THE MISSING SOCIAL DIMENSION IN THE SOCIAL STRUCTURATIONIST APPROACH TO ENERGY POLICY FORMATION: A THEORETICAL APPROACH APPLIED TO THE CANADIAN PIPELINE POLICY

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Abstract: In their 2013 article, Pami Aalto and his colleagues applied Giddens’ structuration theory to the analysis of energy policy formation at the national, regional and global levels by explaining how actors’ practices (intentions, interests and schemata) are shaped by the complex policy environment in which they grasp their information. As such, they consider the policy environment as composed by four structural dimensions (resource/economic, financial, institutional, ecological) which enable or constrain actors’ ability to acquire information and pursue their interests within the energy policy process. However, this model neglects the social dimension, understood as the features of any energy policy or energy resources development projects which carries positive and negative externalities for the living environment, the wellbeing and the security of individuals and communities directly or indirectly affected and which fuels a mobilization from social and civil society actors towards these issues, that can have an influence on the social acceptability of major energy projects and thus have an impact on the development of a larger energy policy. Using this model, including the social dimension, this article analyzes the empirical case of Enbridge’s Northern Gateway pipeline project in the Western part of Canada which give rise to fierce criticisms by different social groups in British Columbia. Through our analysis, we demonstrate that the social dimension remains an important element in the policy development leading to the acceptance or rejection of an energy project. Thus, our contribution allows us to participate in the theoretical effort Aalto and his colleagues have undertaken to push further the analytical framework of energy policy formation by incorporating a dimension which enables a better understanding of the role and influence of civil society in the formulation of energy policies.

For several years, the development of pipeline projects such as Keystone XL, Northern Gateway or Energy East bringing Canadian oil sands production in the Western and Eastern parts of Canada and to the Gulf of Mexico through the Canadian and American territories have raised fierce debates in the public sphere among political, economic, institutional, social and environmental actors supporting or opposing the development of these projects and questioning their potential impacts and outcomes. Among the different theories reflecting on the interaction between structures and agencies of the different actors involved in the formulation of energy policies, Pami Aalto, David Dusseault, Michael D. Kennedy and Markku Kivinen developed in
"Russia’s Energy Relations in Europe and the Far East: Towards a Social Structurationist Approach to Energy Policy Formation", an article published in 2013, a social structurationist analytical model to understand the constant interaction among the different actors in the energy field through an analysis of the practices (intentions, interests and schemata) by which these actors acquire their knowledge and information about their policy environment, information which becomes complex structures enabling or constraining actors’ ability to pursue their actions and goals inside the regional, national and global policy environment. This model then helps to understand how the actors’ ability to pursue their interests depends on the practices through which they acquire their information on the policy environment. For these authors, this model is more efficient to explain the decisional process and the complex policy environment in which the different actors involved in the design of an energy policy are a part, environment which needs to be understood in a differentiated way according to the various structural dimensions in which actors evolve and which lets them actualise their material and social resources necessary to enable or constrain the complex process making of energy policy. However, these authors, when identifying the four structural dimensions describing the policy environment in which actors are involved (resource-economic, financial, institutional and ecological), neglect the social dimension faced by specific actors which, depending of the broader context and the mobilization capacity of social actors, can have an influence on the social acceptability of major energy projects and then have an impact on the development of a larger energy policy.

We need therefore to raise the question: should there be a social dimension in the broader social structurationist model of energy policy formation? And if so, what is the impact of this dimension over the energy policy formation process? Basing ourselves on the Canadian context of pipeline construction projects, more specifically the Enbridge Northern Gateway pipeline project connecting the oil sands production region of Brudheim in Alberta to the Kitimat oil terminal in British Columbia which give rise to fierce criticisms by different social groups such as First Nations groups, unions and local groups worried about the pipeline safety and the possible positive or harmful consequences of this project on their community, we believe that the social dimension remains an important element in the policy development leading to the acceptation or rejection of an energy project. We also believe that this dimension goes further the economic, financial, institutional and ecological dimensions since it has a direct impact on the quality of life of the communities and individuals which live near where the energy project is developed, thus leading to a mobilization of these actors in support or protest against this project, mobilization which have a clear impact on the development of this energy policy.

In order to refine the social structurationist model as developed by Aalto and his colleagues and to participate in the theoretical effort they undertook to push further the analytical framework of energy policy within social science by incorporating a dimension that helps better understand the role and influence of civil society in the formulation of energy policies, we will first presents the main theoretical elements of the social structurationist approach as developed by Aalto and his colleagues and we will give more details about their four structural dimensions before incorporating the main features of the social dimension including its role in the process making of the energy policy and the main actors involved in this dimension. Then, we will demonstrate the influence of the
social dimension in the development of an energy policy formation process through our empirical analysis of the development of the Northern Gateway pipeline project.

**Structuration applied to the formation of energy policy**

Aalto and his colleagues were inspired by the theory of structuration developed in 1984 by the sociologist Anthony Giddens which states that the creation and reproduction of the social system is based on the complementarity between the actions of agents, the human actors who have the knowledge of the conditions and consequences of their actions replicated in institutionalized and routine practices, and structure, the structural properties which are both the medium and the means through which the conditions of the social system are constructed and reproduced and who link actors’ current behaviors and patterns building on cumulative experience to a set of rules and resources (Giddens, 1984, p.17). According to Giddens, these rules are the techniques and procedures that enable the development and reproduction of social practices while resources are of two types: allocative resources based on the ability to transform and organize some resources, goods or material phenomenon, which Aalto and al. links mostly to the use of energy resources such as oil and natural gas (2013, p.4), while the authoritative resources rely on the ability to transform resources into goods that give authority to an actor to direct or command the actions over other individuals and specific actors (Giddens, 1984, p.33). For Aalto and al., structuration is "evident in the practices (processes) by which actors actualise the resources available in the social and material dimensions of structure by creating and following rules" (2013, p.4). This theory then seeks to demonstrate that agents and structure are in constant interaction and that one element can’t be considered without taking into account the influence of the other since agents’ institutionalized practices are always part of the structure which is reproduce and regenerated through the agents’ acts and experiences.

The different actors involved in the formulation of energy policies see the specific interests and schemata trough which they interpret their information have an important influence on how they assess the political environment in which they evolve. However, to be able to adequately describe the characteristics of this political environment and its enabling and constraining impact on actors’ actions, Aalto’s social structurationist theory disaggregates it in four distinct structural dimensions: economic-resources, financial, institutional and ecological. Each of these dimensions can be considered as a schemata site formation able to link specific actors’ interests and interpretations to the broader structure of energy policy, which helps to build the most accurate and realistic empirical evaluation of the development of an energy policy without oversimplifying the role of actors and the influence of the structure in this process or giving more importance to specific actors or dimensions at the expense of others. By disaggregating the formation of energy policy in different structural dimensions, we can better identify the main goals, issues and actors involved in each dimension to promote their own interests and intentions in order to have a better understanding of the schemata underneath their actions and of their constraining and enabling impact on the development of an energy policy. This approach then allows a better empirical understanding of the point of view, interests and intentions of a broad range of actors involved in the formation of an energy policy but also promotes an expanded dialogue across all social sciences disciplines on energy issues by incorporating a global analysis of the different dimensions involved in
the development of a specific energy project or a broader energy policy (Aalto and al., 2013, p. 7-8).

In Aalto and al.’s framework, the economic-resource dimension is the foundation of any energy policy since this policy relies on the analysis of the uneven allocation and distribution of energy resources, especially hydrocarbon ones (oil and natural gas), on the development of means of production, on the extraction and distribution of these resources and the physical, and on the geographical and technological conditions that influence energy policy choices. This dimension includes actors such as energy companies, engineering firms involved in the development of energy infrastructures and technologies and communities of experts amongst firms, research and technical institutes and international organizations that share their expertise on technical, technological and geological issues with other actors concerned first and foremost with the material features involved in the development of an energy policy which leads to the establishment of the favourable conditions for the exploitation, production and distribution of energy resources.

The second dimension, the financial dimension, relies on an analysis of the national and international financial context which has an influence on the development of energy projects since financial transactions and fiscal incentives and constraints can have a major impact on private and public actors involved in the decision-making process to pursue or not specific energy projects depending on their profitability perspective. This dimension relies on material elements such as the evolution of national and international energy supply and demand market and of the national and global economic market but also on social factors such as the impact of up-and-downs in stock prices from investors’ expectations and worries, market speculation over natural resources and credit and investments freeze by financial institutions during an economic slowdown or recession. These material and social elements can have a major impact on the supply and demand of energy resources and incidentally, on their price, and thus affect the evolution and outcome of an energy policy. The main actors involved in this dimension are the banks, the insurance companies, stock brokerage firms and rating agencies, energy companies which has their own bank or insurance branch and national trade and economic development departments and agencies.

The third dimension, the institutional dimension, relies on the intervention by different levels of government that are regulating the production and allocation of energy resources through existing rules, legislation, norms, formal sectorial interests, formal international agreements, regime and institutions which support the decision-making process of the different actors involved in the elaboration of an energy policy. These actors mainly involved in this dimension are the state or government representatives and bureaucrats working for every governmental level, intergovernmental and international organisations. However, Aalto and his colleagues underlined that, in order to analyse the main features of the institutional dimension, we need to take into account the characteristics of the state political regime (democracy or autocracy) and the type of government (federation or unitary state), which can have an important influence on the type of actors involved and on the power relations between them, and to evaluate the influence of the geographic region and of the broader geopolitical context which can favor the intervention of a greater number of regional and international actors depending
on the type of energy projects. We need also to consider that Aalto and al. neglect the influence of lobbyists amongst the primary actors present in the institutional dimension while we consider that they can play an important role in advocating within the institutional sphere for one option, project or policy in favor of specific groups, institutions or individuals and thus have an influence over different institutional actors in the decision-making process of an energy project or policy.

Finally, the ecological dimension, Aalto and Al.’s fourth structural dimension, evaluates the environmental impact of production, transport and use of energy resources, on the decision-making process by supporting options that have a lower impact on the environment and on climate change. This perspective portrays energy in a different manner than the other three structural dimensions by promoting a greener agenda underlining the importance of ecological and environmental factors and the need to optimise the use of energy resources and decrease in the use of fossil fuels, giving rise to different economic, financial and political rationales in the broader evaluation of the positive and negative effects of an energy project or policy in the short and long term. The main actors involved in this dimension are individuals, groups and institutions that have a more critical view of energy than the ones in the other structural dimensions like environmental intergovernmental institutions, non-governmental organisations dedicated to environmental issues, state environmental institutes and departments and environmental experts and activists (Aalto and al. p.8-10). Thus, the different structural dimensions bring a more realistic approach to the global analysis of interaction between actors and structures involved in energy project or policy process-making formation but the four dimensions depicted in Aalto’s and al. model still lack a social perspective that could help to understand how social actors assess and intervene in their policy environment during the formation of an energy project or policy.

The social dimension within the social structurationist approach

The social dimension can help to better understand the decision-making process leading to the adoption of an energy project or policy by incorporating the point of view of different actors whose interests, knowledge and beliefs doesn’t fit well into the existing structural dimension. Thus, the social dimension includes the material and immaterial\(^1\) features of any energy policy, energy resources development projects or choice of project which carries positive and negative externalities for the living environment, the wellbeing and the security of individuals and communities directly or indirectly affected by this project or policy and which fuels a mobilization from social and civil society actors towards these issues. Through economical or environmental arguments raised by social groups in favor of an energy policy or project or opposing it, the social dimension is able to bridge the other structural dimensions of Aalto’s social structurationist model with a local or regional perspective while the dimensions in Aalto’s model have a more national or global point of view. This social dimension also distinguish itself from other dimensions by its main focus on the potential or expected impact of an energy policy or project over bordering or affected individuals, communities

\(^1\) Aalto and al., in their analysis, use the term social features in opposition to the material ones but in order to avoid any confusion with the name of our own dimension, we will use the term immaterial in our text. Immateral features include expected impacts of an energy policy or project that are not backed by empirical evidences but which are feared by actors and fuel their mobilization.
or groups and on the possible loss of use of their living environment through the possible effect over drinking water quality, sound and visual pollution, traditional use of hunting and fishing territories (for First Nations groups), their property assessment value, possible confiscation or expropriation of property and job creation or loss. Besides economical or environmental arguments, the social dimension is also characterized by specific security and safety concerns for individuals and communities, especially those living close to an energy project, which are calling for the implementation of emergency plans or financial guarantees from the industry and different levels of government in case of an accident, concerns that are also triggered by past events, such as Chernobyl or Fukushima in the nuclear sector and the Kalamazoo river oil spill\(^2\) or the Exxon Valdez oil spill\(^3\) for oil transport in North America, which can play a mobilising or catalysing role in demonstrating the inherent risks within energy projects.

The social dimension regroups different actors from the civil society, non-governmental organisations, think tanks, unions, pressure groups, community bodies, citizens associations and First Nations groups who are involved in the energy policy formation process at all levels to advocate and promote their interests, their living environment and their security. To have the capacity to influence an energy project or policy process-making, social mobilization must have the possibility to influence the public opinion by unifying different local or regional actors to strengthen their common position and demonstrate the importance of their issue for the common good. This gives a preponderant role to mainstream and even social media as mediums for bringing in the public space individuals, groups and communities’ arguments and helping them to reach a broader audience and heighten public awareness of their issues, especially when their opinions and arguments are contesting these of governmental, formal or business institutions which benefits from larger budgets or their own information channels (ads, public information sessions, parliamentary or senate committee, public enquiry) to put forward their arguments. However, in the analysis of a social mobilisation process against an energy project or policy, we should not confuse or assimilate the motivation and interests of specific individuals to those of the community or the civil society as a whole, even when social mobilization is triggered by specific individuals, since individual mobilisation will not necessarily lead to a community-wide mobilisation nor, if the community is mobilized, will have an influence on the objectives and strategies adopted at the community-level to counter or support the development of an energy project.

\(^2\) In July 2010, a breach in Enbridge 6B pipeline created a spill of 843,000 gallons of heavy oil in the Kalamazoo river near Marshall, Michigan, contaminating 40 kilometers of the river, which led to its shutdown to clean the river’s bed and banks and to the long-term evacuation for many residents. (http://www.epa.gov/enbridgespill/index.html). The still rising costs for the ongoing cleaning and restoration of the Kalamazoo river, started by Enbridge under the supervision of governmental agencies such as the US Environmental Protection Agency (EPA), already exceeded 767 million USD in 2012 according to an estimate by the National Transportation Safety Board (http://www.ntsb.gov/news/events/2012/marshall_mi/index.html).

\(^3\) In March 1989, the Exxon Valdez oil tanker struck the Bligh reef near the Alaskan shores and spilled 257,000 barrels in the Pacific ocean, impacting 1300 miles of coastlines. Considered as one of the worst oil spills happening in the United States, the costs for cleaning and restoration efforts are estimated by Exxon Company to a total of 2.1 billion US dollars. (Exxon Valdez Oil Spill Trustee Council, http://www.evostc.state.ak.us/index.cfm?FA=facts.QA)
The scientific literature regarding social mobilization against natural resource development project is mostly interested in the "Not in my Backyard" (NIMBY) phenomenon, a concept "widely used to describe the attitude and reaction among the local population protesting the introduction of something unwanted in their community. It is a reaction or attitude towards any project, such as the siting of an actual or perceived hazardous enterprise, such as a power plant, or affordable housing projects that are perceived to pose a threat to health or safety, status or reputation of a neighborhood or geographical area. NIMBYism can take the form of a protest against authorities or industry by the formation of action groups comprised by local residents" (Wester-Herber, 2009, p.348). NIMBY concept has been pejoratively associated by projects’ proponents to selfish motivations from opponents asking that the project was develop in another place further from their own community, or wanting to protect their propriety or their individual wellbeing regardless of the broader contribution or benefits of the project for the society as a whole. However, according to Dan Van Der Horst, local opposition to a natural resource development project can be motivated by different reasons that are not necessarily selfish such as a concern for the security and wellbeing of the affected communities, the nature of the approving process by the authorities, the choice of the technology used during the completion of the project and specific characteristics of the project itself. (2007, p.2706). Even more challenging than the NIMBY syndrome, trough the recent campaigns against major energy projects such as pipeline projects or shale gas exploration and production in North America and Europe, we see emerging the "Build absolutely nothing anywhere near anything" (BANANA) syndrome where the social opposition is not necessarily individual interests-based but more based over principles in opposing to every instances of natural resources or energy development projects in itself without being directly involved or affected by the project at stake (Gattinger, 2012, p.467), a difference in the mobilization that can have an impact on the energy project or policy formation process-making by bringing the involvement of a broader range of social actors.

The social dimension is assuming an even greater role inside the policymaking of major energy project through the use of the social acceptability concept which is used in an empirical or practical manner in different studies and analyses of public opposition towards energy projects and also in the media to explain public positive or negative reactions towards specific energy projects but is not clearly defined in the scientific literature. (Wüstenhagen and al., 2007, p.2684) We can define social acceptability with two complementary conceptual elements: social acceptability is the result of a process in which stakeholders are working together to build the minimal conditions needed in order for a project, program or policy to be integrated seamlessly and at a given moment in his natural and human environment and is concerned also with the risk of short or long-term threat factors associated with a project that is deemed acceptable by a community when it can accept the consequences and damages with regards to their probability of happening (CPEQ, 2012, p.1-2). In order to clarify the understanding of the process leading to the acceptation or rejection of specific projects by the civil society, Wüstenhagen, Wolsink and Bürer refine the social acceptability concept into three analytical categories which help to better understand the social reality: socio-political acceptability, market acceptability and community acceptability. Socio-political acceptability is how acceptability is generally heard as being the acceptability of policies and technologies by
the public, political actors and policy makers while market acceptability is characterized by the support by consumers, investors and private companies to a form of technology and energy resource by using their purchasing power and investment capacity to support necessary investments, potential risks and higher prices or taxes in favor of the development of this technology or resource or to encourage companies and political actors to adopt or foster behaviors or an investment policies more in line with market demands. Finally, community acceptability rely on specific projects acceptability by local actors where authorities need to foster the access to distributional and procedural justice for local participants in the process to make sure that the process-making leading to a project’s approval, cost and benefits sharing among the different actors and access to information is fair and impartial for all actors involved (Wüstenhagen and al. 2007, p.2684-2686). Catherine Gross has also demonstrated that distributional justice, understood as the fair distribution of positive and negative externalities of a common good for all the members in the community, and procedural justice based on the evaluation of the decision-making process over different criteria and social goals are major elements in community’s approval of an energy project. However, she underlines that within this approval process, procedural justice is even more important than distributional justice to increase trust towards the broader decision-making process, the resulting decision approval and the perception of equity by the community with regards to the whole process since the procedural justice favors the capacity from all actors to express their point of view and to participate with respect from all decisional authorities, to have access to all available information and to trust the authorities impartiality. She also demonstrated that in general, communities are more concerned over the equity of the process as a whole than over the equity of the outcome since if the process is deemed fair, the outcome will be considered favorable, where the result is deemed positive for the different individuals or groups having an interest towards the project at stake, or at least fair otherwise (Gross, 2007, p.2729-2730), which shows that social acceptability of an energy project doesn’t rely necessarily on an outcome deemed positive for all social actors but more on the introduction by decisional authorities of a decision-making process deemed fair, equitable and impartial towards all the actors involved. Thus, the social dimension inside the energy project and the policy decision-making process involves a range of actors concerned with project’s outcomes and impacts over individuals, groups and communities affected by the project but also with the possibility to have an influence and play a role in the process-making, especially with the institutional actors, to make sure that their voice and concerns are understood and taken into account during the formation of an energy policy or project.

The social dimension of the Northern Gateway project

In recent years, the issue of hydrocarbons transport over the North American territory has occupied a broader space in public debates, especially since the beginning of the American oil and gas shale revolution and the increase in the oil sands production in the Western part of Canada. Canada has the third largest oil reserves worldwide with 10.4% of 2012 proven world reserves or 173,9 billion of oil barrels of which 167,8 billion is made of oil sands, an unconventional petroleum product found exclusively in Alberta. The production of oil is in constant increase since the beginning of the 2000s and reached 1.7 million of barrels/day in 2011 (National Energy Board. 2013a) and the government of Alberta expects this production will have doubled in 2021 to reach 3.7 million of
barrels/day (Alberta Energy website) while the National Energy Board, an independent federal agency dedicated to the regulation of the Canadian energy sector, evaluates that the oil sands growth will continue and reach 86% of the whole Canadian oil production in 2035, exceeding by 75% the 2012 oil sands production level (National Energy Board, 2013b, p.37). The sustained and expected growth of the oil sands production in the coming years combined with the fact that Alberta is landlocked results in an increasing need for infrastructures able to transport oil to the refining facilities in the eastern and western parts of Canada and towards the potential export markets in Asia and Europe and thus for different actors in the business and institutional sectors, infrastructures are seen as a key element in the future development of this resource (National Energy Board, 2013b, p.48). The pipeline network bringing oil sands to the Western part of the country and to the American market, the first export market for Albertan oil sands, is actually made of four major pipelines. However, the maximal capacity of the existing pipeline networks should be reach in 2017 and with the expected increase in production, new pipelines are deemed necessary by the industry and by the federal and provincial governments to help the hydrocarbon sector reach its optimal capacity and to favor route diversification towards new export markets to lessen the dependency over the American market. (Wood Mackenzie, 2011, p.1-7).

The Northern Gateway project is a key element to reach these goals. The Northern Gateway project developed and promoted by Enbridge, an energy delivery company specialized in the transport and distribution of oil and natural gas, aims at connecting the oil sands production area in Bruderheim (Alberta) to the Kitimat oil terminal in British Columbia with a 1170 km-long twin pipelines, the first line dedicated to the transportation of 525 000 barrels per day of different oil products to be exported by tankers to the Asian market while the second pipeline would bring from Kitimat to Bruderheim 193 000 barrels per day of condensate, a product necessary for the dilution of heavy oil into diluted bitumen to facilitate its transport by pipeline. Enbridge also aims to build a maritime terminal on the Kitimat arm comprising 16 storage tanks, three condensate storage tanks and two tanker berths able to receive, once fully completed, around 220 oil and condensate tankers going to and from the Pacific ocean through the Douglas Channel, one of the principal inlets in British Columbia, which should amount to one third of the maritime traffic in this channel. Launched in the beginning of the 2000s with preliminary public consultations in 2002, the Northern Gateway project was put on hold in 2007 for economic reasons but resumed in 2009 with the launching of the joint evaluation panel of the National Energy Board (NEB) and the Canadian Environmental Evaluation Agency (CEAA). According to Enbridge’s schedule and conditionally to the approval of all levels of government’ institutions and agencies involved, the project should be completed and in operation before the end of 2018. However, the final route of the pipelines is still not clearly defined since Enbridge is waiting for the final approval from the different levels of government before releasing its detailed study of the final route. It is however expected that the pipelines will occupy a 1 km-wide corridor during construction and after completion, a 25 m-wide corridor on every side of the pipelines and will be built in part on public lands in Alberta and British Columbia where First Nations groups practice their traditional activities. The construction costs for the whole project, including the construction of the Kitimat terminal and improvements to the maritime traffic in the Douglas Channel, are estimated to 7.9 billion CAD (NEB/CEAA,
Enbridge estimates the economic repercussions of the pipeline to a 312 billion CAD increase of Canadian GDP over thirty years and to an increase of governmental revenues of 44 billion CAD for provincial governments, mostly Alberta and British Columbia, and of 54 billion CAD for the federal government. Enbridge expects that during the construction of the pipeline, 13,870 jobs will be created and after completion, 268 permanent jobs will remain for the whole exploitation time. However, these figures are contested by different groups, including First Nations groups, environmental groups such as the Sustainability Coalition and unions such as the Alberta Federation of Labour or the United Fishermen and Allied Workers Union, which consider that the economic and financial benefits from the project were overestimated when compared with the negative economic, social and environmental impacts from the project, especially in case of an oil spill, and that there is risk of an imbalanced repartition of costs and benefits between companies’ shareholders, other equity partners involved in the project and the different levels of government which will greatly benefit from revenue increases while citizens directly affected by the pipeline crossing their lands and territories share minimal benefits but face the most risks regarding their land use and key sectors of their economy such as fisheries, forestry and tourism in case of an oil spill (NEB/CEAA, 2013, Vol.1, p.31-32).

Since the launching of the Northern Gateway project, interventions and protests from different actors from the social dimension has been ongoing and are still part of the public discourse regarding the necessity and the impact of the pipeline and the broader decision-making process leading to its approval by institutional authorities. Since coming to power in 2006, the conservative federal government has changed several regulations and laws concerning the regulatory approval process and environmental evaluations of major energy projects to accelerate the regulatory process-making of ongoing and future energy proposals. In 2012, the federal government introduced through its budget important changes to the regulatory process of energy projects by putting a time limit of 15 months to hearings and evaluation process, merging the environmental assessment into the broader NEB evaluation if the energy project is in Canadian’s interest leading to the release of a certificate of public convenience and necessity, reducing the range of actors that might participate in hearings and reviews of the project to those who are directly involved or affected to the project and taking from the NEB, an independent federal agency, the final recommendation in issuing the certificate of public convenience to give it directly to the federal Cabinet. In July 2012, these changes were introduced in the Joint review panel of the Northern Gateway pipeline, which conducts hearings and an evaluation of the impact of the pipeline to give recommendations and approbation of the project, and set a time limit for the panel to release its report (December 2013) and for the federal Cabinet to approve the project (June 2014) (Becklumb, 2012). Since the conservative government has expressed firmly and in several occasions its support for pipeline projects, these changes to the regulatory framework of major energy projects led opposition parties, environmental groups and NGOs to think that they were introduced to please the industry and ease the environmental process that could stop or halt the development of major energy projects (Croteau, 2013). Thus, the changes to the regulatory environment has affected the distributional justice and the social acceptability perceptions among actors involved in the regulatory process since they affected the capacity from all actors to participate in the joint review panel and express their point of
view with respect from all decisional authorities and their trust towards the fairness, impartiality and equity of the process-making leading to the approval of the Northern Gateway project.

Over the years, numerous polls commissioned by business or environmental groups, which consequently may be biased, have shown a variation in the support or opposition to the Northern Gateway project with a constant stronger opposition in British Columbia than in Alberta. A 2012 poll showed 63% of Albertans were in support of the project while 56% of British Columbian rejected it (O’Neil, *The Edmonton Journal*, 2012) while in 2013 and 2014, polls showed that opposition in British Columbia remains high with some showing an even distribution between opponents and supporters (Hoekstra, *The Vancouver Sun*, 2013) while other shows a clear majority (64%) rejects the pipeline and questions its potential benefits (Hoekstra, *The Vancouver Sun*, 2014). Different political and business actors have underlined in the previous years the importance of having a social licence from citizens in support of pipelines projects at the different levels if they want them to go further without opposition blocks, even if the final authorization will come from the federal government which has made clear over the years that it favored them. It is the case for the Premier Minister of British Columbia, Christy Clark, who underlined in 2012, when commenting the possibility that the federal government might authorize the pipeline without provincial authorization nor public support: "It can only get the social licence from the citizens of British Columbia. […] Heaven forbids, it would be a national political crisis. Whether or not people supported the pipeline, they would band together to fight the federal government if they decided to intrude into British Columbia without our consent" (Mason, *The Globe and Mail*, 2012). In a conference in January 2014, Perrin Beatty, the president and CEO of the Canadian Chamber of Commerce, emphasized also that although pipelines are deemed a necessity for the industry to ensure the growth of the hydrocarbons sector in Canada, having social licence from the population remains a key element in the development of pipeline projects in different regions of the country: "People close to oil and gas production or transportation facilities worry about the impact on their waterland or on safety for good reasons. At least, forces are playing through public opposition to energy infrastructures projects, particularly pipelines. […] But how do we purchase social license from various communities and again the political support to serve the markets that need energy?"

Over the years, we saw different individuals, grassroots organizations, groups and communities coming forward in the public space through protests, demonstrations, interventions in the media, websites5, petitions, polls, referendum and participation in public and business initiatives. They voiced their concerns and opposition regarding the Northern Gateway project, its impact over communities and their mistrust towards the recently modified institutional evaluation process. The main social reasons behind opposition to the Northern Gateway project in British Columbia are linked to safety concerns regarding the expected increasing number of tankers going through the Douglas channel and near the coastlines of the province which could increase the risk of accidents

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5 See for example the website Pipe up against Enbridge [http://www.pipeupagainstenbridge.ca/](http://www.pipeupagainstenbridge.ca/)
and oil spills. These concerns recalled the large impact of the Exxon Valdez oil spill near the Alaskan shores in 1989, an event that was brought up in media and in front of the Joint evaluation panel by actors such as the United Fishermen and Allied Workers Union who argued that an increase in tankers traffic and probability of accidents and oil spills would have important economic, ecological and social effects on coastal communities whose development rely on ocean access. Thus, tanker accidents and oil or condensate spills in the ocean or in the channel are seen as a major risk for economic activities in the region, especially fisheries and tourism which are important sectors for communities living close to the pacific coastlines (NEB/CEAA, 2013, Vol.2, p.289-290). These arguments regarding the expansion of oil tankers traffic following the construction of the pipeline and the increased risk for jobs, health, access to coastlines and possible moving or relocation for communities nearby in case of spills, was also put forward by individuals and NGOs questioning Enbridge’s and tankers owners’ capacity to avoid any leak or spill (Dogwood Initiative, letbcvote.ca, 2014) and their ability to clean up diluted bitumen in case of an accident, since diluted bitumen is believed to sink in the water when mixed with sediments and is more resistant to conventional chemical dispersants (Luk, The Globe and Mail, 2014), thus being more difficult to clean when dispersed in water without any harm to drinking water, marine life and living environment: "Enbridge would also have us believe it is a good idea to send giant tankers containing 360,000,000 litres of bitumen and diluent sailing down a 90 km, narrow, crooked, often foggy Douglas Channel (the third largest fiord system in the world) from Kitimat to the ocean. […] They expect to send 220 tankers per year; that’s one at least every two days. And those same tankers come back with the diluent, which goes back in that second pipeline. And will any of them ever run to trouble? Never, according to Enbridge. In your dreams. No one even really knows how to clean the bitumen or diluent up. Check out the Kalamazoo spill in Michigan by Enbridge to prove it" (Reid, Whistler Question, 2014). In May 2014, in order to increase public support for pipeline projects and ease the reception for the Northern Gateway approval by the federal cabinet expected in mid-June, Transport Canada and Natural Resources Canada ministers announces new measures and rules to formalize the polluter pays principle for oil pipelines and tankers industry to assume a 1-billion dollars absolute liability and clean-up costs for oil spills, moves that were welcomed by NGOs, First Nations groups and local activists as an improvement from the existing legislation, although they criticized the fact that the liability will be absolute for companies, making them responsible to cover the clean-up of an oil spill even if they are not in fault, but with a limited amount that might not be enough to cover all clean-up costs and compensation in case of a major spill (Hildebrandt, CBC.ca, 2014).

Among the means used by social actors to influence the decision-making process of pipeline policy formation, protests were widely used from 2011 to 2014. Regular protests and rallies with hundreds if not thousands of persons from affected communities’ residents, NGOs, First Nations groups, local leaders and environmentalists were organised against Northern Gateway project throughout British Columbia but also nationwide to express firmly and recall to economic and institutional actors their opposition towards the project, and especially their concerns regarding safety issues with tankers. They also questioned the reliability and independency project evaluation process by the Joint review panel that started in 2009 and completed in December 2013 and gave the project conditional approval with 209 conditions for Enbridge to fill and paved the
way for an official approbation by the federal government expected in June 2014. (Crawford, Vancouver Sun, 2013). The opposition to Northern Gateway has also move to the electoral front with the holding of a referendum in Kitimat in April 2014 organised by the municipality after an electoral promise in the 2011 municipal election to determine through popular vote the city council’s position regarding the Joint review panel decision over the Northern Gateway project and the marine terminal that is expected to be built in their town. The referendum campaign focused on two main arguments as the supporters of the project underlined the creation of 180 permanent local jobs and the economic fallouts from the project for the community while the opponents argued that the risks caused by pipeline or tankers spills outweighs the economic benefits their community could gain from the pipeline construction and activity. In the end, the pipeline project was rejected by 58% of the voters with a 62% turnout (Rowland, 2014), a decision that the council acknowledged and decided to send directly to the federal cabinet to "seriously take the plebiscite results into consideration when making their decision regarding the recommendation of the Joint Review Panel" (Kitimat Council, 2014). Building on the result in Kitimat, another environmental and citizen group, the Dogwood initiative, launched a website calling for a citizen initiative to gather signatures in order to support the launching of a province-wide vote regarding oil pipelines and tankers expansion project which could be made possible through the recall and initiative act that gives provisions for citizens in British Columbia to launch a referendum if the initiative meets the threshold of having signatures from 10% of the voters in each electoral district in the province. (Dogwood initiative, letbcvote.ca, 2014) This initiative, if put in place, would force the provincial government and political parties in British Columbia to take a clear stance in support or in opposition to the pipeline projects in its province and to hold a vote which, depending on the results, could end up in a new provincial law regarding energy projects and oil transportation in British Columbia. This social mobilisation in opposition to Northern Gateway in British Columbia has also moved to the federal electoral front and is considered as one of the big issues for the next federal elections in 2015 in the Western part of the country while opposition parties, the Liberal party of Canada and the New Democratic Party, has both announced their opposition towards the project, while the ruling party, the Conservative Party of Canada, has pronounced its clear support for pipelines projects bringing oil sands to new markets in the Western and Eastern part of the country. However, on June 18th 2014, the federal cabinet announced its decision towards the approval of the Northern Gateway project and the need for Enbridge to respect the Panel’s 209 conditions before starting construction (Natural Resources Canada, 2014) in a press release without presenting it in a news conference or having the Prime minister or ministers defending the government’s decision, a move which was associated by political analysts to the social mobilisation in British Columbia and the risk of possible negative effect for Conservative members of parliament in the province, where the Conservatives have 21 seats, for the next federal election. With the creation of six new seats at the House of Commons for the province, following the redistribution of seats allocation by province, British Columbia could become one of the main electoral battles between political parties for the next federal election and Northern Gateway, with the ongoing mobilisation in different parts of the province from local communities, local groups and firsts nations, one of the key issues that could mobilise voters in different ridings in the province.
Among the individuals, groups and communities opposed to the Northern Gateway in British Columbia and in Alberta, those who are the most vocals are the First Nations groups which have launched different initiatives to voice their opposition towards the project. The Northern Gateway itinerary is planned to cross significant portions of provincial crown lands in both provinces over which different First Nations have their traditional territories and territorial claims that are not settled by treaties. However, by constitutional and court rules, First Nations need to be consulted by institutional authorities in any decisional process for energy or natural resource projects built on their lands, a position which was reinforced with the Supreme Court of Canada order on June 26th, 2014 recognizing aboriginal rights over their ancestral lands which need to give their consent for natural resources or energy development projects on their territory (Hildebrandt, 2014b). Since 2010, more than 130 First Nations groups in British Columbia, Alberta and other parts of Canada signed the Save the Fraser Declaration to protect their ancestral lands and waters for current and coming generations by rejecting pipelines projects bringing oil sands to cross their territories: "A threat to the Fraser and its headwaters is a threat to all who depend on its health. We will not allow our fish, animals, plants, people and ways of life to be placed at risk. We have come together to defend these lands and waters from a grave threat: the Enbridge Northern Gateway Pipelines project. This project, which would link the Tar Sands to Asia through our territories and the headwaters of this great river, and the federal process to approve it, violate our laws, traditions, values and our inherent rights as Indigenous Peoples under international law..." (holdthewall.ca, 2014). In 2012, First Nations groups announced that they were willing to "go to the wall" against Northern Gateway through massive protests, blockades and courts to protect the integrity of their territory and ensure access and traditional use of the land for hunting, fishing and food and medicine gathering, elements deemed essential for health, community and cultural development of their members (Mickelburgh, 2012). This call for holding the wall against Northern Gateway was extended in 2014, while the federal approval decision is soon expected, with the launching of the website Hold the Wall calling Canadian citizens to join First Nations fight against the project by signing their petition, which in July 4th had already 25 377 signatures, and joining Indigenous groups in street protests and on lands in order "to create a powerful and unbroken wall of opposition" (holdthewall.ca, 2014). Throughout 2013 and 2014, in response to First Nations mobilization and in order to convince First Nations groups to support the Northern Gateway project, the federal government named a special envoy as a special federal representative on West Coast Energy infrastructures and sent several important members of the Cabinet (Ministers and Deputy ministers of natural resources, environment, Aboriginal Affairs and Northern Development and transport departments) to meet with leaders of First Nations groups to show them the economic benefits they could gain from the project (Radio-Canada, 2013). However, in 2014, First Nations groups officially rejected the pipeline projects in meetings with federal representatives and announced that they will challenge in federal courts the Joint review panel recommendation and the federal decision regarding the approval of the Northern Gateway, arguing that the decision makers, especially the federal authorities, have failed to consult them enough during the development of the project and have not heard and addressed adequately their concerns regarding the pipeline’s risks on their way of life (Ball, The Tyee, 2014). Following the approval decision by the Federal Cabinet on
June 18\textsuperscript{th} 2014 of the Joint Review Panel decision which imposed upon Enbridge to fulfill the Panel’s 209 conditions before starting the construction of the pipeline and delegated to Enbridge the necessity to consult and negotiate with first nations and local communities along the pipeline (Natural Resources Canada, 2014). First Nations leaders reiterated their willingness to challenge the Federal decision in the streets and in courts as Stewart Philips, the President of the Union of the British Columbia Indian Chiefs, said: "[Prime minister] Harper has declared war on British Columbians and First Nations, he will absolutely not be welcome into this province in the future. It means more protests and demonstrations and rallies wherever he speaks and wherever he visits." (Bailey, 2014) Thus, First Nations groups could halt or stop the Northern Gateway project for months and even years even if the federal government approves the project and Enbridge fulfill the Panel’s conditions since courts could ask Enbridge to stop the project until the issue is settled and could also ask authorities to restart their evaluation process to further involve First Nations groups in it. In that sense, social groups, especially First Nations groups, could slow down or put a halt to pipeline projects with their mobilization activities and their appeal to vote and courts if they feel that business and institutional actors are not taking into account their concerns into the energy policy formation process-making.

Conclusion

To conclude, the social structurationist theory of energy policy formation seeks to build a more realistic evaluation of the development of an energy policy without oversimplifying the role of actors and the influence of the structure in this process by demonstrating that agents and structure involved in the process-making of an energy project or policy are in constant interaction in the policy environment and that one element can’t be considered without taking into account the influence of the other since agents’ institutionalized practices are always part of the structure which is reproduced and regenerated through the agents’ acts and experiences. In order to be able to adequately describe the characteristics of the policy environment in which actors assessed their interests, schemata and interpretations and its enabling and constraining impact on actors’ actions, Aalto and al.'s model disaggregates it in four distinct structural dimensions: economic-resources, financial, institutional and ecological. However, we argued that in order to grasp adequately the broader policy environment of energy policy formation, we need to include the social dimension faced by specific actors from the civil society regarding features of any energy policy or energy project which carry positive and negative externalities for the living environment, the wellbeing and the security of individuals and communities directly or indirectly affected by this project or policy which then can have an influence on the social acceptability of major energy projects and have an impact on the development of a larger energy policy. Through our analysis of the policy formation process of the Northern Gateway project, we demonstrated the influence of several social actors, among them First Nations groups, unions, NGOs and communities which voiced their concerns regarding safety issues and impact of the pipeline on their way of life and communities’ development, over the institutional evaluation and approbation process of the project and the broader policy environment through referendum, protests and courts orders to challenge business and institutional
actors’ positions and arguments and push them to integrate them more in the process-making policy formation or to modify regulations in place such as for polluter pays obligations. Thus, we suggested that, by incorporating the social dimension inside the social structurationist theory of energy policy formation, we could have a more accurate theoretical and empirical analysis model of the role and influence of actors and structures involved in the development of an energy project or policy.
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