefer to use the term *oil sands*, while critics prefer *tar sands*. According to Davidson and Gismondi, the Alberta Minister of Environment announced in 2001 “that the issue is closed, and oil sands is the officially sanctioned term” (27–28). This has had a significant effect on discourse in both the legislature and the mass media. At one time, there was only a marginal difference in the provincial legislature in the use of these competing terms. By 2007, however, the ratio was over three to one, with *oil sands* being the preferred term (Davidson and Gismondi 2011, 27, fig. 2.1). When I inserted the two terms into ProQuest’s data system on 13 April 2015, Canadian Newsstand brought up 83,933 stories with *oil sands* and 13,435 stories with *tar sands*, a six-to-one ratio: clearly, most Canadians are exposed to the more benign term. Today, using the term *tar sands* risks inviting the wrath of governments and the mass media, which serves as a means of disciplining public expression.

*Landlocked Oil: All Dressed Up and Nowhere to Go?*

Once only a dream of Alberta governments and petroleum corporations, the development of Alberta’s bitumen deposits has become a reality and, increasingly, a multifaceted problem. At one time too costly to pursue, bitumen production in Alberta is rising rapidly, with *The Economist* predicting an increase from
2 millions barrels a day, in 2012, to 3.3 million by 2020, or “from 58% to 72% of Canada’s total oil output” (“Great Pipeline Battle” 2012). Canada is vaulting into the top ranks of global crude oil producers, fulfilling the Harper government’s pledge to make Canada an “energy superpower” (Canwest News Service 2006). The problem is “there’s too much oil and not enough pipe” (Vanderklippe 2012), which has made finding markets and building pipelines matters of great political importance.

In one sense, there is little new here. Canada has a history of fretting about access to markets for its staple products. According to political economist Harold Innis (1984), the exploitation of successive staple commodities accounts for the particular pattern of Canada’s economic, political, and cultural development. Canada was part of a world economic system, the hinterland dependent on a more economically developed nation, the metropolis. At the heart of Innis’s analysis is the belief that staple production has dominated Canadian history. According to Stephen McBride (2005, 30), “There is little new about market dependency: the intrusion of international factors and concerns into Canada’s domestic political economy was the central concern of Canadian political economy long before the term ‘globalization’ was coined.” Market dependency was also a factor in the negotiation of the North American Free Trade Agreement (NAFTA). At that time, the problem was “trapped gas”: Canadian producers had a surplus of deliverable natural gas, which led to depressed prices. In brief, “NAFTA opened the way to new pipelines and a much deeper integration of the American and Canadian energy sectors” (Pratt 2007, 468). Today, the issue is bitumen, not natural gas, and the fear, once again, is depressed prices—hence, the urgency to build more pipelines.2

In addition, there is uncertainty about demand in the United States, which is now almost the only customer for Alberta’s energy. Thanks to new production technologies that are allowing the extraction of once inaccessible oil and natural gas supplies, US demand for foreign sources of energy is declining rapidly (Lamphier 2012). Indeed, the bitumen targeted for the Gulf Coast in the future could end up being surplus to US needs. At present, because the US market cannot absorb all the gasoline and diesel produced in the United States from the crude oil that is imported from Alberta, the excess is being shipped to Latin American countries such as Mexico and Colombia, who, while producers of heavy oil, do not yet have their own upgrading capacities, a situation that is expected to be rectified (Cooper 2012). This leads to a critical question: “With North American and European consumer markets flat or declining, and
Latin American nations producing enough for their own needs, what is left?” (Cooper 2012). The end result is that shipping bitumen to Kitimat on the BC coast through the proposed Enbridge Northern Gateway pipeline, and then on to Asia (primarily China), takes on paramount importance for the governments of Alberta and Canada, both increasingly anxious to find secure markets for bitumen. This anxiety is compounded by escalating national and transnational resistance to bitumen development and export.

**Bitumen Extraction and Pipeline Export: Resistance Goes Transnational**

Resistance to bitumen extraction and export can be found in two social movements that are increasingly working in concert: the Indigenous and environmental movements. The emphasis here will be on the Indigenous movement. Both movements are transnational and networked, embodying what can be described as a “cultural logic of networking” based on the logic of global capitalism, itself a networked system (Juris 2012, 266). That is, the same means of Internet communication that permits businesses to operate on a global scale also allows social movements and organizations to organize against them through highly diverse networks. Rejecting the top-down command structure of political parties, networked organizations forge horizontal ties and emphasize inclusivity and autonomy in pursuit of common goals.

Participants in both movements agree that formal political institutions and channels in Canada are closing, which necessitates finding and using political opportunity structures (POSs) outside of Canada to try and influence domestic opinion and government policy. Margaret Keck and Kathryn Sikkink (1998, 12) call this the “boomerang effect”: “when a government violates or refuses to recognize rights . . . domestic NGOs bypass their state and directly search out international allies to try to bring pressure on their states from outside.” Through their activities abroad, NGOs frequently utilize a “mobilization of shame” (23) to bring visibility to their causes and to reframe debate at home and make their domestic governments more compliant.

Canadian Indigenous organizations have found a variety of receptive POSs beyond Canada’s borders. According to Ben Powless (2012, 415), “A transnational, Indigenous movement really emerged during the 1970s largely in response to these closed doors at the national level and seemingly opening ones at the level of the United Nations.” In addition to the UN, the European Union and the governments and legislators of Europe have been open POSs.
Representatives of Indigenous organizations also attend mass global conferences and meetings, such as the World People’s Conference on Climate Change and the Rights of Mother Earth held in Bolivia in 2010, where they are welcome and have opportunities to network with others. Increasingly, Indigenous groups are participating in shareholder activism, whereby activist organizations purchase shares in corporations—in this instance, oil companies invested in the bitumen sands—and make their case at the annual general meetings of shareholders. In addition, cross-country speaking tours in Canada and Europe have been organized.

Of particular importance to the transnationalization of the Indigenous movement is the United Nations. Going to the UN was a logical step, given its willingness to grant consultative status to NGOs. As early as 1982, a Working Group on Indigenous Populations was created at the UN. In 1987, this group was tasked with creating a declaration of Indigenous human rights, which took twenty years to complete, culminating in the adoption in 2007 of the Declaration on the Rights of Indigenous Peoples. These rights have become part of what are known as “third-generation” rights, or solidarity rights, and they include the rights to self-determination, economic and social development, a healthy environment, food, and natural resources, as well as the right to communicate. Of particular importance here is Article 32(2) of the declaration, which reads:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. (United Nations General Assembly 2007)

The above has come to be known as the right to “free, prior and informed consent” (FPIC). Initially, Canada was opposed to this language, along with other articles of the declaration, and refused to adopt it, fearing it could be used as a veto power over issues affecting not only Indigenous peoples but all Canadians. Being one of four holdouts—along with the United States, Australia, and New Zealand, all with significant Aboriginal populations—isolated Canada in world opinion, and on 12 November 2010, Canada finally adopted the declaration, noting, however, that it was not legally binding on Canada (Canada 2014).

While not legally binding, the declaration is an important development in the acknowledgment of human rights and is indicative of the direction that world
nations should be taking. The concept of “free, prior and informed consent” has become instrumental to the framing of the Indigenous movement. Moreover, as one of the signatories to the International Convention on the Elimination of All Forms of Racial Discrimination, Canada is legally obligated to report to the UN Committee on the Elimination of Racial Discrimination (CERD) on its compliance with the terms of the convention. In February and March 2012, CERD reviewed Canada’s nineteenth and twentieth periodic reports and allowed Indigenous organizations to respond by submitting alternative reports. One such report was submitted by First Nations Women Advocating Responsible Mining (FNWARM), a coalition based in northern British Columbia, where any proposed pipeline would necessarily traverse Indigenous lands. The FNWARM report declares:

Our very survival is threatened by resource developments being pursued in the absence of proper consultation and accommodation, under a regime of antiquated government legislation, standards and practices and in an environment marked by discriminatory practices, ignorance and willful destruction of our lands and way of life in the name of profit at any cost.

Other First Nations reports echoed this refrain. One report, jointly submitted by a number of First Nations and Indigenous rights organizations, requested that CERD ask Canada’s UN representatives what the country was doing to fully implement the principle of free, prior, and informed consent. This report places considerable emphasis on the negative environmental impacts of the development of the tar sands, stating that “the results are devastating for Indigenous Peoples,” and calls for a moratorium on tar sands extraction and pipeline construction.

Similar concerns were voiced in a resolution adopted in August 2011 at a meeting in Manaus, Brazil, that was attended by representatives of Indigenous peoples from around the world, in preparation for the UN Rio + 20 Conference to be held in June 2012 in Rio de Janeiro. The resolution noted that tar sands extraction was “vastly destructive to the Indigenous Peoples of the region” and was “a major source of greenhouse gas emissions.” Moreover, like the Keystone XL pipeline project, these projects were “being carried out without the free prior informed consent of the impacted Indigenous Peoples as affirmed in Article 32 of the UN Declaration on the Rights of Indigenous Peoples.” The resolution also called for “for an immediate halt to the Tar Sands extraction,” as well as to construction of the XL pipeline.
These documents exemplify the activity of Canadian First Nations at the United Nations in opposition to bitumen sands extraction and pipeline construction, as well as the inclusion of Canadian First Nations in a global network of Indigenous peoples. Yet the UN is only one venue for activity. Not only is the movement for Indigenous rights in itself global, but it now works in concert with a broad-based network of environmental groups and allied organizations.

In May 2012, organizations in this network engaged in intense lobbying in Europe over the possible approval of an addition to the European Fuel Quality Directive that would determine the acceptable level of carbon emissions produced by various types of oil, including bitumen oil, that might potentially be sold in Europe. The EU has calculated that the “well-to-wheels” emissions of oil from bitumen sands are 23 percent higher than existing EU standards allow (McCarthy 2012). Despite this finding, on 17 December 2014, the proposed requirement that oil from unconventional sources, such as bitumen sands, be labelled as such was defeated in the European Parliament, albeit by only twelve votes (Crisp 2014). Europe does not currently import oil from Alberta, but should such a labelling requirement ever become part of the EU Fuel Quality Directive, it could become a widely accepted standard in other countries as well, thereby lending force to the claim of environmental groups that bitumen oil is “dirty oil.”

In making their case in Europe, environmental organizations worked closely with Canadian First Nations. Included in the collective-action repertoire were speaking tours, lobbying, and shareholder activism. For example, in 2011, several of the organizations in the network facilitated a week-long speaking tour of England by Beaver Lake Cree Nation youth from Alberta. Support for the action came from a number of NGOs in the UK, including the UK Tar Sands Network. The purpose of the UK Tar Sands Network is to campaign “in partnership with Indigenous communities affected by the Tar Sands oil developments in Canada,” with campaigns targeting “governments, UK companies, banks and investors operating in the Alberta Tar Sands.” The speaking tour was organized by People and Planet, the largest student network in Britain, and was part of a solidarity exchange in which UK students travelled to Alberta to visit the Beaver Creek Cree Nation. On 11 July 2011, the students staged a theatrical protest outside the Alberta Environment offices, which was widely covered by major UK media outlets.

In 2011, the UK Tar Sands Network, together with the Indigenous Environmental Network (IEN), sponsored a First Nations speaking tour in the
UK to campaign for divestment from British Petroleum following the company’s decision to invest in the bitumen sands. The speakers who took part in the tour attended BP’s annual general meeting, which was very contested and received considerable publicity in the British press.11

The IEN, a key link between groups in the UK and Canadian First Nations and civil society organizations, focuses on issues of environmental and economic justice from an Indigenous perspective. Founded in the United States in 1990, the IEN has developed strong Canadian and global connections, particularly in Europe. For example, in May 2011, working with Friends of the Earth Europe and Friends of the Earth France, the IEN sponsored a tour that targeted French investors, the French government, and members of the European Parliament. “We are calling for a higher standard on tar sands in the EU Fuel Quality Directive,” said the IEN’s Heather Milton-Lightening: “We hope this forces other countries to stop developing, investing and importing Canadian tar sands oil.” Lionel Lepine, of the Athabasca Chipewyan First Nation, described tar sands development as tantamount to “slow genocide for First Nations living within the extraction zone” (quoted in Canada Newswire 2011).

In March 2012, the IEN—in cooperation with the Council of Canadians, Climate Action Network Canada, and Bill Erasmus, chief of the Dene Nation, and with the support of European allies—organized a tour that began with visits to EU embassies in Ottawa and proceeded to Paris, The Hague, London, and Berlin to meet with government officials in support of strengthening the European Fuel Quality Directive (Council of Canadians 2012). Finally, in cooperation with the UK Tar Sands Network, the IEN coordinated a visit to The Hague of a spokesperson for the Athabasca Chipewyan First Nation in May 2012, who presented grievances to the chairman, board, and shareholders of Shell.

The foregoing is hardly exhaustive. In cooperation with other participants in the Indigenous movement, the IEN, and environmental organizations from Canada, the United States and Europe, the Indigenous peoples of Alberta have developed a strong, complex support network that allows them to voice their claims within a wide variety of POSs at various political scales. How have the Alberta and Canadian governments and their allies in the oil industry responded?

**Fighting Back: The Development of a Counter-frame**

Given the range of national and international POSs within which the Indigenous and environmental movements operate, the development of an
effective counter-frame by the Alberta government alone is not possible. Critics of bitumen extraction and, increasingly, pipeline construction can be found on every continent. It is the Canadian government that is responsible for external relations and that has the right of primary access to many international POSs. Alberta, therefore, must cooperate with and rely upon the leadership of the federal government in framing its response.


This is contrary to much of Alberta’s history within Confederation. Roger Gibbins (1992, 70) writes of a political ideology of western alienation, defined as “the belief that the West is always outgunned in national politics and as a consequence has been subject to varying degrees of economic exploitation by central Canada.” This conviction was famously illustrated in a 1915 cartoon (see figure 3.1), and, as Gibbins notes, it “enjoys deep historical roots and contemporary nourishment.” Today, however, this is not the dominant narrative of the Alberta government: working together and cooperating with the other provinces and the federal government is.
On the international level, gone is the Harper government’s truculent relationship with China. When Harper and the Progressive Conservatives first came to power in 2006, the Canadian government was noted for its chilly relationship with China (Goodspeed 2012). Only later did it become apparent that China was an important potential customer for energy from Alberta’s bitumen deposits and could no longer be given the cold shoulder.

It was clear that Canada and Alberta, facing a growing reputational problem, had to cultivate friends and allies abroad. By 2008, the international environmental movement had bestowed upon Canada its third Fossil of the Year award. In Europe, the framing by the environmental and Indigenous movements had been gaining traction in public opinion and at the EU, which in 2007 began proposing amendments to the 1998 Fuel Quality Directive that would reduce GHG emissions for transport fuels. Emails obtained under the federal Freedom of Information Act indicate an awareness that negative publicity could adversely affect billions of dollars of investment in the bitumen sands. Sushma Gera, a London-based Canadian diplomat, wrote in a confidential email in August 2010, “The oil sands are posing a growing reputational problem, with the oil sands defining the Canadian brand.” Gera went on to say that, in view of the growing number of NGO campaigns aimed at the European public, “we anticipate increased risk to Canadian interests much beyond the oil sands” (quoted in Lewis, Ljunggren, and Jones 2012).

In fact, in 2009, Ottawa established a Pan-European Oil Sands Team consisting of representatives from the Alberta government, the Canadian Association of Petroleum Producers (CAPP), federal environment and natural resource ministries, European oil companies, and the Royal Bank of Scotland, as well as diplomats from major Canadian embassies in Europe (Lewis, Ljunggren, and Jones 2012). In January 2010, a number of these embassies launched the Pan-European Oil Sands Advocacy Strategy. The strategy uses the language of framing and is explicit in its targets and its repertoires of action. One intended outcome is described as a “reframing of the European debate on oil sands in [a] manner that protects and advances Canadian interests related to the oil sands and broader Canadian interests in Europe.” The strategy acknowledges the effectiveness of the opposition, stating that the “oil sands have been the focus of many high profile NGO campaigns in Europe stressing their environmental and social impacts (in particular Aboriginal issues) which are actively framing the issue in a strongly negative light . . . in key European countries.” There was
a lot at stake, as “Canada’s reputation as a clean, reliable source of energy may be put at risk.”

Some of the desired outcomes of the reframing strategy include improving Canada’s image as a “responsible energy producer,” maintaining the confidence of investors, and encouraging the dissemination of “positive/factual information” about Canada’s bitumen development. Goals also include an “increased acceptance by Europeans” of the critical role of Canada’s bitumen production in global energy security, an “increased and more balanced” understanding of the environmental impacts of bitumen development, and an increased understanding of Canada’s and Alberta’s approach to “consulting with First Nations and addressing their concerns.” The promotional tactics implicit in the strategy correspond closely to a repertoire of actions that Canadian government officials in Europe have pursued since 2010, which have included lobbying efforts directed at European officials and politicians, the hosting of tours of the bitumen sands for investors and corporate executives, outreach to corporations and banks, and the hiring of public relations firms to focus on obtaining a watered-down version of the Fuel Quality Directive.

The document then identifies the POSs of the strategy—Canada’s allies and adversaries. The POSs, or targets, include national and European politicians and governments, the public, investors, and the EU Commission. The allies listed in the document include energy companies, energy industry associations, the Alberta government, and the National Energy Board. Naming the NEB as an ally is curious given that the NEB is supposedly neutral, serving at arm’s length from government and functioning in the public interest. Adversaries include NGOs, especially environmental NGOs and Aboriginal groups. Naming the latter as an adversary highlights a conundrum faced by the Canadian government—that is, how to seem sympathetic to Canada’s Aboriginal peoples, knowing that Europeans are concerned about their welfare, health, and right to be consulted, and yet have an effective strategy in which they are in fact marginalized.

Indeed, the marginalization of adversaries has become a cornerstone of the Canadian government’s political and framing objectives. This is evident in federal Minister of Natural Resources Joe Oliver’s “Open Letter” to Canadians, of January 2012. It is written from the perspective of security and risk, in which threats to the export of bitumen are identified and a course of action recommended. Oliver starts by acknowledging that the United States is no longer a dependable market for Canada’s oil. Instead, “we need to diversify our markets
in order to create jobs and economic growth for Canadians across this country." This means that “we must expand our trade with the fast growing Asian economies,” as this “will help ensure the financial security of Canadians and their families” (Oliver 2012). Although Oliver nowhere explicitly mentions Enbridge’s proposed Northern Gateway pipeline, the inference is clear.

However, there “are environmental and other radical groups” who “threaten to hijack our regulatory system to achieve their radical ideological agenda.” They “seek to exploit any loophole . . . to ensure that delays kill good projects”—projects (such as the Northern Gateway pipeline) that would “create thousands upon thousands jobs for Canadians.” Worse yet, these groups “use funding from foreign special interest groups to undermine Canada’s national economic interest.” Only the federal government can protect the interests of Canadians from these threats and restore the balance to its regulatory environmental review system, so that “unnecessary delays” will not put an end to projects that are “safe, generate thousands of new jobs and open up new export markets” (Oliver 2012).

To remedy the situation, the federal government passed into law Bill C-38, a 425-page omnibus bill. The many provisions included new restrictions on the status of charitable organizations perceived to be accepting foreign funds, changes to the Environmental Assessment Act to ensure that pipeline infrastructure is not unduly delayed, changes to the NEB Act put a two-year limit on the review process and permit the federal cabinet to set aside the recommendation of the NEB and insert its own, and, finally, a stripping away of the requirements of the Fisheries Act to protect fish habitat. The purpose? To see that nothing stands in the way of building future pipelines or other development projects.

The language of government officials is heavily confrontational focused on projecting strength, power, and dominance. While the federal government had pursued a confrontational approach, the approach of Alison Redford, who became Alberta’s premier in October 2011, was more collaborative in tone, although she stuck with the position of both previous Alberta governments and the federal government in maintaining that the bitumen sands provide energy security, are a key economic driver for the province and country, and represent an environmentally conscious energy supply. Redford did not speak of adversaries but rather of the need for cooperation, unity, and the national benefits of energy development. “What we have understood, as a federal government and a provincial government,” she said in May 2012, “is we want to work together to
advance Alberta’s interests. And we have had . . . since I became premier, a real focused effort on ensuring that we’re working well with our federal colleagues” (quoted in Wingrove 2012). Similarly, newly elected NDP premier Notley signalled that she would also take a cooperative approach, one grounded in Alberta traditions (McLeod 2015).

Conclusion

At this time, we are in the midst of a great struggle with an uncertain outcome. The Keystone XL pipeline, for example, has been delayed, with the Obama administration facing strong lobbying both for and against. In Canada, the federal Conservatives have the majority to ensure that the Northern Gateway pipeline is approved, but the project is facing intense opposition, nationally and beyond Canada’s borders, that may make its completion difficult. Today, some of that opposition may come from Alberta itself. In a stunning political development, the Alberta Progressive Conservative government was defeated by the Alberta New Democratic Party in the May 2015 provincial elections. While getting Alberta’s oil and bitumen to market will necessitate that the provincial and federal governments work together, the new premier, Rachel Notley, has made it clear that her government will no longer champion the Northern Gateway and Keystone XL pipelines (McDiarmid 2015). Notley realizes that climate change is a pressing global issue and Alberta was in the global spotlight. According to Notley, in order to build Canada’s energy section, we must “build bridges and . . . open markets instead of having a black eye” (quoted in McDiarmid 2015). Notley favours more domestic refining, as well as TransCanada’s $12 billion Energy East proposal to ship oil to refineries in Québec and New Brunswick and Kinder Morgan’s Trans Mountain project from Edmonton to Burnaby, BC (Lewis 2015). But controversy remains over any pipeline development in Canada. If these routes are not supported by the federal and other provincial governments, the NDP will face the same challenge as that of past Progressive Conservative governments in Alberta—how to get oil to the market.

The EU battle has been intense. The Canadian and Alberta governments pulled out all the stops to defeat the amendment to the European Fuel Quality Directive that could have negatively affect bitumen development. Indigenous and environmental groups have responded in kind. Even though the Canadian government has prevailed in its attempt to block the EU’s proposal, Canada
now has fewer friends in Europe. According to one BBC report (Mallinder 2012), “Canada’s decision last year to walk out of the Kyoto Protocol caused concern around the world,” particularly in Europe, where the Kyoto agreement has much popular support.

Clearly, Canada and Alberta are in the global spotlight: what was once an internal struggle has spilled beyond their borders. The United Nations, the United States, and the European Union and its member states are just some of the spaces for political advocacy for the Indigenous and environmental movements. Beyond these spaces, movements today are capable of creating their own POSs, meetings, and venues. It bears repeating that the local is becoming the global, and the global, the local. No longer are issues of natural resource extraction, the environment, and the treatment of Indigenous peoples solely Albertan and Canadian issues. Both the Alberta and federal governments are losing control of publicity and the exclusive ability to frame a story.

Yet this is by no means a novel occurrence. In fact, Indigenous peoples have become an inspiration for social movements around the world. The Zapatistas, named after Emilio Zapata, a hero of the 1917 Mexican revolution, are a group of indigenous Mayan farmers in Chiapas, Mexico, who rebelled in January 1994 to draw attention to their exploitation and impoverishment. Seeking relief from oppression, desiring control of their land and local resources, and fearing the consequences of the North American Free Trade Agreement, they rose in rebellion. Instead of being crushed, a well-coordinated communications and Internet campaign was successful in drawing considerable international support from NGOs and the general public, making the Mexican government pause in its use of force.

Today, Indigenous political struggles are “placed-based, yet transnation-alised” (Atkinson and Mulrennan 2004, 469, quoting Arturo Escobar). In Canada, this has been the pattern since the Lubicon Lake Cree from Alberta went to the UN in 1984 to draw the world’s attention to the exploitation of their land and resources by foreign corporations. In the 1990s, the James Bay Cree in northern Québec waged a successful transnational campaign against the expansion of the huge James Bay hydroelectric project (Atkinson and Mulrennan 2004). The identities of Indigenous peoples, as well as those of other social movements, are being increasingly formed in opposition to neo-liberal globalization.

Transnational advocacy thus represents the new normal in Canadian political life. In the late 1980s, Canadians concerned about Canadian sovereignty
and social and economic justice, led in particular by the Council of Canadians, began making transnational alliances in efforts to stop the Canada-US Free Trade Agreement, NAFTA, the Multilateral Agreement on Investment (which was successfully blocked), and proposed trade and investment agreements of the World Trade Organization. The Council of Canadians is particularly interesting in this regard, having shifted its focus in 2010 “from one of national sovereignty to one of popular sovereignty—that is, democracy for all the peoples of the planet.” No longer do participants in movements of resistance view democracy as expressed solely by liberal or representative democracy. Manuel Castells (2010b, 414) argues that the state has been undermined by the informational flows of corporate globalization.

There is little doubt that citizenship and democratic activity have spread beyond the borders of the nation-state. In a sense, the Alberta (certainly prior to the election of an NDP government in May 2015) and Canadian governments and the oil industry have underestimated their adversaries by acting as if they could build pipelines with no or little opposition. Those opposed to the construction of huge mineral extraction projects and pipelines have their own complex networks, histories, and experiences, as well as an ability to work beyond borders and galvanize public opinion. This is evident in the rapid rise in late 2012 of Idle No More, an Indigenous-led movement, assisted by social media, that rose up in protest against Bill C-45, another omnibus budget bill passed in Parliament in December 2012 that removed the protected status of thousands of rivers and streams in Canada, all to facilitate natural resource development. Within days of the bill’s passage, rallies, marches, flash mobs in malls, and protests spread from Alberta across Canada and internationally to Britain and the United States, catching the Alberta and Canadian governments off-guard. This is clear evidence that as Alberta and Canada open their doors to global market demand for Alberta’s natural resources, they will be shadowed by transnational movements of resistance. We are at the beginning of a new era in Alberta political life, an era of contentious politics.

Notes

1 Whether this warming continues with the election of a New Democratic Party government in May 2015 is uncertain, but as a province, Alberta will still rely on Ottawa, in terms of interactions with other provinces and other states in the international arena, to get its oil to market.

The Committee on the Elimination of Racial Discrimination was created by this convention, the text of which is available at http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx. See, in particular, article 9. The convention went into effect in January 1969.

Report submitted by First Nations Women Advocating Responsible Mining (FNWARM), British Columbia, Canada, “To Canada’s 19th and 20th Periodic Reports: Alternative Indigenous Shadow Report on Canada’s Actions on the UN Declaration on the Rights of Indigenous Peoples, with a Focus on the Canadian Extractive Sector Operating Within Canada,” January 2012, http://www2.ohchr.org/english/bodies/cerd/docs/ngos/FNWARM_Canada_CERD80.pdf, 2. This and other alternative reports were reviewed at CERD’s 80th session, from 13 February to 9 March 2012, in Geneva.

“Response to Canada’s 19th and 20th Periodic Reports: Consolidated Indigenous Alternative Report,” 2011, http://cdn7.iitc.org/wp-content/uploads/2014/08/JointIPShadow-Final_web.pdf, 8. This was a joint report submitted to CERD by the International Indian Treaty Council, the Confederacy of Treaty 6 First Nations, the First Nations Summit, the Dene Nation and Assembly of First Nations Regional Office (Northwest Territories), the Assembly of First Nations, the Union of British Columbia Indian Chiefs, the Samson Cree Nation, the Ermineskin Cree Nation, the Native Women’s Association of Canada, the Indigenous World Association, and Treaty 4 First Nations.

Ibid., 26. Indigenous peoples invariably use the term tar sands, and where they are explicitly referenced, I do the same.


Despite this, it must be noted that Indigenous peoples have not historically been of one accord in terms of their activism. Members of the Athabasca Chipewyan and Mikisew Cree have found employment in the industry and have supported bitumen sands development. However, since 2006, that support has begun to fray, in part because of the increased amounts of water being withdrawn from the Athabasca River when the flow is low. In 2006, the Athabasca Chipewyan withdrew from an Alberta government environmental multistakeholder committee (Brethour 2006; see also Hoberg and Phillips 2011). Since then, strong resistance has come from members of the Athabasca Chipewyan and Mikisew Cree nations. In British Columbia, First Nations representatives strongly dispute Enbridge claims of strong Aboriginal support, arguing that only two Aboriginal groups along the proposed route support the Northern Gateway Pipeline (Canadian Press 2012).
References


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