



Not Your Grandmother's Civil Disobedience

Kenneth P. Green and Mark Milke

Activists in British Columbia have responded to the National Energy Board's approval of the Northern Gateway oil pipeline with threats of illegal activism reminiscent of the 1990s. Greenpeace spokesman Mike Hudema, for example, said his group will "do what it takes" to ensure the pipeline is never built (and he specifically mentioned civil disobedience).

Given the nature of the NEB's process, such civil disobedience would be inappropriate, and detrimental to society. It would overturn the assumption that people are free to engage in lawful



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commerce if they obey the rules, without an endless process of protests, lawsuits, and smear campaigns.

Others, however, disagree. One Vancouver writer has argued that potential civil disobedience against the oil pipeline is akin to historical protests in favour of female suffrage, slavery, indentured servitude, and against clear-cutting forests.

Civil disobedience has an honourable history; the question is whether a particular group on a particular matter is justified in such actions. Such steps are, after all, violations of the law, whether property rights, trespassing, and so on.

Greenpeace's Mike Hudema says his group will "do whatever it takes" to ensure the pipeline is not built

Where people's rights are systematically violated, where they are denied recourse to the courts, or to their elected representatives, the case for civil disobedience is clear.

But the Northern Gateway Pipeline proposal does not represent such a violation, and there has already been a rather extensive process of discussion and consultation.

The consultation and regulatory process conducted by the National Energy Board spanned four years, cost some \$500 million, involved 180 days of hearings, worked through 9,400 submitted letters and took oral testimony from nearly 1,200 people. That process may not have been perfect but even perfection would not have satisfied those opposing the pipeline: their opposition is absolute. They are not interested in whether Northern Gateway is safe or not, or economically helpful to Canada; they oppose it, period.

Threatened civil disobedience over Northern Gateway rather trivializes the idea of civil disobedience. Another pipeline is hardly an existential threat to Canada's (or B.C.'s) environment, much less anyone's civil rights. Already, 825,000 kilometers of pipelines criss-cross Canada, with about 40,000 km in British Columbia (as of 2011). Another 1,200 km is hardly earth-shattering.



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Then there is another other argument made by some activists: that civil disobedience in the early 1990s against the forest industry did not collapse B.C.'s economy the last time environmental activists upped the ante, so neither will it this time. But economies need not collapse to harm some people and kill off opportunities for others.

Consider one example. The 1990s-era decision to ban mining in the Tatshenshini-Alsek region of northern B.C.—the Windy Craggy deposit, a claim owned by Geddes Resources. The mine potential (in 1992 estimates) of \$15 billion in copper, silver and gold extraction was at stake, with 500 direct jobs then valued at \$78,000 each annually, along with another 1,500 indirect jobs.

Rather than accept a mine proposal that amounted to 1,100 square km out of 958,000 square km in total—barely more than one-tenth of one per cent of the Tatshenshini-Alsek region—a



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1993 decision by the provincial government killed off the potential mine. Tourism jobs could have co-existed with mining jobs in the Tatshenshini; instead, the current tourism potential in a remote corner of the province has not and never will match the high-paying jobs of the long-scuttled \$15 billion mine (\$22 billion in current dollars).

This absolutist positioning is an ongoing problem in Canada. In his 2000 book on the conflict in B.C.'s forests in the 1990s, then-UBC Professor William Stanbury noted the vandalism, sabotage, ignored court injunctions, and international boycott campaigns organized by some green activists. As Stanbury wrote, "one of the more disturbing issues raised in the course of this study is that there appears to be declining respect for rationality in making major public decisions in B.C. relating to environmental issues."

Indeed. And we see a replay of the irrational, absolutist problem now with violent protests over pipelines and violent protests

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over hydraulic fracturing. We will probably see more such protests should Northern Gateway receive federal approval.

Threatened protests over Northern Gateway are not your grandmother's civil disobedience where great injustices were challenged by brave people willing to suffer jail, violence, and more to right those wrongs that afflicted the daily lives of millions.



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The current and predicted protests are, instead, the reflex action of absolutists who would destroy opportunities for others regardless of how one of the world's better-functioning democracies allows for companies to engage in lawful commerce. There is nothing noble about such "resistance." It instead has the distinct whiff of unnecessarily severe Puritans in more modern, green attire. ■