Extractivism: The Harper Government's Energy and Environment Policy

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This work focuses on the Harper government's energy and environmental policy. Specifically, how environmental policy was designed primarily with the goal of facilitating their energy policy objective of maximizing resource extraction. I outline the evolution of the Harper government's environmental policy throughout their tenure, which includes the use of ineffective and deceptively communicated legislation designed to give the impression of action, and the systematic dismantling of environmental regulation. Also, I explain the Harper government's relationship with the resource extraction industry. Industry was given exceptional access to government, as they had substantial influence over policy and collaborated on communications strategy. The government also marginalized science, scientists, and environmentalists through defunding, muzzling, destruction of scientific records, and more. Finally, I examine the ideological underpinnings that inform these relationships and the rationality they construct. I will demonstrate that the Harper government's neoliberal populist orientation characterized their dichotomous conception of economy and environment, and therefore their environmental and energy policies, and their relationship with perceived allies and adversaries. Ultimately, the Harper government's efforts to maximize resource extraction through dismantling environmental regulation not only failed, but also obstructed their goal.

The Harper government adopted an energy policy that aimed to maximize the amount of resource extraction in Canada, and viewed environmental regulation as an impediment to that goal. The political difficulty of dismantling environmental regulation with the explicit goal of facilitating industry expansion necessitated the use of communicative strategies that frame the government's environmental policy as practical and responsible, the expansion of the energy sector as of national importance and 'common sense' – a common sense informed by a neoliberal populist disposition – and those who oppose their policies as dangerous and irrational. Despite their regressive environmental policy and efforts to obscure these policies, their goal of maximizing the amount of resource extraction in Canada has been unsuccessful, and in part because of these policies.

Environmental Policy

From 2006 to 2011 the Harper minority governments were required to take a balanced approach on the environment, or at least give the appearance one. Often co-opting the language of the environmental movement, various ministers in the highly scripted government discussed the need to take immediate action to prevent “consequences of potentially devastating proportions” due to climate change (Young 97). One of the government’s first environmental policies, The Clean Air Act 2006, set emissions targets far less stringent than the Kyoto Protocol, which, at the time, the government had unofficially withdrawn from in favour of a “made in Canada” solution (Young 99, 101). The deceptive, nationalistic title a clear attempt to legitimize their policy. It was also around this time that Harper and his ministers began claiming the Harper government would build Canada into an “emerging energy superpower” (Cleland). The Clean Air Act 2006 changed the base year from 1990 to 2006, which enabled the government to announce a reduction target of 20% (Young 101). This is deceptive as the relative reduction of these new targets is half of what was pledged under Kyoto, and focused on emissions intensity rather than total emissions, allowing total emissions to grow with the economy (Young 99, 101). Regardless, the government still claimed total emissions would fall (Young 101). In 2007 the Harper government replaced the Clean Air Act 2006 with the non-legislative Turning the Corner Plan, which included plans for carbon pricing, and a zero emissions oil sands (Leach). The most ambitious parts of the plan were later abandoned, and it was revised in 2010 with lower emissions reduction targets (Leach, Young 102). Various policies and plans provided announcement opportunities and created the appearance of action, which demonstrates the government’s communications focus. Canada is currently not on track to meet any of these targets (Leach). Eventually, the Harper Government abandoned these strategies and stated Canada’s emissions reductions would be tied to the Obama Administration’s yet-to-exist targets (Leach). Curiously abandoning the nationalistic “made in Canada” solution for a deferential one (Young 99).

A majority victory in 2011 meant the pretense of balance was no longer necessary, and the Harper Government implemented its most controversial and significant changes to environmental regulations. C-38 and C-45 were omnibus bills that included an enormous amount of legislation, with each being over 400 pages long and effecting more than 60 federal acts with little discernable connection (Krichoff, Tsuji 108). The bills included changes to the Canadian Environmental Assessment Act (CEAA), the Fisheries Act, the Species at Risk Act (SARA), the Navigable Water Protection Act (NWPA), and the Indian Act (Krichoff, Tsuji 109).

In the CEAA, the definition of ‘environment’ was restricted in scope from its already limited definition, as well the definition of ‘environmental effects’, which no longer considers effects on climate (Krichoff, Tsuji 109, Toner 113-114). Now, instead of projects automatically requiring an environmental assessment (EA) unless otherwise stated, projects will only need an assessment unless specifically stated (Krichoff, Tsuji 110). This has reduced the number of projects requiring an EA by 95% from approximately 6000 to 29 (Krichoff, Tsuji 110). The scope of the assessments, as well as opportunities for public and Indigenous participation, have been greatly restricted, and the Minister of Environment’s discretionary power increased (Krichoff, Tsuji 111). Also considering the fact that the new EA regulations are contrary to international literature on best practices, the likelihood of litigation has also increased (Krichoff, Tsuji 111).

In the Fisheries Act, the scope of protection for fish habitats has been greatly reduced. It no longer protects fish from “serious harm”, but only from “death”. Within a fishery, enough harm to cause the death of fish could potentially mean ecological disaster (Krichoff, Tsuji 111). The act now also allows Cabinet discretionary powers to exempt fisheries, despite the already narrow definition of what constitutes a protected fishery (Krichoff, Tsuji 111). Also, the Navigable Waters Protection Act was changed to the Navigation Protection Act, a tactic that shifts focus from protecting the environment to protecting people’s ability to make use of the environment (Krichoff, Tsuji 111). The waters being protected were reduced from 40,000 lakes and more than 2 million rivers to 3 oceans, 94 lakes, and 62 rivers, meaning that 99% of the countries waterways are no longer protected (Krichoff, Tsuji 111). In Ontario, two major rivers were excluded from those being protected; both of which are close to the controversial Ring of Fire mining development (Krichoff, Tsuji 111). Despite both rivers being important to nearby Indigenous communities, none were consulted about the changes (Krichoff, Tsuji 111). Projects on waterways will now be assessed by the National Energy Board (NEB), but they only assess feasibility not environmental effects (Toner 114). C-38 also exempts the NEB from considering SARA when reviewing pipeline projects, and since the NEB is the only agency responsible for reviewing pipeline projects at the federal level, all pipeline projects are federally exempt from SARA (Krichoff, Tsuji 112). The Harper government also changed the Indian Act so a band council only requires a simple majority, instead of a community majority, to surrender lands for lease, and again, Indigenous peoples were not consulted (Krichoff, Tsuji 112).

Relationship with Industry

Industry lobbyists had in fact asked for changes to these specific pieces of legislation that were ultimately changed by the Harper Government. A letter was sent to then Minister of Environment, Peter Kent, and then Minister of Natural Resources, Joe Oliver, by a group made up of the Canadian Association of Petroleum Producers (CAPP), the Canadian Energy Pipeline Association (CEPA), the Canadian Fuels Association (CFA), and the Canadian Gas Association (CGA) that expressed “shared views on...reform for major energy industries in Canada.” The group suggested the laws were “outdated” and that the fact the “at the heart of most of the existing legislation is a philosophy of prohibiting harm” which they believed to be “adversarial” (Paris). The letter also said ideal reform would include timely licensing and permitting, reduce duplication, and address issues with Aboriginal consultation. The language used in the letter was the same used in C-38, as the act included four themes: making the review process more predictable and timely, reducing duplication in the review process, strengthening environmental protection, and enhancing consultation with Aboriginal peoples (Krichoff, Tsuji 112). Interestingly, the amendments achieved the opposite of their stated intention. The new discretionary ministerial powers, which have vague guidelines for when they can be used, could potentially incite litigation, making the process less predictable and less timely. Duplication had been address in legislation prior to C-38 and C-45, as Environment Canada officials told the Minister of Environment. Clearly, environmental protection was not strengthened, and Aboriginal consultation was not enhanced by reducing opportunities for both.

This legislation, and the communicative strategies accompanying it are part of a larger policy called Responsible Resource Development (RRD) (Toner, McKee 110). The strategy and terminology were used by industry in Alberta where a similar approach is taken to privilege industry over the

environment (Toner, McKee 110). Industry and government clearly understand the power of discourse. It is not surprising then that industry and government collaborated on policy as well communications. In 2009 the Deputy Minister of Natural Resources Canada said to CAPP, “we need to meet an active, organized anti-oil sands campaign with equal sophistication.” (Stewart). In 2010 that same Deputy Minister said that CAPP and the Harper government had been working together for some time and need to “up their game” (Stewart). The RRD joint advertising campaign began in 2012 following these meetings (Toner, McKee 111). RRD was included in the Economic Action Plan advertising spots, which were followed by spots from CAPP and CEPA (Toner, McKee 111). There was also a separate \$9 million advertising campaign run by Natural Resource Canada that portrayed the oil and gas industry as environmentally friendly job creators (Cheadle). Additionally, there was a \$24 million international ad campaign promoting the oil sands specifically (Panetta).

The Harper government went beyond just promoting a favoured industry. The confidential Oil Sands Advocacy Strategy created by the Department of Foreign Affairs included a list of what the government considered “allies” and “adversaries” (Stewart). Oil companies, the NEB, the Privy Council Office, Natural Resources Canada, CAPP and other industry associations were listed as allies, while Aboriginal groups, environmental NGOs, European NGOs, competing industries, and media were deemed adversaries (Stewart, Fitzpatrick).

Relationship with Science, Scientists, and the Environmental Movement

The adversarial mindset of the Harper government illustrates their dichotomous conception of environment and economy, and rationalizes their marginalization and destruction of contradictory views and information. It is also a continuation of earlier discursive tactics, although there has been a shift from legitimizing their own actions to delegitimizing others. For example, the open letter from then Natural Resources Minister Joe Oliver in which he stated “environmental and other radical groups...threaten to hijack our regulatory system to achieve they’re radical ideological agenda...They use funding from foreign special interest groups to undermine Canada’s national economic interest.” He claims these radicals delay projects until they become economically unfeasible by exploiting a broken regulatory system. Addressing regulatory deficiencies, according to Oliver, is “an urgent matter of Canada’s national interest.” (Paris). Oliver also appeared on television to discuss the issue saying foreign interests funding the oil sands benefits Canada, but that environmental groups oppose projects that create jobs, bring in revenue, and investment (Payton). Only days previous PM Harper also stated publicly that he was concerned that foreign money was enabling consultation and regulatory processes to be “hijacked”, like Oliver, adopting the discourse of terrorism.

Oliver’s letter and television appearance, as well as Harper’s comments, came approximately one month after the letter from industry lobbyists requesting regulatory reform, and approximately three months before C-38 and C-45 were tabled (Paris, Parliament of Canada, Parliament of Canada). Their timing and coordination indicates agenda setting. We also see a return of nationalist rhetoric, although no longer in asserting Canada’s right to protect the environment, but in asserting Canada’s right to extract resources, and in claiming it’s in Canada’s interest to maximize extraction. According to Oliver, industry expansion is “Canada’s national interest” and ensures the “financial security of Canadian families,” therefore those opposed are enemies of Canada who cause Canadian families hardship (The

Globe and Mail). Oliver and TransCanada CEO Russ Girling appealed to ordinary ‘Canadian families’ when they compared the Energy East pipeline project to the Canadian Pacific Railway and the St. Lawrence Seaway, portraying the project as a nation building exercise (Toner, McKee 117). The implication being that those opposed are bad Canadians (Toner, McKee 117).

The Harper Government has also garnered attention for defunding or eliminating agencies that produce scientific knowledge, especially environmental, as well as their marginalization of dissenting views, and destruction of information. Bill C-38 included the elimination of the National Round Table on the Economy and the Environment (NRTEE), which was created to promote sustainable development and frequently reported on Canada’s emissions, and locked down its website and reports before doing so (Krichhoff, Tsuji 109, Turner 90). Environment Canada’s Environmental Emergency Program was cut so severely it was forced to close all its regional offices, and in 2013 announced it no longer had the capacity to deal with a serious oil spill (Turner 102). The Department of Fisheries and Oceans (DFO) capacity to monitor aquatic ecosystems was dramatically reduced, and it was forced to close all eleven of its libraries with reports of much of the information being destroyed (Peyton, Franks 11, Turner 104).

Another tactic is to restrict federal scientists from speaking publicly about their work. According to a survey, the vast majority of federal scientists believe their work has been compromised by political interference, and that the public sharing of scientific findings has become too restricted (Chung). This has led to self-censorship in the scientific community (Chung). For example, Dr. John Wilmhurst, the Resource Conservation Manager for Jasper National Park, was fired without a publicly stated reason (Pratt). Many suspect it was because he commented on the melting Athabasca Glacier, and in response, 118 former Parks Canada employees accused the government of using the threat of dismissal to instill a culture of fear (Stuart, Pratt). Intimidation tactics extend to environmentalists as well. Revenue Canada was given \$8 million to audit the allegedly foreign funded racial environmental groups (Turner 101). The audit only uncovered an anti-nuclear organization run by doctors, and Ducks Unlimited (Turner 101). Like environmentalists, scientists are demonized as well. There were plans to close the Polar Environment Atmospheric Research Laboratory and the Experimental Lakes Area (ELA), thought to be invaluable tool for scientific research. (Peyton, Frank 11, Turner 103). Greg Rickford, then Science and Technology Minister, used the public criticism he received over the closing of the ELA as a fundraising opportunity, asking for help fighting “radical ideologue” scientists (Peyton, Frank 13).

The Extractivist ‘Common Sense’

The Harper Government’s relationship with science, scientists, and environmentalists is informed by their belief in the illegitimacy of the knowledge created and espoused by these groups. This is due to an epistemological populist orientation to knowledge. Ramp and Harrison define epistemological populism as:

“...an orientation to knowledge which privileges the reliability of ordinary individuals’ direct opinions and personal experiences (the lessons of which can be generalized unproblematically) over the perceived abstractions generated by social science research...In such a theory...the more numerical, general, and statistical the analysis, the less trustworthy it is. Thus, emphasizing the objective evidentiary value of the

[mandatory long form census] could actually feed a sentiment in favour of its elimination...or, to broaden the point, statistical evidence of global warming....In a thoroughgoing epistemological populism, one begins and ends with one's own experience and with taken-for-granted generalizations which frame the world in a narcissistic and moralized way not open to critical dialogue, qualification, or self-reflection, insulated instead by association with like-minded sovereign individuals, united by suspicion of professional or institutional knowledge production." (279)

Emphasizing of the overwhelming and conclusive evidence of climate change, or other types of environmental science, would then reinforce its illegitimacy in the eyes of the epistemological populist (Ramp, Harrison 279). This orientation to knowledge explains the Harper Government's treatment of science, scientists, and environmentalists, as in their view they are acting to marginalize and eliminate illegitimate knowledge, its creators, and its effectors.

There is also some interchange between epistemological populism and neoliberalism that informs the Harper Government's construction of "what interests, rights, and social goods citizens hold in common" (Ramp, Harrison 281). The Harper Government's dichotomous conception of environment and economy, their exaltation of the resource extraction industry, and the marginalization "radical ideologue" scientists, is useful in demonstrating their interpretation of common interests, rights, and social goods. According to the extractivist, the social goods we have in common are our natural resources. It is then in our interest to extract these resources, maximizing our utility, growth and progress (Peyton, Franks 5). This in turn allows individuals' to accumulate wealth for the purpose of purchasing consumer goods, their fundamental right (Ramp, Harrison 283). To shift of our economy away from fossil fuels would be a refusal to utilize our common social goods. This is not in our interests as it obstructs progress, and preventing us from doing so is a violation of our rights as individuals. It would defy 'common sense'. (Peyton, Frank 5)

The Harper government's epistemological orientation to knowledge is useful for understanding their marginalization of science and scientists, and their forceful efforts to facilitate industry growth demonstrates a neoliberal rationalization. Although, it's the interplay between the two that explains the marginalization and demonization of the environmentalist movement, as they fight the 'common good' with illegitimate knowledge.

The Harper government's tireless efforts encouraging President Obama to approve the Keystone XL pipeline included PM Harper himself referring to the project as a "no brainer", and stating that logic dictates its approval is "inevitable" (Toner, McKee 115, Baker). Harper also offered to address emissions to provide President Obama with the "political cover" needed to approve the project, as if industry expansion is 'common sense', and only politics, not conviction, would impede it (Hall).

The Failure of Extractivism

Blowback from the Harper Government's environment policy is evidenced by numerous stalled or rejected projects. For example, the Northern Gateway pipeline was stalled by intense opposition from environmentalists and First Nations groups. The government's consultations with First Nations Chiefs in B.C. were viewed as rushed, and done to "fabricate" a record of consultation should court proceedings be needed (Pemberton). Grand Chief Stewart Phillip, head of the Union of B.C. Indian Chiefs, said the Harper Government has "...in a provocative way, pitted the economy against the environment and it will prove incredibly divisive to Canadians...We will carry this fight through the courts and on the land if necessary." (Pemberton). A consequence predicted by Alberta's former Progressive Conservative Minister of Environment, Jim Prentice:

"...the constitutional obligation to consult with First Nations is not a corporate obligation. It is the federal government's responsibility.... these issues cannot be resolved by regulatory fiat, they require negotiation. The real risk is not regulatory rejection. It is actually regulatory approval, undermined by subsequent legal challenge and the absence of 'social license'." (Toner, McKee III)

Social license, though ill defined, is essentially the community acceptance of a project, which a company acquires by following through on the social obligations it has to a community. Northern Gateway required local and regional acceptance, but this can also extend nationally, or internationally. Due to the growing threat of climate change, the Energy East pipeline is facing growing opposition in Quebec (Tomesco). Previously, now PM Trudeau has said he cannot support the project until it acquires social license (Poitras). The TransMountain pipeline expansion faces opposition for reasons similar to both Northern Gateway and Energy East (Cattaneo). President Obama rejected Keystone XL stating it would undercut his administration's environmental goals, and referred to Alberta's oil as "dirty" (Koring, Bellefontaine). Experts have stated the Harper government's abysmal environmental record has increased opposition to industry expansion, and that PM Trudeau and Premier Notley's willingness to take action on environmental issues will improve the industry's image and facilitate expansion (Leach). When Premier Notley, who has spoken of the need to acquire social license previously, announced Alberta's new carbon tax, she stated that the province received a "wake-up call" when Keystone XL was rejected (Giovannetti, Johnson).

Conclusion

The Harper government was a strong ally for the resource extraction industry, allowing them unprecedented access to government, and collaborating to expand the industry. This entailed a dismissive attitude toward climate change, aggressively dismantling environmental protections, and marginalizing science, scientists, and the environmental movement. Ultimately, this clashed with growing concern about climate change and environmental issues globally, and has been detrimental to the resource extraction industry. The Harper government's ideological foundation of neoliberal populism informs their actions, as they viewed environmental science, government scientists, and environmentalists as attempting to violate individuals' right to exploit common social goods in pursuit of their interests, informed by illegitimate knowledge. These ideological foundations were the product of

western alienation, which reached its pinnacle following the implementation of the National Energy Program. Stephen Harper was determined to ensure westerns never again felt the indignation they did when told how to utilize their resources, although he has only forced them into a situation where they have no choice. Ironically, this has created a situation where leaders of left-of-centre governments – the second Trudeau PM and the first NDP Premier of Alberta – are addressing environmental concerns, hoping to acquire a social license and facilitate industry expansion.

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