# Campus Fossil Fuel Divestment (CFFD) Counter-Repertoires

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Abstract: Under the contentious politics theoretical framework the actions of activists are understood metaphorically as a particular set of 'performances' drawn from a broader potential 'repertoire.' The expectation within the framework is that as activist repertoires are deployed defenders of the *status quo* will undertake performances of their own to avoid taking the actions demanded. My thesis overall examines how organizing CFFD campaigns affected the political beliefs and behaviours of activists. This excerpt catalogues the main counter-repertoires resisting fossil fuel divestment on the part of universities, the fossil fuel industry, and governments. It is relevant both for activists seeking to critically assess the movement and for scholars designing protective ethics protocols for use with activist research participants.

## Land recognition

It feels most appropriate and respectful to begin with the University of Toronto's land recognition and then provide some personal context.

The Land Acknowledgement Statement reads:

I (we) wish to acknowledge this land on which the University of Toronto operates. For thousands of years it has been the traditional land of the Huron-Wendat, the Seneca, and most recently, the Mississaugas of the Credit River. Today, this meeting place is still the home to many Indigenous people from across Turtle Island and we are grateful to have the opportunity to work on this land.

The protocol for using the statement is:

Statement of Acknowledgement of Traditional Land to be used at specific university ceremonies such as Convocation, Groundbreakings, and Building Openings. This statement was developed in consultation with First Nations House and the Elders Circle, some scholars in the field, and senior University officials. The statement is applicable to all three campuses — UTM, UTSC, and St. George — as well as the Koffler Scientific Reserve at Jokers Hill, the Institute for Aerospace Studies (UTIAS), and is available to all members of the University community for use at University events as appropriate.

I performed the research for this dissertation primarily beginning with the approval of my research protocol in August 2017, though the project is based upon my research during the earlier years of my PhD during which I lived at Massey College. During my time in Toronto I have lived between College and Ossington, Bloor West Village, the U of T campus, the Harbord and Bathurst neighbourhood, and North York. Those are the places I have lived during my coursework and employment as a teaching assistant, the preparation of the research project with a theoretical framework and ethics protocol, the interviewing and data collection, data analysis, literature review, and writing up. I am grateful to all the Indigenous peoples who have shared the land where I lived during this project as well as where I have lived before in Vancouver, Oxford, and Ottawa, and to all the Indigenous people who have been fearless and selfless in defence of the Earth.

### **1** Campus fossil fuel divestment counter-repertoires

#### 1.1 Introduction

My forthcoming PhD dissertation is an analysis of Canadian Campus Fossil Fuel Divestment (CFFD) campaigns between 2012 and 2020, written using the contentious politics theoretical framework of Doug McAdam, Sidney Tarrow, and Charles Tilley as a source of central metaphors to organize data collection and analysis, chiefly by breaking up the analysis of the movement into political opportunities, mobilizing structures, repertoires, and framing. Central to the framework are theatrical analogies about activist behaviour, and the view of activist actions and campaigns as sets of performances put on with the intent of moving an audience, and then perhaps affecting their subsequent thoughts or behaviours. Initially this examination of counter-repertoires used against fossil fuel divestment advocates, climate justice advocates, and environmentalists more broadly was integrated with the discussion there of the repertoires of performances employed by the campaigns themselves, the need to shorten the manuscript has here happily allowed it to be made public more promptly.

The information is relevant both in terms of the subject matter itself and methodologically, because it is necessary to have an understanding of the state and corporate counterrepertoires being deployed against climate change activists and land and water defenders. That sets the context in which participant protection as well as data security and ethics protocols must be designed.

The contentious politics framework envisions activism as a constant back and forth process where activists make demands of their targets, targets respond, and activists again choose what to do.<sup>123</sup> These dynamics are evident in CFFD campaigns, and a catalog of the counter-actions taken by target universities in response to campaigns is available. Fiona Del Rio argues that "moral positioning is used by corporate and political elites against the demands of environmentalists and as a substitute for taking quantifiable action on climate change."<sup>4</sup> This connects with Gardiner's warning about "shadow solutions" in response to

<sup>&</sup>lt;sup>1</sup>Counter-repertoires have the potential to emerge throughout climate politics. A speculative article about geoengineering — the deliberate alteration of the climate system to try to counteract the effects of rising greenhouse gas concentrations — in *The Economist* even speculated about "counter-geoengineering programmes" which countries opposed to the geoengineering efforts of others might undertake. The Economist, *What if Geoengineering Goes Rogue*?

<sup>&</sup>lt;sup>2</sup>In the context of US electricity utilities resisting pro-renewable energy policies, Stokes describes how "networked interest groups can learn about policies in other states and use this information to swiftly drive retrenchment." Stokes, *Short Circuiting Policy: Interest Groups and the Battle over Clean Energy and Climate Policy in the American States*, p. 23, 249.

<sup>&</sup>lt;sup>3</sup>Hertel-Fernandez, How Conservative Activists, Big Businesses, and Wealthy Donors Reshaped the American States — and the Nation.

<sup>&</sup>lt;sup>4</sup>Del Rio, "In a World Where Climate Change is Everything... Conceptualizing Climate Change Activism

climate change, in which "we are susceptible to proposals for action that do not respond to the real problem."<sup>5</sup> Julie Ayling argues that "the fossil fuel industry has engaged in a direct and aggressive attack on the divestment movement" — perceiving that the financial risks which would arise from the loss of the industry's legitimacy could be a serious impediment to future growth.<sup>6</sup> Kate Aronoff argues that "as the transformative potential of divestment becomes more evident, college boards and administrations are digging in their heels."<sup>7</sup> More broadly, Leah Stokes describes how pro-fossil and anti-renewable actors in the US were able to learn from the successes of opponents and develop strategies for building coalitions and influencing outcomes in later contests.<sup>8</sup> This resistance from *status quo* actors takes multiple forms, both applying structures of resistance that predate the movement and developing new counter-repertoires specifically to resist it. It also goes beyond university administrations to encompass all actors presently inclined to defend the fossil fuel industry, including politicians, government security organs, and the finance industry.

Both the direct and indirect targets of CFFD campaigns — university administrations and the fossil fuel industry — have to some degree developed and applied mechanisms to counter the campaigns and resist their demands.<sup>9</sup> This corresponds with a prediction in contentious politics theory that, as cycles of contention continue, both sides will adapt their approaches to improve their ability to shape outcomes. McAdam describes how activist campaigns use tactical innovation to try to overcome the *status quo* forces blocking the achievement of their aims, "devis[ing] protest techniques to offset their powerlessness." From there "[i]n chess-like fashion, movement opponents can be expected, through effective tactical adaptation, to neutralize the new tactic, thereby reinstituting the power disparity."<sup>10</sup> Micah White similarly describes how authorities "develop… counter-tactics that constrain protestors to ineffective, performative and symbolic acts"' and advocates for continual tactical innovation in response.<sup>11</sup>

The theoretical expectation that activism will prompt the development and deployment of counter-repertoires in target institutions is supported empirically by the case of CFFD campaigns in Canada. The Winnipeg campaign provides an example of cycles of contention

and Exploring the People's Climate Movement", p. 53.

<sup>&</sup>lt;sup>5</sup>Gardiner, A Perfect Moral Storm: the Ethical Tragedy of Climate Change.

<sup>&</sup>lt;sup>6</sup>Ayling, "A Contest for Legitimacy: The Divestment Movement and the Fossil Fuel Industry", p. 349.

<sup>&</sup>lt;sup>7</sup>Aronoff and Maxmin, A Generation's Call: Voices from the Student Fossil Fuel Divestment Movement, p. 349.

<sup>&</sup>lt;sup>8</sup>Stokes, Short Circuiting Policy: Interest Groups and the Battle over Clean Energy and Climate Policy in the American States, p. 5, 33.

<sup>&</sup>lt;sup>9</sup>See "Anti-Fossil Fuel Divestment Arguments" in: Hopke and Hestres, *Communicating About Fossil Fuel Divestment*.

<sup>&</sup>lt;sup>10</sup>McAdam, "Tactical Innovation and the Pace of Insurgency", p. 735.

<sup>&</sup>lt;sup>11</sup>White, The End of Protest: A New Playbook for Revolution.

in which activists initially chose to employ more cooperative tactics, literally cheering on their board of regents and avoiding accusing the university of hypocrisy. After participating in a "Divestment Risk Assessment" process established by the administration in 2016, campaign participants felt it had had little effect and progressed to discussing a "100 days of divestment" strategy and an internally controversial campout plan which CFFD organizers who were also in student government felt conflicted about. At Dalhousie, extremely delayed results of a freedom of information request and a perception that the administration was "non-communicative" and led to the first sit-in at President Florizone's office at Dalhousie and then to a promise from the administration that the results would be provided within two weeks. Canadian CFFD campaigns also demonstrate how tactical diffusion within activist networks is mirrored by the spread of resistance tactics among target universities. Counter-repertoires from the fossil fuel industry itself have also emerged.

Understanding counter-repertoires from the fossil fuel industry and government is important for understanding how the divestment movement fits into broader societal decarbonization. Analysis of the fossil fuel industry and government is necessary because those are the forums where the incentives for universities are set, determining the relationships they prioritize. Likewise, examining the role of the security services is in part a way to inform activists and social movement scholars, but most importantly because it is the armed power of the state that the fossil fuel industry coopts when it becomes "partners" with police and intelligence services. Furthermore, internal documents from the security state show they are actively trying to disrupt social movements, demonstrating another counter-move in cycles of contention.<sup>12</sup>

#### **1.2** Universities

Within universities, counter-repertoires have in some cases been put in place prior to the formation of CFFD campaigns.<sup>13</sup> Perhaps most notable among these anticipatory actions is the use of third party investment management organizations to insulate decisions which university administrations would often prefer to keep strictly financial from other kinds of

 $<sup>^{12}</sup>$ In a related development, Alberta's Canadian Energy Centre "war room" advertised in September 2021 that it was seeking to build a social movement in favour of Canada's fossil fuel sector, and was seeking an advertising firm to help change public attitudes in its favour in the US and Canada. Weber, 'Social Movement': Alberta's Energy 'War Room' Planning Broad new ad Campaign.

<sup>&</sup>lt;sup>13</sup>Bureaucracy itself serves to "depersonalize authority, thereby making decision-making less visible to the public." Merelman, "The Dramaturgy of Politics", p. 231.

evaluation.<sup>1415</sup> The strategy is especially strange, though still effective, when universities establish private foundations or corporations exclusively to manage their finances, but then claim that these organizations are somehow a blockage to implementing divestment. It is also common for universities to claim a special level of secrecy and privilege for communications between investment entities and the university administration, which would not be applied to correspondence simply between one branch of the administration and another. At the University of Toronto, the U of T Asset Management Corporation (UTAM) successfully lobbied for the Office of the President and the *ad hoc* committee established to consider divestment to keep all of their submissions secret, making it impossible for the CFFD campaign or others to specifically evaluate or rebut their positions. At the University of Winnipeg, campaign organizers felt that the administration used the independence of the University of Winnipeg Foundation to avoid taking responsibility, despite campaigners' arguments that "It's still part of the University of Winnipeg. You guys should be the highest decision making body that will tell these people to stop doing this." A participant explained: "They were trying to bounce us from one side to another, trying to shake the responsibility of who makes the decision to divest or not." The campaign's request for an itemized list of the university's investments, which they sought in part to identify fossil fuel companies making an adverse impact on Indigenous communities, was not acceded to. At UVic in 2016, the foundation board declined to engage with students and deferred to the university's financial managers. Board Chair Erich Mohr said that the decision to divest is under the jurisdiction of the University of Victoria Foundation and that the UVic board of governors had neither the responsibility nor the desire to direct their investment choices. A CFFD organizer at Mount Allison described how they were "being thrown from committee to committee", with each saying they didn't have a mandate to act, in the year before they escalated their campaign to include die-ins, a camp out, and a building occupation. When the campaign pressed the university senate to create a committee which would have the authority to divest, they created a "subcommittee of a committee to consider the possibility of creating a committee." Another institutional policy which predates the CFFD movement but which impedes divestment is the prohibition of divestment proposals which repeat the demands of past efforts, along with waiting periods before a petition can be resubmitted. A Queen's organizer argued that the university's five year waiting period is designed to impede student campaigns because their entire membership is likely to be replaced over that span.

Investment management corporations are subject to the principal-agent problem and do

<sup>&</sup>lt;sup>14</sup>Ayling and Gunningham note how investors with a sustainability arm tend to make it "institutionally separate from fund managers, so 'there is a gap between the walk and the talk." Ayling and Gunningham, "Non-state Governance and Climate Policy: the Fossil Fuel Divestment Movement", p. 5.

<sup>&</sup>lt;sup>15</sup>Sullivan, Managers 'Talk More than Walk' on SRI.

not always have interests that align perfectly with those of their client institution. An analysis of their behaviour based on the long-term relationships which they prioritize and value suggests that professional investment managers may seek to maintain good relations with potential investment targets and the financial system generally, not only because there are strong norms against the enemy-naming strategy the CFFD industry is employing against the fossil fuel industry, but also in the Canadian case because every major financial entity has an ongoing relationship with the industry and has something to lose if aggressive decarbonization policies are employed. One interview participant argued that financial insiders don't want decarbonization linked to a social or climate justice perspective. Individual employees in investment management corporations similarly face an incentive to avoid causing controversy, knowing that any public association could limit their future opportunities. Divestment also challenges the expertise of financial and investment professionals, in part by implying that there are huge financial risks which they haven't taken into account. One research participant described how the chair of their university's board of governors was a banking industry professional who found the idea of limiting areas for investment "alien." The proposal to divest also amounted to a "fundamental," "subtle," and "systemic challenge to his professional experience and principles."

The empowerment of asset management corporations to make most financial decisions on behalf of a university can be seen as a form of venue shifting: moving investment-related decisions away from university bodies whose operations are more public and whose members may be more influenced by ethical and political arguments and toward university bodies that are more secretive and more narrowly focused on fiduciary duty and see need to maximize investment returns as the sole or over-riding criterion for investment selection. One interview participant described how the committee established in response to the CFFD campaign at their university was comprised of "conventional financial actors" employing "very conventional research" and seeking input from financial sector representatives while allowing little access to students and faculty.<sup>16171819</sup> This ended up being one of the advisory committees which came out clearly against divestment and endorsed environmental, social,

<sup>&</sup>lt;sup>16</sup>An August 2020 presentation from the UBC campaign includes a slide full of fossil fuel company logos representing firms which the administration's low carbon investment policy would not exclude, including ExxonMobil, Shell, Chevron, and a variety of other fossil fuel producers and pipeline firms.

 $<sup>^{17}</sup>$ In 2020, *The Economist* called the science behind such ratings "dismal" and pointed out how different assessments and methodologies produce contradictory rankings. They also note that: "many funds marketed on their green credentials invest in Big Oil." The Economist, *Climate Change Has Made ESG a Force in Investing*.

<sup>&</sup>lt;sup>18</sup>Tariq Fancy, formerly the head of sustainability at BlackRock, called ESG "little more than marketing hype, PR spin and disingenuous promises." Fancy, *Financial World Greenwashing the Public With Deadly Distraction in Sustainable Investing Practices*.

<sup>&</sup>lt;sup>19</sup>See also: The Economist, *The Impact of Green Investors*.

and governance (ESG) screening as an alternative, a recommendation then endorsed by the university's governing board. It is plausible that part of the opposition toward divestment among professional financial managers arises from disapproval of the idea that students who lack their expertise, experience, and data can provide better advice on the performance of an economic sector. That said, CFFD campaigns almost universally referred target administrations to financial analyses from credible sources rather than attempting their own. Mike Soron, an organizer with the SFU divestment campaign, said in 2013 that: "Our role is not in being a financial advisor; we're just sort of sounding the alarm on some problems we have with some of the values in the investment practices here at SFU."<sup>20</sup>

Just as university investment managers are at a distance from on-campus life, Bratman et al. describe how board members on universities' highest governing bodies "typically insulate themselves from contact with students."<sup>21</sup> It might be considered curious that universities choose to grant the most power to people with the least connection to and understanding of day-to-day university life, but that pattern was described in Canadian cases by interview participants at Mount Allison, UBC, and Waterloo.

Some universities took procedural steps to make fossil fuel divestment harder to achieve.<sup>22</sup> At McGill the Committee to Advise on Matters of Social Responsibility (CAMSR), which had been established to respond to apartheid-motivated divestment petitions, had their mandate revised prior to the campaign's second petition, specifying that only "grave" social injury would justify divestment and allowing the committee to conclude in March 2016 that while the fossil fuel industry imposed social injury it didn't meet the undefined threshold of being "grave."<sup>2324</sup> An interview participant described how UBC's vice president of finance created a new divestment policy once they perceived that fossil fuels would be a major campaign. The participant argued that the new policy set an impossible bar, requiring higher voter turnout in referendums than student elections ever experience and requiring campaign proponents to prove that divestment is superior to all alternative actions.<sup>25</sup> The

<sup>&</sup>lt;sup>20</sup>Reid, SFU Student Group Calls for University to Divest from Fossil Fuels and Pipelines.

<sup>&</sup>lt;sup>21</sup>Bratman et al., "Justice is the Goal: Divestment as Climate Change Resistance", p. 686.

 $<sup>^{22}</sup>$ The Fossil Free Macalester handbook notes: "Long-term planning and ongoing recruitment and engagement is crucial to any college campus campaign, because most students are only on campus for four years. College administrations often use this to their advantage. They will try to prolong processes, postponing major decisions or actions until after org leaders graduate, momentum dies down, and the memory of the campaign fades away. Since many campus movements rely on the passion, commitment, and energy of a handful of individual leaders, this administration tactic of 'waiting it out' often works and student-led campaigns peter out as students graduate and move on to other things." Fossil Free Mac, *Handbook: Lessons* from a Divestment Campaign, p. 7.

<sup>&</sup>lt;sup>23</sup>See: McGill University Board of Governors, Community Session: February 2, 2017.

<sup>&</sup>lt;sup>24</sup>Gray-Donald, McGill Rejects Fossil Fuel Divestment for Second Time.

 $<sup>^{25}</sup>$ In a 2016 open letter, the Divest UBC / UBCC350 team objected to a number of features of UBC's response to date, including an inadequate process of consideration, "unsupported claims" about what fidu-

UBC campaign was told informally that part of the reason for the university drafting such a restrictive divestment policy was to avoid non-fossil fuel divestment campaigns, especially regarding Israel. Divest UVic's website says that "Divest Uvic's attempts at a dialogue with University administrators has been an exercise in frustration" and describes the strategy of the board of governors deferring jurisdiction to the university's foundation, which then outsources decisions to financial managers.<sup>26</sup> These behaviours by target administrations in Canada correspond to what Grady-Benson and Sarathy's interview subjects reported in the U.S.: administrations "digging in their heels" by avoiding meetings, delaying votes, and requesting academic reports.<sup>27</sup> Indirectly, this illustrates how the frequent divestment counter-argument that universities shouldn't act politically with their endowment is unconvincing. Causing catastrophic climate change requires only continuing with the *status quo*, so the *status quo* cannot be fairly posited as a politically neutral default which administrations cannot deviate from.<sup>28293031323334</sup> Delaying tactics that keep support for the fossil fuel industry in place are as political as a decision to divest, despite how administrations would rather represent them differently.

One possibility which I discussed with interview participants is that, while CFFD campaigns generally did everything possible to publicize the arguments they were making and the supporting evidence, target administrations may have experienced private campaigns of influence from individuals and organizations who could easily gain an audience with decision makers and who were able to present arguments and evidence that wasn't publicized or subjected to outside scrutiny.<sup>35</sup> Kofler et al. argue that "long-established structures and elites

<sup>31</sup>Machin, Negotiating Climate Change: Radical Democracy and the Illusion of Consensus.

ciary duty requires, and the inadequacy and weak exclusion criteria of the new Sustainable Future Fund. Divest UBC / UBCC350, Open Letter to Members of the Board of Governors of the University of British Columbia.

<sup>&</sup>lt;sup>26</sup>Divest UVic, *Dialogue with Administration*.

<sup>&</sup>lt;sup>27</sup>Grady-Benson and Sarathy, "Fossil Fuel Divestment in US Higher Education: Student-led Organising for Climate Justice", p. 13.

<sup>&</sup>lt;sup>28</sup>Mangat et al. cite several sources on how climate change is intrinsically political: Mangat, Dalby, and Paterson, "Divestment Discourse: War, Justice, Morality and Money", p. 189.

 $<sup>^{29}\</sup>mathrm{Swyngedouw},$  "Apocalypse Forever?"

<sup>&</sup>lt;sup>30</sup>Mouffe, On the Political.

<sup>&</sup>lt;sup>32</sup>Healy and Barry, "Politicizing Energy Justice and Energy System Transitions: Fossil Fuel Divestment and a 'Just Transition".

<sup>&</sup>lt;sup>33</sup>They also cite Anshelm and Hultman's analysis that: "we have a situation where an apocalyptic framing dominates climate change at the same time as politics is ruled by conservative business-as-usual strategies." Mangat, Dalby, and Paterson, "Divestment Discourse: War, Justice, Morality and Money", p. 189.

<sup>&</sup>lt;sup>34</sup>Anshelm and Hultman, Discourses of Global Climate Change: Apocalyptic Framing and Political Antagonisms, p. 1.

<sup>&</sup>lt;sup>35</sup>Stephens et al. note that: "The divestment movement also helps shape the conversation about the influence of fossil fuel companies and other for-profit companies within higher education, raising ethical questions and concern about constraints on freedom of inquiry." They also note that they found no open letters from faculty opposing divestment. Stephens, Frumhoff, and Yona, "The Role of College and University Faculty

problematize the challenges of an energy transformation and sustain the existing system and their own (market) power with corresponding narratives."<sup>3637</sup> Feygina et al. argue "the more people are motivated to defend and bolster the existing system, the more likely they are to deny environmental problems, insofar as these challenge the system's legitimacy as well as its stability."<sup>38</sup> Since influential donors and alumni are among those who might have undertaken such private campaigns, there could also have been open or implied threats of reduced future donations.<sup>39</sup> Stephanie Glanzmann described how the UBC campaign learned through freedom of information requests that industry had met with the university to discuss divestment, and that the administration met with the Canadian Association of Petroleum Producers (CAPP). At Dalhousie in 2014, the Dean of Science Chris Moore told the media that a Shell representative had threatened to withdraw academic funding if the divestment proposal was passed. The final report of the committee reporting on divestment to Dalhousie's senate quotes Moore:

A senior executive at Shell (who fund the Campus Ambassador Program (CAP) that continues to benefit the Faculty) told me directly that the company is monitoring the university divestment movement closely and would look unfavorably on any university that divested in regard to future investment. Certainly, Dalhousie's divestment would send a clear signal that the university is not supportive of the oil and gas industry and could well lead to withdrawal or nonrenewal of investment by oil and gas companies in Dalhousie activities.<sup>4041</sup>

Between 2005 and 2015, Shell provided \$1.9 million to Dalhousie for experiential learning, including a \$500,000 Shell Experiential Learning Fund in 2015 primarily intended for engineering and Earth sciences students. In exchange for the funding, Shell employees get to deliver guest lectures and accompany students on field trips.<sup>42</sup>

There are also indications that Enbridge obtained undue influence at the University of Calgary by funding a research centre where staff felt intimidated and the director left after

in the Fossil Fuel Divestment Movement", p. 1, 8.

<sup>&</sup>lt;sup>36</sup>Kofler et al., *Towards a Global Energy Transformation*, p. 1.

<sup>&</sup>lt;sup>37</sup>Yona and Lenferna, Fossil Fuel Divestment Movement within Universities [Chapter in the Forthcoming: G. Sosa-Nunez & E. Atkins (2016). Climate Change & International Relations.] p. 7.

<sup>&</sup>lt;sup>38</sup>Feygina, Jost, and Goldsmith, "System Justification, the Denial of Global Warming, and the Possibility of 'System-sanctioned Change"', p. 328.

<sup>&</sup>lt;sup>39</sup>Stephens, Frumhoff, and Yona, "The Role of College and University Faculty in the Fossil Fuel Divestment Movement", p. 2–3, 8.

<sup>&</sup>lt;sup>40</sup>Dalhousie Ad hoc Committee of Senate on Fossil Fuel Divestment, *Final Report to Senate*, p. 24.

<sup>&</sup>lt;sup>41</sup>Lutes, Divesting UNB From Fossil Fuels: A Brief History.

<sup>&</sup>lt;sup>42</sup>Ruitenbeek, Understanding Divest Dal.

expressing opposition to the then-proposed Northern Gateway pipeline.<sup>43444546</sup> University president Elizabeth Cannon — who preemptively rejected divestment before the formation of a campaign — earned \$130,500 by serving for a year on the Enbridge Income Fund and holds over \$800,000 worth of shares in the fund.<sup>4748</sup> The Canadian Association of University Teachers (CAUT) found that the university compromised academic freedom by ending the tenure of Professor Joe Arvai for questioning Enbridge's relationship to the new Enbridge Centre for Corporate Sustainability and that Cannon had a "clear appearance of a conflict of interest" arising from serving on the Enbridge board.<sup>4950</sup> A CBC investigation concluded:

Emails obtained from a freedom of information request suggest a pattern of corporate influence during the bungled attempt to establish a new research centre that cost the university top level academic talent and its Haskayne School of Business upwards of a million dollars in corporate sponsorship.<sup>51</sup>

And also that "documents obtained by the CBC reveal a university bending over backward to accommodate the apparent public relations ambitions of a corporate patron." Business professor Harrie Vredenburg said in an email to former dean Leonard Waverman that Enbridge's influence within the school was a case of "he who pays the piper calls the tunes" and "Enbridge is doing too much tune calling, in my view, to the point that the Centre's usefulness to [Haskayne school] academics is being sacrificed to Enbridge's PR objectives."<sup>52</sup> Enbridge CEO is a Calgary alumnus who served on the board of governor's investment committee and the Dean's Advisory Board to the Faculty of Medicine.<sup>53</sup> Former Enbridge vice president Bonnie DuPont served on the corporate sustainability centre's board and was appointed to chair the university's board of governors in 2013.<sup>5455</sup> A university investigation

<sup>47</sup>Bakx, University of Calgary Investigation into Enbridge Controversy Clears Elizabeth Cannon.

 $^{52}$ Ibid.

 $^{54}$ Ibid.

<sup>&</sup>lt;sup>43</sup>Bakx and Haavardsrud, How the University of Calgary's Enbridge Relationship Became Controversial. <sup>44</sup>Weber, University of Calgary Accused of Conflict of Interest over Enbridge Research Centre.

<sup>&</sup>lt;sup>45</sup>Wilt, Five Things We Learned from the Damning Report on the University of Calgary's Connections with Enbridge.

<sup>&</sup>lt;sup>46</sup>T. Johnson, Academic Freedom Compromised by U of C, Watchdog Group Finds.

<sup>&</sup>lt;sup>48</sup>Canadian Association of University Teachers, Canada's Campuses Emerge as Latest Battleground in Fast-growing Divestment Movement.

<sup>&</sup>lt;sup>49</sup>T. Johnson, Academic Freedom Compromised by U of C, Watchdog Group Finds.

 $<sup>^{50}</sup>$ In fall 2014, the University of Calgary removed Enbridge's name from the name of the centre. The CBC noted: "Under a revised agreement, the company also dropped its funding to the school by one million dollars. Enbridge continues to sponsor the centre's seminar series, as well as arrangements with several other university departments." Bakx and Haavardsrud, *How the University of Calgary's Enbridge Relationship Became Controversial*.

 $<sup>^{51}</sup>$ Ibid.

 $<sup>^{53}</sup>$ Ibid.

<sup>&</sup>lt;sup>55</sup>University of Calgary, Bonnie DuPont Appointed Chair of the University of Calgary's Board of Gover-

found that "there were no breaches of university policies or procedures in the institution's relationship with pipeline company Enbridge."<sup>5657</sup>

Members of university boards of governors, trustees, and regents also have personal employment connections with the fossil fuel industry which were brought up by multiple interview subjects.<sup>5859</sup> A faculty member at McGill stated that 6 of the 25 Board of Governors members at McGill at the time of Divest McGill's second petition had direct fossil fuel industry ties. In 2016, the CAUT found that 49.1% of governors of Canadian research universities came from the corporate sector.<sup>60</sup> In an article in *The Tyee* by four UVic faculty members, they mention the personal connections of university board members to fossil fuel corporations: "The same people sitting on oil company boards are also on other boards, such as those that govern universities. The chair of UVic's endowment fund, which is yet to divest, is also on the board of Horizon North Logistics which builds modular camps for oil sands production."<sup>6162</sup>

Overt corporate support for university activities may also translate into stated or unstated influence over university administrations.<sup>636465</sup> Canadian universities receive extensive donations from corporate donors and have boards and decision making processes which many describe as embodying corporate thinking.<sup>66</sup> Corporate sponsorship is a visible feature of

nors.

 <sup>&</sup>lt;sup>56</sup>Bakx and Haavardsrud, How the University of Calgary's Enbridge Relationship Became Controversial.
 <sup>57</sup>CBC News, Elizabeth Cannon Responds to CBC Investigation.

<sup>&</sup>lt;sup>58</sup>Stephens et al. also note that "many institutions have influential individuals with fossil fuel interests serving on their boards, so committing to divestment and the fossil fuel stigmatization that is associated with such a commitment creates internal tensions and potential negative repercussions that most college and university presidents would prefer to avoid." Stephens, Frumhoff, and Yona, "The Role of College and University Faculty in the Fossil Fuel Divestment Movement", p. 8.

<sup>&</sup>lt;sup>59</sup>See also: Chaidez and Ryan, Ahead of Climate Strike, A Look at Harvard Corporation Members' Ties to the Fossil Fuel Industry.

<sup>&</sup>lt;sup>60</sup>Canadian Association of University Teachers, Do You Know Who Sits on Your Board?

<sup>&</sup>lt;sup>61</sup>Rowe, Chalykoff, et al., Why UVic Faculty Massively Voted to Divest from Fossil Fuels.

<sup>&</sup>lt;sup>62</sup>Rowe, Adamson, et al., Why has UBC Divested from Fossil Fuels but UVic has not? The High Cost of Industry Influence.

<sup>&</sup>lt;sup>63</sup>Describing the movement in the U.S., Healy and Debski state: "Close relationships between the fossil fuel industry, boards of trustees and fund managers in major universities raise questions about how patronclient relations and political expediency may influence decision-making: 'It's naive to think that influential donors and short-term incentives of fund managers are not having their say' (student interview 4)." Some campaigns pressured board members with fossil fuel industry ties to recuse themselves from divestment deliberations. Healy and Debski, "Fossil Fuel Divestment: Implications for the Future of Sustainability Discourse and Action Within Higher Education", p. 11, 16.

 <sup>&</sup>lt;sup>64</sup>In 2017, Fossil Free Unis — "a network of Australian university divestment groups and 350.org Australia"
 — published a report on ties between Australian universities and fossil fuel corporations. Fossil Free Unis, Exposing the Ties Between Australian Universities and the Fossil Fuel Industry.

<sup>&</sup>lt;sup>65</sup>Chrysanthos, New Report Highlights Links Between Universities and Fossil Fuel Industry.

<sup>&</sup>lt;sup>66</sup>Regarding Alberta specifically see: Taft, Oil's Deep State: How the Petroleum Industry Undermines Democracy and Stops Action on Global Warming — In Alberta, and in Ottawa, p. 30–3, 197–204.

Canadian University life. Describing the University of Alberta campus, Emma Jackson said:

Everywhere you turn, you're surrounded by donor walls dominated by oil and gas companies, student organizations branded by Shell, and corporate representatives who have been invited into academic departments as guest professors.<sup>67</sup>

From 2001 to 2015, the chair of the University of Calgary's board of governors always "worked in or with the fossil fuel business."<sup>68</sup> Their school of public policy was endowed with \$1 million from Imperial Oil and \$4 million from "senior oil investor" James Palmer; its first chair was also on the board of Imperial Oil.<sup>69</sup> At Queen's University, Chernoff Hall is named for the family which founded fossil fuel corporation Pacalta Resources.<sup>70</sup> The main floor of the university's athletic and recreation centre is named for Duvernay Oil.<sup>71</sup> At the University of Winnipeg, the Richardson family, owners of 550 wells through Tundra Oil & Gas, won naming rights for the Richardson College for the Environment and Science Complex. Warren Mabee said that Queen's has research partnerships with Ford and General Motors, and that the university's divestment committee considered whether divestment from fossil fuel producers would imply an obligation to divest from fossil fuel users as well. This influence has also been identified in other jurisdictions, for example in a "one-sided debate" where Shell representatives "were invited to extol the benefits of using fossil fuels" at a faculty which had received millions in funding from the company.<sup>72</sup>

The influence of the fossil fuel industry on academia in the United States is also relevant for understanding the transnational CFFD movement, and particularly the common pattern of institutional interests opposing divestment. In 2017, the Harvard Kennedy School's Belfer Center hosted a film produced by Shell, with a discussion panel featuring a Shell executive, after the Kennedy School had accepted over \$3.75 million from the company.<sup>73</sup> Franta and Supran allege that the fossil fuel industry dominates funding of energy and climate research at Harvard; MIT's Energy Initiative is almost entirely funded by the industry; and Stanford's Global Climate and Energy project is funded by Shell and people connected to the industry.<sup>74</sup>

Secrecy is another central mechanism used by target administrations to resist CFFD demands, from having the bodies empowered to consider divestment conduct deliberations in

<sup>&</sup>lt;sup>67</sup>Haslam, Students vs. Big Oil.

<sup>&</sup>lt;sup>68</sup>Taft, Oil's Deep State: How the Petroleum Industry Undermines Democracy and Stops Action on Global Warming — In Alberta, and in Ottawa, p. 198.

<sup>&</sup>lt;sup>69</sup>Ibid., p. 199.

<sup>&</sup>lt;sup>70</sup>Yedlin, Fossil Fuel Divestment Movement Misguided.

 $<sup>^{71}</sup>$ Ibid.

<sup>&</sup>lt;sup>72</sup>Stephens, Frumhoff, and Yona, "The Role of College and University Faculty in the Fossil Fuel Divestment Movement", p. 2–3.

 <sup>&</sup>lt;sup>73</sup>Franta and Supran, The Fossil Fuel Industry's Invisible Colonization of Academia.
 <sup>74</sup>Ibid.

secret; to restricting what student members of those bodies could tell campaign organizers; keeping evidence and presentations from investment managers to those deliberating secret; and simply refusing to disclose their holdings.<sup>75767778</sup> Rowe et al. argue that "the movement's combativeness contradicts the liberal preference for dialogue among experts as the preferred problem-solving approach."<sup>79</sup> The tactic of refusing to disclose holdings was at times taken to the point of frustrating the good faith implementation of university policies. At U of T, divestment proponents need to show that the university's holdings are large enough to matter and yet not so large that divestment would have a major impact on returns, but the administration would not provide the information necessary to demonstrate whether those criteria are met. At the University of Winnipeg, the Board of Regents discussed divestment in closed session after they began using security personnel to exclude students from meetings. Student members of the board were prohibited from discussing these deliberations under confidentiality agreements which they had to sign to take up their seats. Describing how the campaign felt about the University of Victoria's responses, one organizer said they "did a good job stonewalling us." Maina-Okori et al. note that none of the Canadian universities which they identified as committed to divestment provided publicly available information to show whether they had actually done so.<sup>80</sup> In January 2020, eight members of Extinction Rebellion UBC went on a hunger strike because they feared UBC's promise of divestment would not be implemented.<sup>81828384</sup> Shortly after the university provided assurances and the

<sup>&</sup>lt;sup>75</sup>This is consistent with a general trend of universities embracing secrecy and closed-door decision making, in part due to emulating the behaviour of private corporations at the urging of those with corporate backgrounds. See: Brownlee, *Academia Inc.: How Corporatization is Transforming Canadian Universities*.

<sup>&</sup>lt;sup>76</sup>Somewhat confusingly, McGray and Turcotte-Summers refer to what is essentially secrecy as "austerityprivacy" and discuss how Canadian universities have withdrawn from public discourse McGray and Turcotte-Summers, "Austerity-Privacy & Fossil Fuel Divestment Activism at Canadian Universities".

<sup>&</sup>lt;sup>77</sup>This has also been noted in the US: "The movement has also attempted to engage with university fund managers, boards of trustees, and business-dominated communities to re-evaluate interpretations of socially responsible investing (SRI), ESG, and corporate social responsibility (CSR) spheres. In doing so, it has shed light on the technocratic, top-down bureaucratic approach to decision-making by boards of trustees: 'Harvard Corporation operates completely behind closed doors, excluding youth voices and doesnt even listen to faculty or alumni' (student interview 1)." Healy and Debski, "Fossil Fuel Divestment: Implications for the Future of Sustainability Discourse and Action Within Higher Education", p. 11.

<sup>&</sup>lt;sup>78</sup>Harvard Forward claims that the university only discloses about 2% of its endowment. Friedler, *Harvard Alumni are Turning up the Heat on Fossil Fuel Divestment*.

<sup>&</sup>lt;sup>79</sup>Rowe, Dempsey, and Gibbs, *The Power of Fossil Fuel Divestment (and its Secret)*, p. 15.

<sup>&</sup>lt;sup>80</sup>Maina-Okori, Jaylene Murray, and McKenzie, "Climate Change and the Fossil Fuel Divestment in Canadian Higher Education: The Mobilities of Actions, Actors, and Tactics [journal pre-proof]", p. 22.

<sup>&</sup>lt;sup>81</sup>Livingstone and H. Anderson, Extinction Rebellion Holds Hunger Strike Demanding Full Divestment.

<sup>&</sup>lt;sup>82</sup>Charlie Smith, UBCc350 Claims Major Divestment Win Even as Extinction Rebellion UBC Warns of a Hunger Strike.

<sup>&</sup>lt;sup>83</sup>The strike was acknowledged as being carried out by Extinction Rebellion UBC in a UBCC350 press release. UBCC350, What's Next for the Divestment Movement at UBC? Stand With the Wet'Suwet'en Nation.

<sup>&</sup>lt;sup>84</sup>During a summer 2020 cross-Canada CFFD organizing call, campaign participants from UBC said that

hunger strike ended, but it illustrates the erosion of the credibility of university administrations who are now expected by many activists to delay action and mislead them.<sup>8586</sup> There have been some instances of Canadian universities disclosing investment holdings in a way that was helpful for CFFD campaigns. In the fall of 2017, the University of Waterloo disclosed its holdings in the Carbon Underground 200 list and companies active in the bitumen sands, consisting of \$68 million in direct equity holdings and an unknown amount of indirect holdings and non-equity assets like bonds.<sup>87</sup> In 2019, McMaster University said that a third party review of its investments estimated their carbon intensity to be below the benchmarks of the MSCI Global Equities excluding fossil fuels and an investment pool policy benchmark portfolio. They also stated that: "Overall, 4.5% of the universitys investments relate to 29 companies identified on the carbon underground top 200 (CU200) companies list, compared to 6.0% a year prior."<sup>8889</sup> The University of Winnipeg has been relatively transparent about their fossil fuel industry investments, sharing that \$2.58 million or 4.6% of their \$57.5 million dollar endowment was invested in 16 of the Carbon Underground's list of 200 companies in 2015.<sup>90</sup> Organizers at McGill have tried to piece together an account of the university's holdings using "manual and automated data processing that includes data from third-party sources" but warn that they cannot guarantee its correctness or completeness.<sup>91</sup> They estimate oil and gas holdings of C\$36.8 million in Canadian firms, C\$8.1 million in US firms, and C\$12.5 million in international firms, out of a total endowment of C\$1.163 billion.

One great hope of CFFD brokers and campaign organizers was that the financial case against the fossil fuel industry would bolster their moral arguments.<sup>92</sup> Campaigns presented

<sup>85</sup>See also: Korenberg, The Safety and Security of our Students is the First Priority of the University.

the Extinction Rebellion hunger strike took place in January after the administration had already committed to divestment in December and was not coordinated with the UBCC350 campaign. Arguably, this illustrates a danger within the Extinction Rebellion wherein the group will function as a tactics-driven organization, with actions chosen based on what activists prefer or feel justified in, rather than what can produce a helpful effect on the public or policy makers. Growing activist outrage and alienation risks limiting their ability to influence decision makers and the public who haven't yet accepted the premises which justify ER's tactics. Hunger strike participant Morgan Cox said: "They didn't actually commit to anything. They expressed that they would start to look into and consider looking into a commitment for full divestment. There was no actual commitment on their part" CBC News, *Students End Hunger Strike After UBC Clarifies Position on Divestment from Fossil Fuels*.

<sup>&</sup>lt;sup>86</sup>Mooney, Extinction Rebellion Ends Hunger Strike After UBC Clarifies Commitment to Fossil Fuel Divestment.

<sup>&</sup>lt;sup>87</sup>Fossil Free uWaterloo, UW Investments.

<sup>&</sup>lt;sup>88</sup>McMaster University, Second Annual Investment Pool Town Hall Advances Carbon Footprint Discussions.

<sup>&</sup>lt;sup>89</sup>MacGreenInvest, MacGreenInvest and Carbon Footprint Reduction.

<sup>&</sup>lt;sup>90</sup>Purdy, University of Winnipeg Could be one Step Closer to Divesting Itself of Fossil Fuel Investments.
<sup>91</sup>mcgillinvests.in, mcgillinvests.in.

 $<sup>^{92}</sup>$ Among U.S. universities that committed to divestment, about 20% stated that they expected minimal harm to their endowments from divesting, and 30% noted that they expect divestment to improve the longterm stability of their investment portfolios. 78% of universities that rejected divestment cited costs and

detailed backward-looking assessments arguing that the industry has underperformed compared to other possible investments, meaning divestment in the past would have been a financially beneficial choice.<sup>93</sup> More importantly, nearly all campaigns emphasized the financial framing discussed by Mangat et al.: the fossil fuel industry presently functions with an enormous implicit subsidy from governments which have so far chosen not to seriously restrict fossil fuel use. The value of fossil fuel reserves held by corporations depends on the continued willingness of governments to maintain a regime permissive of heavy fossil fuel use and GHG pollution. If, however, we take the promises of governments in the UNFCCC process seriously and project a future where "dangerous anthropogenic interference in the climate system" is in fact avoided, the implication is that most of these reserves are unusable. They are thus "stranded assets" and part of a "carbon bubble" which represents a material threat to the future profitability of these firms, and the returns which their investors hope for. Unlike many other divestment campaigns which only really had a moral dimension, the CFFD movement made a forward-looking case for why selling fossil fuel industry investments would be a profit-maximizing strategy going forward. If accepted, this argument substantially shifts the question of how fiduciary duty applies. The whole justification for a professional financial management industry is that it is necessary to foresee and anticipate economic trends and that prudent investors must consider changing future conditions alongside past investment performance. This is business as usual, not a 'political' process. An investor who becomes convinced that the fossil fuel industry faces reduced future profits and greater financial risks because of climate change could therefore rebalance investment into other industries as an affirmation of fiduciary duty, rather than an ethically-motivated exception to it.

One basis on which these claims about the financial prudence of divestment was rejected was simply expertise: university administrations publicly accepted that student activists could be conduits for scientific warnings about fossil fuel risks, and could appropriately express concern about their own futures under dire warming scenarios. At the same time, they rejected students as credible messengers for financial arguments. In part this may reflect self-interest on the part of asset managers; if student volunteers working in their spare time can produce superior financial guidance it calls into question their salaries and esteem. As Rowe at al. put it: "The confidence with which activists have swaggered into the elite arena of investment is worrying for stakeholders with material and cultural attachment to the

risks to the endowment for justification, and 57% referenced fiduciary duty. Healy and Debski, "Fossil Fuel Divestment: Implications for the Future of Sustainability Discourse and Action Within Higher Education", p. 9.

<sup>&</sup>lt;sup>93</sup>See: Heaps, Divestment Would have Made NY Pension Fund \$22B Richer.

status quo of liberal capitalism."<sup>94</sup> Sometimes this process of rejecting financial arguments involved strange contortions, with universities simultaneously insisting that they have a legal obligation to maximize purely financial returns while also establishing procedurally that those advocating divestment can do so only on moral terms. Taken cynically, this can be seen as another type of venue manipulation — deliberately splitting those who have a mandate to consider climate change and its impacts from those who are permitted to make financial decisions. This can be presented as a division of labour akin to separating Environment Canada from the Department of Finance, but it may be in effect a blocking strategy in which the people who are allowed to consider the most credible evidence from CFFD campaigns are disempowered from acting on it.

Other university counter-repertoires can be justified by presenting them as appropriate efforts to be thorough and fully consider the issue at hand. Using a slow bureaucratic process seems normal given how it is standard university practice, but it also creates a system that is frustrating and unsatisfying for student participants.<sup>95</sup> Describing the diffusion of repertoires between target universities, one interview subject argued that "universities are definitely learning from each other" and the principal strategy which has emerged is dragging out the process. Their target administration: "sucked the air out of it from a bureaucratic process." At the University of Winnipeg, one research participant reported that at a meeting of the board of regents the group was disallowed from asking questions, regents turned their back during a speech by a group member, and the group's motion was ruled out of order and rejected without a vote. For campaigns that have chosen to accept these university processes as essentially valid, that choice has constrained their ability to undertake noisy public criticism that is much more satisfying and motivating for many student activists. The bureaucratic approach also takes advantage of asymmetrical time horizons between students and administrators. Many campaigns reported problems maintaining their former level of effort and success after key organizers or the campaign founders have graduated, and many interview participants specifically claimed that they say drawing out processes until campaign organizers had graduated as a deliberate university tactic to resist divestment.

During the first University of Toronto FFD campaign, I came to think of the set of the most common objections to divestment as a kind of fruit salad. There are a dozen or so potential types of fruit and each salad includes some subset of them in combina-

<sup>&</sup>lt;sup>94</sup>Rowe, Dempsey, and Gibbs, *The Power of Fossil Fuel Divestment (and its Secret)*, p. 15.

<sup>&</sup>lt;sup>95</sup>For example, in October 2020 the Waterloo board of governors agreed to defer any decision on divestment until 2021. Williams, UW Board Delays Decision on Divesting Fossil Fuels Until 2021.

tion.<sup>96979899100101102103</sup> The FAQ section of the U of T brief sought to succinctly rebut a range of these, including the argument that divestment is too political for universities, that universities can somehow encourage better outcomes by remaining shareholders, that climate change should be handled through demand reduction rather than efforts to reduce supply, that the fossil fuel industry invests in non-emitting forms of energy, that government-owned corporations control more reserves than publicly traded fossil fuel companies, that divestment would harm scholarships and funding for students, that divestment is only worth doing if it will solve climate change by itself, that some painless technological fix will negate climate change, and that society remains dependent on fossil fuels.<sup>104105106107108109</sup> Healy and Debski found that: ""[k]ey stated reasons for rejection were: minimal or unknown impact of divestment, risk to the endowment, and fiduciary duty."<sup>110</sup> Harvard president Drew Faust rejected divestment partly on the basis that the university depends on the fossil fuel indus-

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<sup>108</sup>Dowlatabadi and Ritchie, Why Divestment Warriors Should Diversify Their Strategy.

<sup>&</sup>lt;sup>96</sup>The "fruit salad" objections have responses in the FAQ section of the Toronto350.org brief: Toronto350.org, *The Fossil Fuel Industry and the Case for Divestment: Update*, p. 132–62.

<sup>&</sup>lt;sup>97</sup>Many of the most common counterarguments and objections are also discussed in Henry Andrerson's examination of the UBC campaign. H. Anderson, 'A Strong Odour of Status Quo': Understanding Fossil Fuel Divestment at UBC.

<sup>&</sup>lt;sup>98</sup>Grady-Benson and Sarathy also present a similar list for US campaigns, including the claim divestment is incompatible with fiduciary duty; that it would raise institutional and transaction costs while adding risk to the investment portfolio; claims that divestment wouldn't help with climate change; that universities should avoid political investment choices; that divestment is just symbolic; and that universities depend on fossil fuels. Grady-Benson and Sarathy, "Fossil Fuel Divestment in US Higher Education: Student-led Organising for Climate Justice", p. 13–5.

 $<sup>^{99}</sup>$ An article opposing divestment at McGill hits many of the common counter-argument beats, including that divestment just means selling shares to someone else; that it's better to reduce consumption than supply; that rather than being immoral fossil fuel use is "quite the contrary"; that fossil fuels can only be replaced using future technological breakthroughs; and that decarbonization would harm "the continuing development of the world's poor countries." Watson, *Why I'm Voting Against Fossil-fuel Divestment at McGill University*.

<sup>&</sup>lt;sup>100</sup>Left-wing critiques of divestment aren't made by target administrations, but are present in the literature. See: Rowe, Dempsey, and Gibbs, *The Power of Fossil Fuel Divestment (and its Secret)*, p. 8–13.

 $<sup>^{101}</sup>$ For other discussions of common administration objections to fossil fuel divestment see: Mandery, *The Missing Campus Climate Debate*.

 <sup>&</sup>lt;sup>102</sup>See also: Lencki, As Fossil Fuel Divestment Activism Continues, Universities Offer Mixed Responses.
 <sup>103</sup>Divest UVic, About Divestment.

<sup>&</sup>lt;sup>104</sup>For example, Michael Boychuk, a member of the Board of Governors at McGill, argued that: "This university survives because of the investments that are made by the University, in addition to the funding it gets from the government... Whether you like it or not, Canada is a resource-based company; that's a fact. It's not going to change anytime soon." Mastracci, *Board of Governors Rejects Divestment Petitions*.

<sup>&</sup>lt;sup>106</sup>Woolf, Report of the Advisory Committee on Divestment of Fossil Fuels.

<sup>&</sup>lt;sup>107</sup>See also: Chow, Letter: Divestment Won't Solve the Climate Crisis.

<sup>&</sup>lt;sup>109</sup>Dowlatabadi and Ritchie, Fossil Fuel Divestment: Reviewing Arguments, Implications and Policy Opportunities.

<sup>&</sup>lt;sup>110</sup>Healy and Debski, "Fossil Fuel Divestment: Implications for the Future of Sustainability Discourse and Action Within Higher Education".

try's products, while also rejecting the enemy naming campaign of emphasizing the moral culpability of the fossil fuel industry by saying that such companies should not be ostracized but encouraged to "be a positive force."<sup>111112</sup> The Dalhousie board of governors' chair's justification for not divesting describes on-campus GHG pollution reduction efforts, fiduciary duty as an impediment to divestment, and the supposedly greater effectiveness of shareholder activism.<sup>113</sup> One of the most common standard objections is that fossil fuel divestment on moral grounds would establish an obligation to similarly divest from any holdings considered unethical. Speaking in opposition to divestment at Harvard, Robert D. Reischauer argued: "We have guns, abortion, all sorts of other issues. And movements to stop all investments in countries that aren't acceptable in terms of human rights. ... It's a slipperv slope."<sup>114</sup> Similarly, N. Gregory Mankiw argued: "Once we start using the endowment to address other goals, there become too many candidate industries that some group within the university community will want to divest from, such as guns, tobacco, cannabis, and alcohol."<sup>115</sup> In 2016, the presidential task force considering divestment at Barnard stressed in their key findings that climate change meets a very high threshold for divestment and that fossil fuel divestment should not be a precedent for divestment from anything else in the future.<sup>116</sup> A UBC organizer described a more active response to the 'fruit salad' of objections, trying to reverse the burden of proof on the administration to have them show why their investments are sustainable, satisfy the concerns of students, and are part of the university "safely shepherding future generations." Of course, no Canadian university administration accepted this approach.

One faulty syllogism common among divestment opponents is to say that divestment alone cannot constrain the severity of climate change, therefore it ought not to be done. This analysis is deficient in at least two ways. Nobody believes that a single approach, policy, or technology can overcome fossil fuel dependence, so if that is the standard you adopt to evaluate them you will never find anything worth doing. Second, this criticism assumes that fossil fuel divestment is a one-off, not further integrated with supporting strategies. An article on gofossilfree.org explains:

<sup>&</sup>lt;sup>111</sup>Faust, Fossil Fuel Divestment Statement.

<sup>&</sup>lt;sup>112</sup>Ayling and Gunningham, "Non-state Governance and Climate Policy: the Fossil Fuel Divestment Movement", p. 7.

<sup>&</sup>lt;sup>113</sup>Stordy, Fossil Fuel Divestment Statement: Consideration of Fossil Fuel Divestment: Statement from Mr. Lawrence Stordy — Chair, Dalhousies Board of Governors.

<sup>&</sup>lt;sup>114</sup>Mufson, Harvard Says Fighting Climate Change is a Top Priority. but it Still Won't Divest from Fossil Fuels.

 $<sup>^{115}</sup>$ Ibid.

<sup>&</sup>lt;sup>116</sup>Presidential Task Force to Examine Divestment, *Final Report to the Barnard College Board of Trustees Committee on Investments*, p. 6.

Student divestment organizers believe so fervently that divestment alone is not enough than many spend hours working in other parts of the climate movement. They engage in electoral strategies, they support frontline communities, they intervene at international climate negotiations, they fight infrastructure projects near their homes and work to build renewable energy. Students organize iconic mass civil disobedience actions, like the student led XL Dissent action. Last September student divestment organizers recruited over 50,000 of their peers to march in New York City at the Peoples Climate March.<sup>117</sup>

The same logic invalidates the approach taken by many target universities of presenting divestment and other actions as either/or propositions, arguing that instead of divesting they have chosen some supposedly more meaningful step. The logical flaw here is that those other actions do not preclude divesting as well, thereby negating the premise that accepting divestment would have required rejecting those other options.

At Queen's the committee established by the principal to make a recommendation on divestment felt inclined to take on a broader karmic role than simply evaluating whether fossil fuel corporations violated the existing responsible investment policy. Committee and faculty member Warren Mabee described how the committee felt that they should reward fossil fuel companies like Shell which have made investments in renewables and generally reward good behaviour as well as punishing bad behaviour.<sup>118119120121122123124</sup> In the end,

<sup>&</sup>lt;sup>117</sup>gofossilfree.org, Why (& How) the PICS Divestment Report Misses the Point.

<sup>&</sup>lt;sup>118</sup>This argument was also made by CAPP spokesperson Chelsie Klassen who said targeting the energy sector is "not appropriate, particularly when some companies ... are driving innovation in the specific areas highlighted by some groups as the reason not to invest in them." Prystupa, *Fossil Fuel Divestment Fever Hits UBC and Other Canadian Campuses*.

<sup>&</sup>lt;sup>119</sup>Barnard College's board of trustees voted to make divestment decisions that "distinguish between companies based on their behavior and willingness to transition to a cleaner economy." Stephens, Frumhoff, and Yona, "The Role of College and University Faculty in the Fossil Fuel Divestment Movement", p. 9.

<sup>&</sup>lt;sup>120</sup>Bloomberg Environment, Barnard College Endowment to Divest From Climate Change Deniers.

<sup>&</sup>lt;sup>121</sup>Harvard University president Lawrence Bacow explicitly rejected the enemy naming approach, arguing: "We cannot risk alienating and demonizing possible partners, some of which have committed to transitioning to carbon neutrality and to funding research on alternative fuels and on strategies to decarbonize the economy." Divest Harvard Calls University's Carbon-Neutral Endowment Commitment 'Insufficient'.

<sup>&</sup>lt;sup>122</sup>One example cited by those who hope the fossil fuel industry itself can transform to address climate change is Danish Oil and Natural Gas (rsted after 2017), which shifted from producing electricity from coal and oil into offshore wind. Reguly, A Tale of Transformation: The Danish Company that Went from Black to Green Energy.

<sup>&</sup>lt;sup>123</sup>An anti-divestment group at MIT, the Sustainable Energy Alliance, argued for instance that: "Rather than using charged political rhetoric to alienate what could possibly be our largest ally in the fight against climate change and improving global sustainability, we should instead develop a principled relationship with the oil and gas industry." Sustainable Energy Alliance, *Industrial Partnerships 2.0: Re-thinking MIT's Relationship with the Oil & Gas Industry*, p. 3.

<sup>&</sup>lt;sup>124</sup>In 2019, 2% of Shell's capital spending was on renewables. The Economist, *How Big Oil is Trying to Win Back Investors*.

Mabee said that they couldn't recommend divestment at that time and "voted to continue the discussion." In the committee's report, they noted that the term "social injury" "does not consider social benefits" and therefore "the advisory committee does not agree with the QBACC statement that 'companies involved in the extraction of coal, oil and gas necessarily and without exception causes social injury.' (emphasis added)."<sup>125</sup> As stated, this implies that virtually any good conduct on the part of any corporation which is a target for a divestment proposal could be sufficient to make divestment inappropriate. The argument against divestment based on the hope fossil fuel corporations will fund decarbonization also runs against the analysis of Plantinga and Scholtens who conclude that "in a smooth energy transition, fossil fuel companies will lose their profitability and ability to invest."<sup>126</sup>

A central counter-strategy employed by target universities which have rejected divestment is making claims via public relations that their non-divestment actions are equivalent to or superior to divestment. When McGill again decided against divestment in December 2019, two faculty representatives on the Board of Governors resigned, writing in the National Observer that:

That press release claims that McGill is 'moving forward to reduce the overall carbon footprint of its investment portfolio' by 'decreasing McGills endowment portfolio exposure to carbon-intensive investments, including those within the fossil fuel industry.'

In fact, the actual report by CAMSR reveals that the University has no plans to stop its investment in the fossil fuel industry. The report plainly declares that 'divestment from the fossil fuel sector is not advisable' because, among other reasons, 'excluding entire sectors of the economy from the MIP [McGill Investment Pool] would likely have a negative impact on diversification and portfolio construction and ... this cannot be achieved without affecting the risk/return equation.'

In other words, CAMSRand now the Board of Governorshas allowed their commitment to social responsibility to be subordinated to other concerns. Indeed, the report states that the committee 'did not need to consider the criterion of social injury' in making its determination.<sup>127</sup> (square brackets in original)

Independent of the financial arguments presented, this response works against the delegitimization arguments of CFFD activists because the administration is publicly justifying

<sup>&</sup>lt;sup>125</sup>Queen's University Principal's Advisory Committee on Divestment: Fossil Fuels, Report to the Principal from Principal's Advisory Committee on Divestment: Fossil Fuels.

<sup>&</sup>lt;sup>126</sup>Plantinga and Scholtens, "The Financial Impact of Fossil Fuel Divestment", p. 10.

<sup>&</sup>lt;sup>127</sup>Barney and Nystrom, McGill is Still Investing in Fossil Fuels and Has No Plans to Stop.

continued investment in the fossil fuel industry. It also serves as a negative precedent which other resistant administrations can use to argue that divestment is legally unacceptable or financially imprudent.<sup>128</sup>

An organizer from the Queen's campaign described a growing sense that the university was using tactics to always block divestment and that resistant universities were sharing delaying tactics with one another. One of the most visible efforts to develop fossil fuel divestment counter-repertoires was a two-day workshop in 2015 organized by the Canadian Association of University Business Officers (CAUBO).<sup>129</sup> Entitled "Building a Toolkit for Effective, Ethical and Responsible Responses to Divestment Campaigns" the event included speakers from the Royal Bank of Canada, UBC, Dalhousie, the University of Toronto, Mc-Master, and Carleton.<sup>130</sup> Based on the list of speakers and the responses of their universities to divestment demands while still presenting yourself as environmentally responsible: the public relations management strategy that has so often seemed to be the basis for university responses to CFFD demands. This is also reflected in some professional publications for university administrators. University Affairs published articles in 2015 and 2018 on managing student activism, including divestment, treating the issue as a public relations matter rather than a substantive issue of ethics or economics.<sup>131132</sup>

Resistant universities were also able to benefit from an inverted version of the momentum which CFFD campaigners hoped to develop. The logic runs the same way backwards as forwards. In the optimistic case, action by a growing set of universities provides cover for cautious administrators in case something goes wrong with their own divestment. It reinforces the notion that business as usual is insufficient and incapable of addressing climate change, and that therefore major institutional changes are needed. When influential universities reject divestment, contrarily, it provides cover for cautious administrators to remain inactive and suggests that existing institutions and practices are already taking into consideration the moral and financial concerns raised by divestment campaigns. In this context, failed divestment campaigns at Canadian universities which are seen as a model by others can set a damaging precedent for the movement. They may also have the opposite morale effect on campaigners from positive decisions. An interview participant from the SFU campaign

<sup>&</sup>lt;sup>128</sup>Similarly, in the context of US climate and energy policies, Stokes notes that "when repeal efforts succeed in some states, it can send a message to other states." Stokes, *Short Circuiting Policy: Interest Groups and the Battle over Clean Energy and Climate Policy in the American States*, p. 163.

<sup>&</sup>lt;sup>129</sup>Discussed in: A. Dodd and Graeme, Divest UVic: It's Time to Break up With Fossil Fuels.

<sup>&</sup>lt;sup>130</sup>Canadian Association of University Business Officers, Building a Toolkit for Effective, Ethical and Responsible Responses to Divestment Campaigns: Workshop Summary.

<sup>&</sup>lt;sup>131</sup>Robinson, How to Work With Student Activists.

<sup>&</sup>lt;sup>132</sup>Leblanc, How to Work With Your Student Union when a PR Crisis Hits.

reported that the rejections at U of T and UBC were felt as blows to their campaign.

#### 1.3 The fossil fuel industry

Instead of simply passively supplying demand, the fossil fuel industry takes an active role in shaping the policies which govern it.<sup>133134135136137</sup> Lemphers argues that "major emitters, who benefit from weak, ineffective climate policies, marshal resources to maintain those policies."<sup>138139</sup> The fossil fuel industry — as well as their political backers — has also developed some observable counter-repertoires to the CFFD movement, fossil fuel divestment, and the climate change activist movement more generally.<sup>140141142</sup> For instance, the Independent Petroleum Association of America established divestmentfacts.com, with front page stories

<sup>137</sup>McKim and Graham, Wyoming Is Using Dark Money To Help Keep Coal Plants In Other States Open.
 <sup>138</sup>Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 276.

<sup>139</sup>Levin et al., "Overcoming the Tragedy of Super Wicked Problems: Constraining our Future Selves to Ameliorate Global Climate Change".

<sup>140</sup>Hoberg provides an example of using consultation as a way to respond to criticism while avoiding substantive action. Hoberg's claim that "the defensive strategy has focused on selective opening designed to bolster the legitimacy of the policy process, while maintaining control over decision rules and venues" (p. 523-4) has echoes in the CFFD movement, where universities have generally responded to campaign demands by allowing some participation in university-run processes, while maintaining the authority to ultimately reject the campaigns' demands. Seen this way, the precedent supports the argument of those who reject engagement with university processes as disingenuous on the part of the administration and meant to waste time. Hoberg notes: "This defensive strategy is a form of co-optation, whereby opposition actors are neutralized or won over by assimilating them into the established power structure." (p. 524) Hoberg and Phillips, "Playing Defence: Early Responses to Conflict Expansion in the Oil Sands Policy Subsystem".

<sup>141</sup>Ayling explains the motive for these counter-efforts: "with the divestment movement now contesting the idea that the industry serves the public and its shareholders' interests and arguing that business as usual is not inevitable, the challenge has become existential." Ayling, "A Contest for Legitimacy: The Divestment Movement and the Fossil Fuel Industry", p. 354.

<sup>142</sup>Kenny Ausubel argues that Jim Hansen's testimony to Congress in 1988 "hoped to provoke a national mobilization" and goes on to say: "He did, but it came from above all, from Exxon and the fossil fuel industry, which spent the next 30 years sowing doubt and delay. It was the biggest and most expensive disinformation campaign in history. It was a catastrophic success." McKibben, *What We've Learned About Climate Change in the Last 30 Years*.

<sup>&</sup>lt;sup>133</sup>A 2018 strategy document from the public relations firm Navigator illustrates the extent to which the Canadian fossil fuel industry seeks to influence the regulations under which it operates, arguing: "Affecting a course correction on the part of the government on a public policy proposal so close to its core will require a highly calibrated and coordinated effort." The strategy includes building a "story around cumulative cost of regulation" rather than climate change, with industry "not front and centre" so that the campaign against clean fuel regulations will "appear organic and not stage managed." They present a campaign strategy "shaped by three factors more than any others" including "appreciation that fighting climate change is a losing battle." Navigator, *Canadians for Fairness in Clean Fuel Policy*, p. 3, 7, 16.

<sup>&</sup>lt;sup>134</sup>Firempong, Leaked Document Details Industry's Secret Plan to Defeat Clean Fuel Standard: 'Fighting Climate Change is a Losing Battle'.

<sup>&</sup>lt;sup>135</sup>On the promotion of 'model bills' drafted by industry see: Stokes, Short Circuiting Policy: Interest Groups and the Battle over Clean Energy and Climate Policy in the American States.

<sup>&</sup>lt;sup>136</sup>Baka et al., "Disclosing Influence: Hydraulic Fracturing, Interest Groups, and State Policy Processes in the United States".

in May 2019 stating "Divestment Carries Direct Costs for Students", "Divestment Would Cost Harvard, Yale, MIT, Columbia, and NYU a Combined \$195 Million", "Divestment from Fossil Fuels is a Costly, Ineffective Strategy", and "Divestment Imposes Substantial Transaction Costs, Regardless of Performance."<sup>143144</sup> The front page also quotes the presidents of the University of Michigan, MIT, and Harvard explaining why they had rejected fossil fuel divestment. As with materials produced and made public by activist organizations, the materials on this site facilitate the creation of anti-divestment arguments and reduce the amount of personal effort required from anyone who wants to make an anti-divestment argument privately or in public. The "Divestment Facts" branding is also used on active social media accounts, where they encourage use of the hashtag "#DIVESTMENTPENALTY" to emphasize the idea that fossil fuel divestment would hurt financially.<sup>145</sup>

When the Australian National University (ANU) decided to partly divest in 2014, the country's prime minister, treasurer, and media all disparaged the decision.<sup>146147148149150</sup> Ayling and Gunningham say that the divestment commitment at ANU evoked "an astonishingly intense response" from the Australian government. After big pension funds including AMP, UniSuper, and Hunter Hall chose to offer fossil free options, the CEO of the Minerals Council of Australia criticized them for not focusing exclusively on investment returns.<sup>151152</sup> The Minerals Council of Australia also commissioned institutional economics professor Sinclair Davidson to write a paper on why divestment would be illegal because "stigmatisation deliberately causes investors to make valuation errors and consequently rebalance their portfolios away from fossil fuel stocks", which he argues violates Australia's Corporations Act.<sup>153</sup>

Also, while CFFD campaigns have extended their efforts into election canvassing, the fossil fuel industry communicates to the public directly as well. In August 2019, Canadian Natural Resources, Cenovus Energy, and MEG Energy placed full-page ads in 30 English and French newspapers in Canada, urging continued support for the bitumen sands as the

<sup>&</sup>lt;sup>143</sup>Independent Petroleum Association of America, *Divestment Facts*.

<sup>&</sup>lt;sup>144</sup>Hopke and Hestres, Communicating About Fossil Fuel Divestment.

<sup>&</sup>lt;sup>145</sup>Divestment Facts, *Divestment Facts*.

 <sup>&</sup>lt;sup>146</sup>Ayling, "A Contest for Legitimacy: The Divestment Movement and the Fossil Fuel Industry", p. 363.
 <sup>147</sup>Jotzo, Outrage at ANU Divestment Shows the Power of its Idea.

<sup>&</sup>lt;sup>148</sup>Aronczyk and Auld, "Tar, Ethics, and Other Tactical Repertoires: The Coevolution of Movements for and Against the Tar Sands".

<sup>&</sup>lt;sup>149</sup>Gordon, Newcastle City Council Stands by Fossil Fuel Divestment Policy.

<sup>&</sup>lt;sup>150</sup>Linnenluecke et al., "Divestment from Fossil Fuel Companies: Confluence Between Policy and Strategic Viewpoints".

<sup>&</sup>lt;sup>151</sup>Ayling and Gunningham, "Non-state Governance and Climate Policy: the Fossil Fuel Divestment Movement", p. 7.

<sup>&</sup>lt;sup>152</sup>Ker, Minerals Council Chief Blasts 'Ethical' Investment Style.

<sup>&</sup>lt;sup>153</sup>Saunders, Coal-mining Lobby Says Anti-investment Campaign may be Illegal.

fall election approached.<sup>154</sup> This is all in addition to the fossil fuel industry's general efforts to promote itself, with advertising spending of \$3.6 billion since 1986.<sup>155</sup> In 2013, Brulle examined the climate change counter-movement (CCCM) in the United States, finding that from 2003 to 2010 91 CCCM organizations received funding from 140 different foundations. The 91 CCCM organizations had annual funding of just over \$900 million, including \$64 million in identifiable foundation support.<sup>156</sup>

While not meant to be observable, there are also indications that the fossil fuel industry is trying to impede climate change activism through surveillance or other hidden means. Credit Suisse chief operating officer Pierre-Oliver Bouee "ordered his head of security to infiltrate the environmental group after Greenpeace disrupted the bank's annual shareholder meeting in 2017."<sup>157</sup> The fossil fuel industry has also made use of 'astroturfing' or the creation of organizations which purport to be 'grassroots' but which are really corporate-funded and promote a pro-fossil agenda.<sup>158159</sup> For instance, it was uncovered in June 2020 that ARC resources had accidentally disclosed a \$100,000 payment to Canada Action, a group whose website says that it is "an entirely volunteer created grassroots movement encouraging Canadians to take action and work together in support of our vital natural resources sector."<sup>160</sup> As confirmed by Michael Grainger, a policy analyst at NRCan, the disclosure was in error since corporate contributions to non-profits need not be disclosed under the Extractive Sector Transparency Measures Act.<sup>161162</sup> Canada Action also created a "youth extension" called "Students for Canada" which describes itself as "a grassroots organization on campuses across Canada where balanced conversations about Canada's future are encouraged. supported, and promoted."<sup>163</sup> The youth group's divestment FAQ argues: "Many citizens are supported by the industry and we rely on fossil fuels in our everyday lives. The impact on

<sup>&</sup>lt;sup>154</sup>CBC News, Oilsands CEOs Take Federal Election Message to Voters in Full-page Newspaper Ads.

<sup>&</sup>lt;sup>155</sup>Brulle, Aronczyk, and Carmichael, "Corporate Promotion and Climate Change: An Analysis of Key Variables Affecting Advertising Spending by Major Oil Corporations, 1986–2015".

<sup>&</sup>lt;sup>156</sup>Brulle, "Institutionalizing Delay: Foundation Funding and the Creation of US Climate Change Countermovement Organizations".

<sup>&</sup>lt;sup>157</sup>Reuters, Credit Suisse Also Spied on Greenpeace-Newspaper.

<sup>&</sup>lt;sup>158</sup>For example, in 1989 Shell, Exxon, BP, Chevron, the American Petroleum Institute, and the National Coal Association formed the 'Global Climate Coalition.' Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 108.

<sup>&</sup>lt;sup>159</sup>Writing for the *New York Times*, Hiroko Tabuchi describes how the global consulting firm FTI "helped design, staff and run organizations and websites funded by energy companies that can appear to represent grass-roots support for fossil-fuel initiatives." Tabuchi, *How One Firm Drove Influence Campaigns Nation-wide for Big Oil*.

<sup>&</sup>lt;sup>160</sup>Canada Action, About Us: Our Story, Mission and Goals.

<sup>&</sup>lt;sup>161</sup>Linnitt, 'Grassroots' Oil and Gas Advocacy Group Canada Action Received \$100,000 from ARC Resources.

<sup>&</sup>lt;sup>162</sup>Linnitt and Gutstein, 'Grassroots' Canada Action Carries Deep Ties to Conservative Party, Oil and Gas Industry.

 $<sup>^{163}\</sup>mathrm{Students}$  for Canada, Who We Are.

Canadians of divesting would be not supporting Canadian companies" and: "At universities, campus divestment is mainly viewed as a student cause."<sup>164</sup> They also have a page entitled "What's in it for the student?" which states: "participating in SFC will allow you to speak up for your future and have an alternative to the extremist narrative" and lists personal and professional benefits from taking part.<sup>165</sup> As of July 11, 2020 their "Take action" page allowed people to join groups of advocates at Dalhousie, Carleton, the University of Calgary, UVic, the University of Alberta, the Northern Alberta Institute of Technology, the University of Saskatchewan, the University of Ottawa, the University of Regina, U of T, the Southern Alberta Institute of Technology, MacEwan University, and St. Francis Xavier.<sup>166</sup>

In addition to resisting divestment specifically, status quo actors have sought to reinforce

<sup>&</sup>lt;sup>164</sup>Students for Canada, *Divestment*.

<sup>&</sup>lt;sup>165</sup>Students for Canada, What's In It for the Student?

<sup>&</sup>lt;sup>166</sup>Students for Canada, Sign Up Now.

the narrative that fossil fuels are crucial to economic prosperity.<sup>167168169170171172173174175176</sup> For instance, in 2014 Trevor Tombe highlighted Statistics Canada data showing that the value added to GDP per hour in the mining oil and gas industry is over \$200, compared with about \$170 for utilities, \$120 for real estate, \$50 for manufacturing, and \$30 for retail.<sup>177178</sup>

<sup>169</sup>The Canadian Coal Association used an advertising campaign to assert that dire economic impacts would arise for Canada if it agreed to the Kyoto Protocol. Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 125.

<sup>170</sup>Russell and Toner, Science and Policy When the Heat is Rising: Global Climate Change Negotiations and the Canadian Response.

<sup>171</sup>As Lemphers describes it: "Elites can also use the frame of economic security to delegitimize ideas that threaten business-as-usual and the actors who subscribe to those ideas." In particular, activist groups calling for a reduction in total carbon emissions, the decline of fossil fuel production, or divestment from the industry are particularly likely to be excluded from policy networks. This connects with the discussion in this dissertation about radical versus incrementalist positions and the degree to which each can plausibly drive policy change. Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 41.

<sup>172</sup>Industry-preferred and -generated framing includes an emphasis on emission intensity targets, which allow unlimited growth in total pollution. Lemphers notes: "Regardless of their local particularities, expansion of emissions-intensive industry is unfalteringly framed as reducing emissions" and: "These successful frames avoid a meaningful policy discussion on what ultimately matters, total emission reductions, while legitimizing expanding domestic fossil fuel production." ibid., p. 272–3, 274.

<sup>173</sup>One form of this messaging strategy focuses on personalizing the supposed financial risk, emphasizing that individual households and "hard-working families" will be the victims. Framing the relaxation of environmental protection standards as good for 'affordability' will always be a tempting populist strategy, since periods of economic stress are common. ibid., p. 155.

<sup>174</sup>It is not true that energy currently derived from fossil fuels could not be obtained from any other source. Solar, wind, ocean thermal energy, geothermal energy, and biofuels "have sufficient total power available in principle to power human civilization in perpetuity (or for thousands of years in the case of geothermal)", though only solar and wind can be harvested sufficiently with existing technologies to replace a significant fraction of humanity's 15 TW of current energy use. Jaffe and W. Taylor, *The Physics of Energy*, p. 765, 768.

<sup>175</sup>Gywn Morgan "a retired business leader who has been a director of five global corporations" wrote for the *Financial Post* that the Trudeau government's climate plan "defies the laws of physics" because fossil fuels are heavily used, renewables produce a small part of the total energy mix, and renewables have intermittency problems. Gwyn Morgan, *Liberals' Plan to Replace Fossil Fuel With Wind and Solar is Technically Impossible and Economically Disastrous*.

 $^{176}$ Describing pro-fossil Facebook ads which had been viewed 431 million times in a year, Matt Egan explained: "The ads avoided outright climate denial. Instead, the messages sought to 'prolong the use of oil and gas' through more nuanced messaging tactics, the researchers found... One strategy employed in the ads was to link the use of oil and gas to maintaining a high quality of life. Another tactic was to draw attention to voluntary steps the industry has taken on climate change." Egan, *Pro-fossil Fuel Facebook Ads Were Viewed 431 Million Times — In one Year*.

<sup>177</sup>Tombe, The Taming of the Skew: Facts on Canada's Energy Trade, p. 4.

<sup>178</sup>Fletcher, A Lot of Jason Kenney's Claims About the Oil and Gas Industry are Cherry-picked, Misleading

<sup>&</sup>lt;sup>167</sup>An organizer from the UVic campaign argued that the board already saw oil as necessary and growth in oil production as compatible with climate change mitigation, making them open to the idea that fiduciary duty prohibits divestment.

<sup>&</sup>lt;sup>168</sup>A 2006 Alberta government report argued "Alberta's future prosperity is closely tied to the wise development of its oil sands resources" and "investment in the future of the oil sands is crucial for the continued prosperity of the province." Government of Alberta, *Investing in our Future: Responding to the Rapid Growth of Oil Sands Development*, p. 5.

Of course, this does not take into consideration the damages imposed on others by the industry's pollution.<sup>179</sup> In its most extreme form, some argue that without fossil fuels global agriculture will collapse leading to mass starvation.<sup>180181182</sup> The macro version of this argument concerns humanity's dependence on fossil fuels in total, while an even more beguiling version is available at a micro scale to justify individual projects. As Jaccard explains:

Those whose wealth or income is still tied to fossil fuels justify ongoing expansion by fabricating the myth that *this fossil fuel project is essential* — claiming that we must have its job or tax revenues, while its share of global emissions is inconsequential.<sup>183184185</sup>

This is a systemic feature of all problems with many causes: it is always possible to represent the incremental worsening of one as acceptable or even desirable while implicitly relying on the hope that good behaviour elsewhere will cover for the harm being done in this specific place. One rhetorical device employed to justify continued fossil fuel investment is the notion of "responsible resource development."<sup>186187</sup> This subsumes the argument that resource development can be compatible with environmental sustainability and also points toward a favourite messaging strategy of the Canadian fossil fuel industry, namely that they must comply with stronger regulations here than producers elsewhere, implying that production

<sup>182</sup>See also: Tverberg, Why the Fossil Fuel Revolution Prevented the World from Starving.

or Wrong.

<sup>&</sup>lt;sup>179</sup>Considering climate change may not even be necessary to call into question whether the bitumen sands have genuinely added to Canadian prosperity. For instance, while bitumen royalties to the Alberta government have amounted to about \$59 billion the potential cleanup costs for tailings ponds alone may be \$130 billion. M. Anderson, *Alberta's Oilsands Owe Canadians Far More than They Can Pay*.

<sup>&</sup>lt;sup>180</sup>For example, Alex Epstein — a "free market energy" blogger – asserted that: "Without fossil fuels, billions of people will starve." Epstein, *Bill McKibben: Energy Enemy Number One*.

<sup>&</sup>lt;sup>181</sup>Describing efforts to apply ecological modeling to potential climate change timelines, Adam Frank stated: "70 percent of the population perish before a steady state was reached" and "it's not clear that a complex technological civilization like ours could survive such a catastrophe." Frank, *How Do Aliens Solve Climate Change*?

<sup>&</sup>lt;sup>183</sup>Jaccard, The Citizen's Guide to Climate Success: Overcoming Myths that Hinder Progress, p. 17.

<sup>&</sup>lt;sup>184</sup>He also describes a "magic act" in getting projects approved "to acquire wealth without anyone realizing you are hastening climate change and its catastrophic impacts" by diverting attention with an emphasis on jobs and other benefits from proposed projects. ibid., p. 77.

<sup>&</sup>lt;sup>185</sup>One example is Justin Trudeau's 2019 election promise that revenues from the Trans Mountain pipeline would help pay for the government's climate change mitigation plan. Lowrie, *Trudeau Vows to Use Trans Mountain Pipeline Revenues to Plant 2 Billion Trees*.

<sup>&</sup>lt;sup>186</sup>Brad Wall, the pro-fossil former premier of Saskatchewan, touts Canada's "world-leading record in terms of responsibly developing the resource" of oil and gas. Wall, *Do Any Liberals Still Support Canadian Resources?* 

<sup>&</sup>lt;sup>187</sup>Aaron Saad notes the Alberta oil industry and government slogan "The World Needs More Canadian Energy" as an indication that these actors do not accept the need for the world to decarbonize in general. Saad, Jason Kenney and Big Oil are Counting on the World Failing to Avert Climate Disaster.

which is avoided in Canada will simply take place in a more polluting way elsewhere.<sup>188</sup> The phrase crops up in a variety of contexts, including at a 2010 pro-fossil rally in New Brunswick which looks genuinely grassroots based on the photos; a 2017 campus talk organized by industry front groups the Young Pipelines Association of Canada (YAC), Resource Works, Canada's Energy Citizens, and CAPP; and in advertising for the Harper government's "Economic Action Plan" which was portrayed as fiscal stimulus and long-term investment to soften the 2008 financial crisis, but which was also accused of being promotion for the Conservative party funded with taxpayer dollars.<sup>189190191</sup> Another framing of climate policy as a threat to prosperity emphasizes the danger of lost competitiveness and capital flight, as an overly-demanding Canadian environmental regime drives business elsewhere.<sup>192</sup> Phrasing like 'job-killing carbon tax' and a 'tax on everything' allows for this economic framing to be rapidly deployed in advertising and political debates, without having to provide substantive justification for the claim that Canadian economic prosperity will really be better in the long term if we ignore climate change.

Writing for *The Intercept*, Alleen Brown argues that the fossil fuel industry has adopted tactics akin to those used by CFFD target universities, trying to soften the activists' efforts at delegitimization by seeming to engage with them in discussions on climate change, including one between the Oil and Gas Climate Initiative and Student Energy (a group "largely made up of people who want to work in the energy industry") in New York:

The students questions may have been tough, but the event was great PR for the fossil fuel industry. Gone are the days when CEOs openly questioned the existence of climate change. Today, industry leaders are feigning a sense of climate urgency while pushing forward proposals for climate action that will allow companies to keep harvesting carbon-emitting products well into the future. Subjecting themselves to a cohort of skeptical students was an opportunity for oil and gas executives to boost their credibility in an era when many young activists will only engage with them with picket signs.<sup>193</sup>

<sup>&</sup>lt;sup>188</sup>Lemphers describes a similar dynamic with "sustainable development" messaging, in which climate policy is framed as a balance between ongoing industry growth (which is actively protected in the short term) and climate commitments which in practice are much more notional and subject to retrenchment. Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 263.

<sup>&</sup>lt;sup>189</sup>Glynn, Rally for Responsible Resource Development Marks Opening of N.B. Legislature.

<sup>&</sup>lt;sup>190</sup>Canada's Energy Citizens, Let's Talk About Responsible Resource Development.

<sup>&</sup>lt;sup>191</sup>D. Leahy, Benefits from Canada's Energy Boom Remain in Energy Sector and Largely in Alberta, Reports IMF.

<sup>&</sup>lt;sup>192</sup>Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 155.

<sup>&</sup>lt;sup>193</sup>Brown, How the Fossil Fuel Industry is Attempting to Buy the Global Youth Climate Movement.

The article also notes Suncor's status as a founding partner of Student Energy's first Indigenous Student Energy Summit, "an opportunity for the company to reach two demographics associated with fossil fuel resistance at once."<sup>194</sup> In a repurposing of the story of self strategy in which activists use their biographies to increase the perceived legitimacy of their demands, the article also argues that fossil fuel corporations are engaged in "youth-washing": "[w]ith 'youth' becoming synonymous with climate action, corporations and politicians are increasingly using young people to portray themselves as climate serious."<sup>195</sup> This can be see in earnest advertising from the fossil fuel sector and front groups where glossy photos of young employees are accompanied by quotes about how environmentally responsible the industry is.<sup>196</sup>

Canada's fossil fuel industry has used the global coordination problem which is inherent in addressing climate change as a marketing point to reject regulation, arguing that domestic emission reductions would be pointless or counterproductive so long as fossil fuel use continues to increase elsewhere. This included full-page newspaper ads arguing that developing countries like India and China ought to reduce their emissions first.<sup>197</sup> This is sharply at odds with the conclusions of most scholars on climate ethics. There is a moral case that those who have contributed most to GHG pollution historically, who have the highest *per capita* emissions now, and who have the wealth necessary to fund the transition must act first. This would be a contribution toward satisfying the moral case that those most responsible and most able to act should be the first movers, and would also demonstrate practically, technologically, and economically that such reductions are feasible. Nonetheless, the argument that unilateral action would be meaningless is true, and deployed reliably by pro-fossil actors to discourage domestic regulation.

The fossil fuel industry has also sought to rebut criticism that major new extraction and export projects in Canada violate Indigenous rights. One method has been to pursue endorsements of projects by Indigenous groups, while simultaneously rejecting any assertion of Indigenous sovereignty which challenges the Canadian government's ability to guarantee

<sup>&</sup>lt;sup>194</sup>See also: Suncor, Partnering with Indigenous Youth.

<sup>&</sup>lt;sup>195</sup>Brown, How the Fossil Fuel Industry is Attempting to Buy the Global Youth Climate Movement.

<sup>&</sup>lt;sup>196</sup>For example, the U.S. website "Women for Natural Gas" was discovered to be full of testimonials with stock photos of models or photos taken randomly from the internet Leber, *These Ladies Love Natural Gas! Too Bad They Arent Real.* 

<sup>&</sup>lt;sup>197</sup>Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 125.

access to resources.<sup>198199200201202203204</sup> These endorsements allow for the creation of a media narrative in which views on fossil fuel development are at least divided among Indigenous groups, which can be coupled with the argument that it is inappropriate for climate activists to justify resistance on their behalf.<sup>205206207208209</sup> In January 2020, for example, Crystal Smith, elected chief councillor of the Haisla Nation and chair of the First Nations LNG Alliance, wrote an article arguing that the Coastal GasLink issue should be decided by the Wet'suwet'en Nation and not "outside help or outside interference or outside activists."<sup>210</sup> The article was promptly distributed by the Twitter accounts of the National Coalition of Chiefs ("A community of pro-resource development First Nation Chiefs and Metis leaders seeking to generate revenue and employment opportunities and defeat on-reserve poverty"); Coastal GasLink; and the First Nations LNG Alliance.<sup>211212</sup> BC Premier John Horgan praised Smith and tweeted several photos from a construction site visit with her.<sup>213</sup> At the same time, Alberta's energy "war room" shared a tweet from Coastal GasLink in which Wet'suwet'en

<sup>200</sup>See also: John, First Nations Don't Oppose Energy Projects.

<sup>201</sup>Jang, Study Touts LNG Benefits for Indigenous Groups Amid Skepticism from Environmentalists.

<sup>202</sup>S. Taylor, OToole Supports Building Dead Northern Gateway Pipeline, Cites Indigenous Benefits.

<sup>203</sup>Walsh, Raman-Wilms, and Stone, Erin O'Toole Supports Building Northern Gateway Pipeline Despite Objections from B.C..

<sup>204</sup>Mbarki, By Stifling Pipelines, Trudeau is Stifling Opportunity for Indigenous People.

 $^{206}$ Olive, The Trans Mountain Pipeline Will Likely Become One of the Largest Indigenous-owned Assets in the World — And That's Just the Start.

<sup>207</sup>Varcoe, If Indigenous Groups are Solidly Behind Energy Projects, Ottawa Must Act, Says Kenney.

 $^{210}\mathrm{Crystal}$  Smith, Pipeline Issue up to Wet'suwet'en people.

<sup>&</sup>lt;sup>198</sup> "In casting Indigenous autonomy as an abnormal politics, a criminal politics, a politics that threatens the Canadian extractive economy, and as a politics that presents an existential threat to Canada as a postcolonial 'home and Native land' policing institutions have served as the ground-level enforcement of settler colonialism's project of eliminating Indigenous sovereignties." Crosby and A. Monaghan, *Policing Indigenous Movements: Dissent and the Security State*, p. 10.

<sup>&</sup>lt;sup>199</sup>Klein describes how the strategy of seeking to win over part of an Indigenous communities population to support extraction projects "has created rancorous divisions and families are often torn apart over whether to accept industry deals or to uphold traditional teachings." Klein, *This Changes Everything: Capitalism* vs. The Climate, p. 386.

<sup>&</sup>lt;sup>205</sup>See: Geoffrey Morgan, With Decision Expected Soon, Indigenous Communities Divided over Teck Oilsands Project.

<sup>&</sup>lt;sup>208</sup>On February 29th, 2020 the National Post printed an article by Rex Murphy called "Killing Hope Where it's Most Needed — Among Aboriginal Youth" and one by Conrad Black called "Canadians Will Tire of Disruptions, and Indigenous People Will Suffer". R. Murphy, *Killing Hope Where it's Most Needed — Among Aboriginal Youth*.

<sup>&</sup>lt;sup>209</sup>C. Black, Canadians Will Tire of Disruptions, and Indigenous People Will Suffer.

<sup>&</sup>lt;sup>211</sup>National Coalition of Chiefs, In the end, the difference over governance among the Wet'suwet'en is a matter for the people of the Wet'suwet'en Nation to resolve. They do not need outside help or outside interference or outside activists to do that.

<sup>&</sup>lt;sup>212</sup>Coastal GasLink, A Must-read Article by Crystal Smith, Elected Chief Councillor of the #Haisla Nation. <sup>213</sup>Horgan, Meeting some of the thousands of workers & touring lngcanada project construction w/Chief Councillor Crystal Smith of the Haisla Nation — a truly inspiring leader. She's worked hard to ensure the Haisla are equal partners in development as we work to build a better BC together.

First Nation member "Edward" describes his support for the project on video, an article where a former Haisla chief councilor endorses the project, and an article about a "[s]well of support from Indigenous groups."<sup>214</sup> Susannah Pierce, director of corporate affairs for LNG Canada, wrote about being "outraged" that the UN committee chairperson later commented about being unaware that "most" First Nations support the project and arguing that resistance to fossil fuel development will perpetuate Indigenous poverty.<sup>215216</sup> In June 2020, a 65% stake in the pipeline was acquired by Alberta's public sector pension fund, which is managed by the Alberta Investment Management Company, showing how governments step in to support favoured industries when private actors don't accept the case for investment.<sup>217</sup> In parallel with seeking Indigenous endorsement for projects, industry and government have tried to legitimize fossil fuel development by bringing in Indigenous communities as part-owners, potentially both reducing the level of political resistance before projects are approved and creating a financial penalty for any early shutdown.<sup>218219</sup> Climate change activists who have loudly and repeatedly expressed their solidarity with Indigenous Peoples are in a difficult position to rebut claims about Indigenous support, many of which echo arguments that decarbonization should not be undertaken because it would harm the global poor. Nonetheless, decarbonization advocates can challenge the purported economic benefit from fossil fuel projects for Indigenous communities while also highlighting the limitations of the consent processes used by government and industry. This has been done institutionally by challenging the authority of Indian Act elected band councils off-reserve and in an Indigenous people's traditional territories and ethically by demonstrating how benefit agreements are negotiated under a double duress, first from the likelihood that any project which they refuse to partner on will likely be build regardless and second because of the poverty and underdevelopment which an Royal Commission on Aboriginal Peoples commissioner called "directly linked to the dispossession of Indigenous Peoples from their

 $<sup>^{214}</sup>$ Coastal GasLink, What matters to Edward, matters to us. He's one of many #Wetsuweten First Nation members who's proud to be working with us, preserving and protecting his traditional territory. Amplify Edward's voice and share his perspective.

<sup>&</sup>lt;sup>215</sup>Pierce, Opinion: The Importance of Giving an Equal Voice and Opportunity to be Heard.

<sup>&</sup>lt;sup>216</sup>Barrera, First Nations Voices in Support of Coastal GasLink Project Silenced by Fear, Says LNG Canada Official.

<sup>&</sup>lt;sup>217</sup>Yunker, Alberta and South Korea's Pensions Just Bought the Coastal GasLink Pipeline: 8 Things you Need to Know.

<sup>&</sup>lt;sup>218</sup>For example: Radford, Saskatchewan First Nation to be Part Owner of Keystone XL pipeline.

<sup>&</sup>lt;sup>219</sup>Responding to changes in the federal environmental assessment process for major projects in 2019, Conservative senator Dennis Patterson said the law "simply landlocks Alberta and Saskatchewan oil, and destroys the possibility of economic development in northern Indigenous communities." Corbella, 40 Years Later, National Energy Program has Lessons to Teach Today.

lands and the delegitimization of their institutions of society and governance."<sup>220221</sup>

Another pro-fossil narrative is that industry opponents are 'foreign' or 'foreign funded.'222 Hoggan devotes a chapter to "foreign-funded radicals" who are purported to use illegitimate means to obstruct the development of Canada's "ethical oil."<sup>223</sup> A slide deck from Enbridge presented to INAC deputy minister Michael Wernick in 2011 "provides an itemized list of environmental and Indigenous entities who have received funds from U.S. foundations" and claims that resisting the oil sands "has become a big fundraiser" for eNGOs.<sup>224</sup> Former natural resource minister Joe Oliver's infamous open letter says that "environmental and other radical groups... use funding from foreign special interest groups to undermine Canada's national economic interest."<sup>225226</sup> Alberta's United Conservative Party government undertook a \$2.5 million inquiry into foreign critics of the bitumen sands.<sup>227228</sup> The idea that only Canadians can legitimately oppose fossil fuel projects in Canada connects rhetorically with the "Made in Canada" climate plans advocated by some governments. This supports delay even more with a tick-tock alternation between insisting on a domestically developed plan and arguing that any viable plan must be coordinated with the U.S., using Canadian nationalism when the U.S. administration is pro-climate and emphasizing economic linkage when it is pro-fossil. The popularity of "Made in Canada" narrative is surprising, perhaps, given the widespread knowledge that funding for fossil fuel projects and the companies proposing them are often non-Canadian. Indeed, a central concern of the industry is that political uncertainty will diminish foreign capitalization of the industry, as divestment activists hope. William Carroll and Jouke Huijzer found that 13 of the top corporate owners of Canada's fossil fuel industry are non-Canadian.<sup>229</sup> NRCan figures show that in 2018 foreign direct in-

<sup>&</sup>lt;sup>220</sup>Crosby and A. Monaghan, Policing Indigenous Movements: Dissent and the Security State, p. 37.

<sup>&</sup>lt;sup>221</sup>Pasternak, "Occupy(ed) Canada: The Political Economy of Indigenous Dispossession".

<sup>&</sup>lt;sup>222</sup>Energy companies and the Alberta government have argued that Canadian eNGOs accept foreign funding as part of a plot against the bitumen sands and Alberta's energy industry, with the intent of blocking pipelines to landlock Alberta's oil. Weber, *Judge Dismisses Attempt to Quash 'Anti-Alberta' Activities Inquiry*.

<sup>&</sup>lt;sup>223</sup>Hoggan, I'm Right and You're an Idiot: The Toxic State of Public Discourse and How to Clean It Up, p. 77–88.

 <sup>&</sup>lt;sup>224</sup>Crosby and A. Monaghan, Policing Indigenous Movements: Dissent and the Security State, p. 76.
 <sup>225</sup>Oliver, An Open Letter from Natural Resources Minister Joe Oliver.

<sup>&</sup>lt;sup>226</sup>References to a "radical ideological agenda" are indicative of conservative hostility to issue linkage in environmental policy, while the emphasis on "funding from foreign special interest groups" demonstrates a form of invalid *ad hominem* argument which is nonetheless effective in politics and the media. Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 152.

<sup>&</sup>lt;sup>227</sup>Breakenridge, UCP's 'Anti-Alberta' Inquiry May be Little Help to Energy Industry.

<sup>&</sup>lt;sup>228</sup>Rieger, Inquiry Into Alleged Anti-Alberta Energy Campaigns Doesn't Have Time to Fact-check Statements: Commissioner.

<sup>&</sup>lt;sup>229</sup>Carroll and Huijzer, Who Owns Canadas Fossil-Fuel Sector?, p. 5–6, 11.

vestment in Canada's energy industry was \$201 billion.<sup>230231</sup> University of Alberta political economist Gordon Laxer argues that in the last two decades \$528 billion in profits from the bitumen sands have gone to foreign investors, who now own every major development aside from two small domestically-owned ones.<sup>232</sup> Arguing that foreign support is welcome but foreign criticism is illegitimate is logically incoherent, but remains politically popular.

Broader than just the 'foreign-funded' *ad hominem* attack, there is an fossil fuel industry counter-repertoire of personally criticizing environmentalism or environmentalists. As Lemphers describes it: "one of the methods chosen to prime the pump of political acceptability of regulatory reform for the oil and gas industry, besides large advertising campaigns, was to delegitimize environmental opposition to oil and gas development."<sup>233</sup> This attempted delegitimization has taken on many forms, including arguments that fossil fuel critics have an agenda at odds with the welfare of the Canadian population as a whole; have too little understanding to appreciate why fossil fuels are necessary and beneficial; advocate policies which will perpetuate poverty in the developing world, rural Canada, and Indigenous communities; and simply fail to understand how magnificently regulated the Canadian hydrocarbon sector is and how enthusiastically it is voluntarily sorting out its pollution problems. Since ad hominem arguments are always formally illogical — whether a factual claim is right or wrong has nothing to do with the moral worthiness or turpitude of those stating it — these industry repertoires demonstrate the dramatized character of fossil fuel politics. Generally unable to personally evaluate scientific, technical, and economic claims for themselves, the public must employ heuristics of some form to determine which experts to consider credible. Consistent psychological tendencies in how people assess the credibility of a speaker (whether it's a depiction of a smiling egg-farming family on a subway banner ad or an industry association representative on a current events TV show) allow industry advocates to use storytelling and messaging styles which reinforce their perceived legitimacy, irrespective of the factual accuracy of their underlying claims. Even the depth of the climate crisis can be helpful, by making it easy to dismiss those who emphasize it as 'chicken littles' or alarmists, falsely implying that if scientific concerns about severe climate change are valid we would already have experienced these effects. This is like saying that eating nothing but bacon for five years without having a heart attack proves that medical guidance on nutrition is false.

In the broadest sense, pro-fossil fuel actors have made extensive use of a counter-repertoire of asserting that market forces and especially technological development will drive decar-

<sup>&</sup>lt;sup>230</sup>Natural Resources Canada, *Energy and the Economy*.

 <sup>&</sup>lt;sup>231</sup>Garossino, A Data-based Dismantling of Jason Kenney's Foreign-funding Conspiracy Theory.
 <sup>232</sup>McQuaig, How Alberta Capitulated to Big Oil and Left Albertans Poorer.

<sup>&</sup>lt;sup>233</sup>Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 151.

bonization to stop climate change without the need for strong government action and without the need to shut down the global fossil fuel industry.<sup>234235236237238239240241242243</sup> Conway and Oreskes describe Julian Simon's "cornucopian theory" that "given truly free markets, technological innovation can and will solve any environmental or social problem."<sup>244245</sup> Technologies to remove  $CO_2$  from emissions and bury them (carbon capture and storage or CCS) have been

 $^{236}\mathrm{Barbier},$  "Introduction to the Environmental Kuznets Curve Special Issue".

<sup>237</sup>Martinez-Alier, "The Environment as a Luxury Good or 'Too Poor to be Green'?"

 $^{238}$ In an example of a techno-optimist scenario for addressing climate change, *The Economist* imagined a scenario where fossil fuel corporations evolve into a mass carbon-removal industry employing direct air capture and BECCS to sequester ten gigatonnes of CO<sub>2</sub> per year, equivalent to about one quarter of current global emissions. The Economist, *What if Carbon Removal Becomes the New Big Oil?* 

<sup>239</sup>In 2021, US climate envoy John Kerry argued that 50% of the GHG reductions needed to reach 'net zero' will come from technologies that do not yet exist, and that people will not need to give up quality of life to achieve climate goals. Jessica Murray, *Half of Emissions Cuts Will Come from Future Tech, Says John Kerry*.

<sup>240</sup>Saul Griffith and Repower America offer another: "it's possible to eliminate 70 percent to 80 percent of US carbon emissions by 2035 through rapid deployment of existing electrification technologies, with littleto-no carbon capture and sequestration. Doing so would slash US energy demand by around half, save consumers money, and keep the country on a 1.5 pathway without requiring particular behavior changes. Everyone could still have their same cars and houses — they would just need to be electric." Roberts, *How* to Drive Fossil Fuels Out of the US Economy, Quickly.

<sup>241</sup>Sara Hastings-Simon warns that waiting for technological development — and specifically for small and modular nuclear reactors (SMRs) and carbon capture and storage — constitutes "slow-walking action" with almost the same impact as climate denial Hastings-Simon, *Opinion: Beware of Climate Delay, Masquerading as Climate Action*.

<sup>242</sup>A 2020 statement questioning the climatic usefulness of SMRs was endorsed by Action Climat Outaouais, Environmental Defence, Equiterre, Friends of the Earth Canada, Greenpeace Canada, the Ontario Clean Air Alliance, and the Sierra Club Canada Foundation, among others. Canadian Environmental Law Association, *Groups say Federal Funding of New Nuclear Reactors is a 'Dirty, Dangerous Distraction' from Tackling Climate Change*.

<sup>243</sup>See also: Friedman, Canadian Oilpatch 'Confident' IEA Will Alter Dire Warning on Oil and Gas Once Emissions Tech Gains Ground.

<sup>244</sup>They also refer to Bjorn Lomborg, saying that: "Echoing Julian Simon, Lomborg argued that government regulation was the wrong way to address whatever real problems might exist, because it inhibits the economic growth and technological innovation that are the real solutions to human misery. Environmental challenges may lie ahead, but free markets will provide the appropriate solutions." Oreskes and E. M. Conway, "Challenging Knowledge: How Climate Science Became a Victim of the Cold War", p. 69, 75.

<sup>245</sup>Oreskes and Conway link denial of smoking-induced cancer, acid rain, CFCs, and climate change to "a radical free market ideology opposing any kind of restriction on the pursuit of market capitalism, no matter the justification" — labeled by George Soros as "market fundamentalism." ibid., p. 77–8.

<sup>&</sup>lt;sup>234</sup>Mangat et al. describe this kind of techno-utopianism as "the unwillingness or inability to challenge embedded practices and power structures and thus the pursuit of strategies to avoid conflict through, for example, focusing on 'breakthrough technologies' that might address climate change but avoid dramatic social and economic change." Mangat, Dalby, and Paterson, "Divestment Discourse: War, Justice, Morality and Money", p. 190.

 $<sup>^{235}</sup>$ A related concept is the environmental Kuznets curve: a theory describing "increasing pollution in the earlier stages of industrialization and then, at a threshold of rising personal income, increasing efforts to reduce pollution." The applicability of the concept to climate change is especially questionable for the reasons covered in the introduction; as opposed to perceptible and local forms of pollution like coal smoke, the emission of GHGs does not create perceptible local impacts that might encourage the affluent to pursue pollution reduction as a newly affordable luxury. Rhodes, *Energy: A Human History*, p. 304–5.

emphasized, along with the potential of growing biomass with photosynthesis to burn while storing the resulting  $CO_2$  (bioenergy with CCS or BECCS).<sup>246247248249250251252253254255256</sup> In Alberta, for instance, \$495 million of provincial government and \$63.2 million in federal government funding was directed to the Alberta Carbon Trunk Line, a 240-kilometre pipeline that will carry  $CO_2$  to be used for enhanced oil recovery near Edmonton, allowing 20% more oil to be extracted while burying about 2 Mt of  $CO_2$  per year (representing about 2 / 730<sup>ths</sup> of Canada's 2018 emissions).<sup>257</sup> Similarly, fossil fuel corporations and supportive media and political figures have argued that emitted today will be poss ible to subsequently capture (direct air capture, or DAC) and bury, or that and fossil fuels can be used as valuable feedstocks for chemical production processes, holding out the hope that the world can keep pumping

 $^{251}$ Duncan McLaren, of Lancaster University, calls CCS "a technology of prevarication" — extending the use of fossil fuel energy through the questionable promise that technology will eventually allow its pollution to be captured. The Economist, *The Dirtiest Fossil Fuel is on the Back Foot*.

<sup>253</sup>Gerard and Wilson, "Environmental Bonds and the Challenge of Long-term Carbon Sequestration".
 <sup>254</sup>Fuss et al., "Betting on Negative Emissions".

 $^{255}\mathrm{Rockstrm}$  et al., "A Roadmap for Rapid Decarbonization".

<sup>256</sup>Regarding bioenergy with carbon capture, for a sense of scale, the total rate at which solar energy is converted into biomass globally is only three or four times greater than current global energy use. Jaffe and W. Taylor, *The Physics of Energy*, p. 768.

<sup>257</sup>Labine, \$1.2 billion CO2 Pipeline from Industrial Heartland to Depleted Oilfields in Central Alberta Comes Online.

<sup>&</sup>lt;sup>246</sup>It is not only fossil fuel industry advocates hoping to avoid near-term regulation who advocate negative emission technologies. In order to keep being able to project future pathways with sub-2 C or sub-1.5 C temperature increases the IPCC increasingly assumes the existence of such technologies in their scenario planning. CCS is also discussed as a potential solution by MacKay, Jaccard, and Stokes MacKay, *Sustainable Energy: Without the Hot Air*, p. 157–60.

 <sup>&</sup>lt;sup>247</sup>Jaccard, The Citizen's Guide to Climate Success: Overcoming Myths that Hinder Progress, p. 166–9.
 <sup>248</sup>Stokes, Short Circuiting Policy: Interest Groups and the Battle over Clean Energy and Climate Policy in the American States, p. 20–2.

<sup>&</sup>lt;sup>249</sup>Van Vuuren et al. note that nearly all scenarios for constraining warming to under 2 C rely on negative emissions technologies which have received comparatively little investment and which may not succeed in large-scale use. They note that as policy decisions to mitigate greenhouse gas emissions are delayed, we risk being forced to rely on such technologies to meet the Paris Agreement temperature targets. Van Vuuren et al., "Open Discussion of Negative Emissions is Urgently Needed".

<sup>&</sup>lt;sup>250</sup>Lemphers describes how "CCS became the linchpin in the grand compromise that enabled parties with opposing views on gas to come together in coalition government" in Norway, in part because both fossil fuel corporations and labour unions could be supportive. Arguably, however, this demonstrates the dynamic of "shadow solutions" which Gardiner warns about, in which a politically palatable non-solution is accepted because the actors involved do not or are unwilling to recognize that the proposed course of action will not produce the intended outcome. Lemphers makes this claim explicitly in the case of the electrification of oil platforms: "Of course, increasing recovery rates would also increase the total amount of greenhouse gas emissions once the gas is combusted, eclipsing any emissions reductions associated with using onshore power." Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 86, 100.

<sup>&</sup>lt;sup>252</sup>On CCS see also: Riahi et al., "Technological Learning for Carbon Capture and Sequestration Technologies".
oil without worsening climate change.<sup>258</sup> <sup>259260</sup> Perhaps most extreme, some have asserted that low-cost geoengineering options — most notably solar radiation management via highaltitude aerosol injection — can negate the warming effects of GHGs at low cost, with no need to discontinue fossil fuel use.<sup>261</sup> Scholars have begun polling people on geoengineering through solar radiation management (SRM). Mercer, Keith, and Sharp found:

There was strong support for allowing the study of SRM. Support decreased and uncertainty rose as subjects were asked about their support for using SRM immediately, or to stop a climate emergency. Support for SRM is associated with optimism about scientific research, a valuing of SRM's benefits and a stronger belief that SRM is natural, while opposition is associated with an attitude that nature should not be manipulated in this way.<sup>262</sup>

They also found that both supporters and opponents of SRM "agree that SRM should not be used as a way to continue burning fossil fuels" and "the earth's temperature is too complicated to fix with one technology."<sup>263</sup> When Stephen Gardiner considered the ethics of "arming the future" with geoengineering, he concluded that deep moral questions remain about the technology and that the notion that having it available if needed is better than not having it is over-simplistic.<sup>264</sup> There is a major danger that the mere existence of potential technologies which could counteract the heating effects of greenhouse gases will sustain the unwillingness to deeply cut emissions among the population at large and decision makers. By pointing to the possibility of such technologies while being able to take advantage of the personal experiences of technological progress people have experienced — fossil fuel corporations and supporters are at risk of being able to wave away the known adverse consequences of their activities with the prospect that technological development may provide

 $<sup>^{258}</sup>$ The value of fossil fuels as feedstocks as opposed to energy sources has been widely noted: "It has been argued, in fact, that the hydrocarbon molecules contained in crude oil are so useful that they should not be wasted as transport fuel, but saved for future generations to use in ways some of which have not yet been invented." Jaffe and W. Taylor, *The Physics of Energy*, p. 666.

 $<sup>^{259}\</sup>mathrm{Carbon}$  Engineering — in Squamish BC — is an early Canadian DAC firm.

<sup>&</sup>lt;sup>260</sup>In June 2021, Carbon Engineering in partnership with Storegga proposed a facility in Scotland to remove up to one megatonne of CO2 per year. McGrath, *Climate Change: Large-scale CO2 Removal Facility Set for Scotland*.

<sup>&</sup>lt;sup>261</sup>The Earth's atmosphere is divided into the lower layer (the troposphere) where most weather happens and the stratosphere, which is above the tropopause boundary. Isolated from phenomena like rain, sulfate aerosols injected into the stratosphere by aircraft or other means would emulate the effect of aerosols from volcanic eruptions, reflecting away sunlight from the upper atmosphere and thus producing a cooling effect (negative radiative forcing). Jaffe and W. Taylor, *The Physics of Energy*, p. 687–8.

 <sup>&</sup>lt;sup>262</sup>Mercer, Keith, and Sharp, "Public Understanding of Solar Radiation Management", p. 1.
 <sup>263</sup>Ibid., p. 514.

 $<sup>^{264} {\</sup>rm Gardiner},$  "Is 'Arming the Future' with Geoengineering Really the Lesser Evil? Some Doubts About the Ethics of Intentionally Manipulating the Climate System", p. 305.

a solution. Also, since countries would not agree on how much engineered cooling is optimal, SRM risks reproducing and being overlaid upon the conflict which has already developed about who needs to decarbonize, when, and how much. Coupled with the danger that SRM will fail to produce the desired effects, or that it would produce intolerable side effects, there is good reason to consider it one of the "shadow solutions" that Gardiner warns will appeal to the morally compromised. In particular, since it would try to counteract the warming effect from rather than remove the carbon from the atmosphere, SRM would do nothing about ocean acidification, which by itself could have serious consequences for humanity and represent an important diminution of the Earth's stability and bounty, in contravention of the idea of "sustainable development" in which each generation inherits comparable life prospects to the one before. Geoengineering through enhanced rock weathering (ERW) would be safer since it would actually remove from the atmosphere, but it is unclear if it could work at the scale and pace needed to meaningfully counteract accumulation from fossil fuel use.

There are multiple mechanisms through which the problematic incentives facing private corporations interfere with effective climate change mitigation. In a sense, that's tied to the fundamental nature of a limited liability corporation in which it is possible to hold equity as a shareholder without being considered responsible for the actions of the firm. Even if those are deleterious to others, that harmfulness is known, and even if the corporation is found guilty of gross criminal violations, the principle is that the shareholder can only lose the value of their holdings, not need to pay their share to make whole any parties injured by the corporation's conduct, either in accidental or emergency circumstances or during the course of normal operations. While corporations make a big show about their voluntary efforts to combat climate change (especially aspirational targets of the multi-decadal variety favoured by those who so want to build pipelines and airports just now when they're in office) they continue to have economic motivations and pay structures which reward expansion of fossil fuel production and consumption, in many cases as an inescapable consequence of the world's existing fossil fuel dependence in raw material production, as a feedstock for petrochemicals, as vehicle and heating fuel, for electricity generation, etc.<sup>265266267268</sup> It has been said that

<sup>&</sup>lt;sup>265</sup>Grant, Paying with Fire: How Oil and Gas Executives are Rewarded for Chasing Growth and Why Shareholders Could Get Burned.

 $<sup>^{266}</sup>$ Cement production, for example, produces about 5% of global CO<sub>2</sub> emissions, 40% of that from burning coal. Petroleum-derived chemicals are also used to produce fertilizer, pesticides, pharmaceuticals, solvents, and plastic. Jaffe and W. Taylor, *The Physics of Energy*, p. 653, 666.

<sup>&</sup>lt;sup>267</sup>On decarbonization strategies for cement and concrete, see: Habert et al., "Environmental Impacts and Decarbonization Strategies in the Cement and Concrete Industries".

 $<sup>^{268}</sup>$ The Canada Nickel Company is trying to promote itself as a zero-carbon source of the metal on the basis that it will use serpentine rock to absorb CO<sub>2</sub> emissions. Evans, *Canadian Miner Answers Electric Carmaker Elon Musk's Call for Zero-carbon Nickel*.

the environment minister always lacks clout in cabinet because arrayed against them are always the pro-growth ministries of finance, natural resources, etc. which prefer the pulp mill and coal plant and mine along with the pollution, rather than being willing to forego the potential value of the resource for the sake of avoiding pollution, mitigating climate change, or protecting the habitat or human health.<sup>269270271272273</sup> Similarly, whatever internal sustainability organs are established within for-profit corporations, they will never be able to negate the pro-growth incentives and motivations in a profit-maximizing organization. When greater sales and profits mean more pollution, creating an internal advocate for cutting corporate output and profits is sure to be ineffective. 2020 research by the Carbon Tracker Initiative found that over 85% of the oil and gas companies they examined had executive pay linked to production or reserve replacement, both of which are effectively diminishing the remaining global carbon budget.

In terms of broad political analysis, this suggests two options to me: undertaking the political and economic re-organization necessary to make people value a stable climate more than the ready use of fossil fuels, or replacing all the present forms of fossil fuel dependency. Various comprehensive accounts of such systematic transformations have been written, and integrated with analyses of the remaining global carbon budget and thus the extent — for instance — that natural gas remains usable without integrated carbon capture and sequestration.<sup>274</sup> <sup>275</sup> The Stern Review, Monbiot's *Heat*, MacKay's *Sustainable Energy* — *Without the Hot Air*, the various analyses of stabilization wedges and triangles — people have found various ways to present and represent the basic parameters of re-powering humanity quickly

<sup>&</sup>lt;sup>269</sup>In June 2020, New Brunswick premier Blaine Higgs argued that it would be appropriate for the deputy minister of the province's Department of Natural Resources and Energy Development to also lead the environment department because "environment is every department's responsibility." Poitras, *Higgs Sees No Problem With Natural Resources Deputy Doing Top Environment Job Too*.

<sup>&</sup>lt;sup>270</sup>When the Mulroney government's 1990 Green Plan was being formulated, the "Ministers of Finance, Industry, International Trade and Treasury Board opposed the integration of the economy and environment on the grounds that it was a 'power grab' by the Minister of Environment." Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 109.

<sup>&</sup>lt;sup>271</sup>Gale, "Canada's Green Plan".

<sup>&</sup>lt;sup>272</sup>Macdonald describes "a tradition of Canadian governments treating environment as a low-status cabinet post, appointing junior ministers and changing them often as the juniors climb up to more senior positions." Macdonald, *Carbon Province, Hydro Province: The Challenge of Canadian Energy and Climate Federalism*,

p. 72.

<sup>&</sup>lt;sup>273</sup>Doern and T. Conway, The Greening of Canada: Federal Institutions and Decisions.

<sup>&</sup>lt;sup>274</sup>Lemphers describes a "backup plan" in Norway's fossil fuel industry under which "industry frames continued production of gas as helping solve climate change." Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 73, 80.

 $<sup>^{275}</sup>$ A major argument used in advertising and opinion articles in favour of BC's LNG industry is that the cleaner fuel would displace coal in Chinese industry and electricity generation.

enough to avoid catastrophic climatic destabilization, but the essence is clear that investment must cease in carbon-intensive assets if long-term targets like carbon neutrality by 2050 are to have any meaning or possibility of success.<sup>276277278</sup>

The world has consistently under-reacted to the seriousness of climate change and those choices have pushed us onto a less-favourable pathway in which the benefits of prompt and substantive early action had been won. The vast economic value of those assets does much to explain the means which fossil fuel corporations have applied to their counter-repertoires of political lobbying and donations as well as advertising to the public and liaison with public security authorities.<sup>279</sup> For instance, in April and May 2020 CAPP was the most active federal lobbyist in Canada.<sup>280</sup> The value embedded in fossil fuel reserves is threatened by energy transitions to anything else, with fossil profits lost as people replace fossil fuel heating and cooling systems with efficient electric heat pumps, renewable deployment continues, energy storage capacity increases in capacity and dispatch capability, and perhaps next-generation technologies like new nuclear reactors and new zero-carbon production processes for raw materials.<sup>281282</sup> That value is effectively threatened by all the potential technologies which can help mitigate the seriousness of climate change, barring perhaps the speculative promise of geoengineering, which many now privately hope will reconcile the conflict between the usefulness and value of coal, oil, and gas and the cumulative climatic consequences of their use.<sup>283</sup> This explains why the fossil fuel industry has done so much to oppose divestment

<sup>280</sup>Vigliotti, Big Oil Advocate Once Again Most Active Body on Federal Lobbying Scene in May.

<sup>281</sup>For instance, Suncor CEO Mark Little described in June 2020 how the "temporary economic lockdown triggered by the 2020 pandemic is giving us a glimpse into a not-too-distant future where the transformation of our energy system could disrupt demand on a similar scale", noting that the popularization of electric vehicles could produce an enduring drop in oil demand. Thomson Reuters, *Oilsands Must Diversify Before Electric Vehicles Bring New Drop in oil Demand, Says Suncor CEO*.

<sup>282</sup>On the sustainability of air conditioning as it spreads through economic development, see: Khosla et al., "Cooling for Sustainable Development".

<sup>283</sup>These speculative technological hopes aren't held by fossil fuel employees only, but may be functioning as a way for citizens in general to dismiss or minimize fears about climate change through the belief that governments and firms will fix the problem with new technologies.

<sup>&</sup>lt;sup>276</sup>Stern, The Economics of Climate Change: The Stern Review.

<sup>&</sup>lt;sup>277</sup>Monbiot, Heat: How to Stop the Planet from Burning.

<sup>&</sup>lt;sup>278</sup>MacKay, Sustainable Energy: Without the Hot Air.

 $<sup>^{279}</sup>$ The gas industry also lobbies against policy changes to promote climate stabilization. For example, when Seattle considered banning gas hookups for new buildings because buildings represent 1/3 of the city's emissions, Puget Sound Energy, the city's largest gas supplier, worked to block the step there and elsewhere, in part by hiring a lobbying firm which had previously opposed a tax on sugary drinks to "develop an action plan targeted at countering 350.org's efforts." More broadly, a new group called the Partnership for Energy Progress was established to spend \$2.8 million in 2020 trying to resist regulation and sell gas as "part of a clean energy future." The Hearth, Patio and Barbecue Association also sees decarbonization as a risk, noting "electrification is an existential issue that will be with the industry for a long time, often playing out in smaller communities and with very little advance warning." Holden, *Revealed: How the Gas Industry is Waging War Against Climate Action*.

and decarbonization, even in the comparatively benign and unthreatening form of CFFD campaigns.

#### **1.4** Governments and state security forces

Pro-fossil fuel governments have developed their own rhetorical and political strategies to counter activist demands, and have directed considerable resources toward advancing them.<sup>284285</sup> This reflects how they are "being asked to walk away and leave considerable potential wealth buried in the ground."<sup>286</sup> For instance, facing criticism on proposed pipeline expansions, NRCan's communications budget increased seventyfold between 2010 and 2013.<sup>287288</sup> In January 2012, Natural Resources minister Joe Oliver famously released an open letter condemning environmental groups critical of the bitumen sands as radicals opposing the national interest.<sup>289</sup> After the 2019 election in which the pro-pipeline Rachel Notley NDP government in Alberta was replaced by the even more pro-fossil fuel Jason Kenney United Conservative Party government, an early promise was to establish a \$30 million "war room" intended to counter what they see as unfair criticism of the province's fossil

<sup>&</sup>lt;sup>284</sup>Lemphers argues that in Canada and Australia elites have made a common effort to frame climate change discussions in a way that "shielded major emitters from potentially injurious emissions reductions." Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 265.

<sup>&</sup>lt;sup>285</sup>See also: Bueckert, The War on Boycotts.

<sup>&</sup>lt;sup>286</sup>Macdonald further notes: "While their tactics and public discourse became more sophisticated in subsequent years, both the firms and governments dependent upon oil revenues know that effective action on climate change is a direct threat to their economic well-being." Macdonald, *Carbon Province, Hydro Province: The Challenge of Canadian Energy and Climate Federalism*, p. 26, 93.

<sup>&</sup>lt;sup>287</sup>This funded full page ads in print magazines, as well as a "Go with Canada" website advocating Keystone XL and Canada's "responsible resource development." C. Turner, *The Patch: The People, Pipelines, and Politics of the Oil Sands*, p. 250–1.

<sup>&</sup>lt;sup>288</sup>Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 157.

<sup>&</sup>lt;sup>289</sup>Oliver, An Open Letter from Natural Resources Minister Joe Oliver.

fuel industries.<sup>290291292293294295296297</sup> An employee of the "war room" identifying themself as a reporter called activist and Foundation for Environmental Stewardship founder Steven Lee as one of the body's earliest actions, which Lee found "intimidating."<sup>298299</sup> In December 2019, the Canadian Association of Journalists rebuked the Canadian Energy Centre "war room" for their staff misrepresenting themselves as journalists.<sup>300</sup> The Kenney government also launched a \$2.5 million Public Inquiry into Anti-Alberta Energy Campaigns in July 2019, with a mandate which was expanded in August 2020 to include groups seeking to impede the development and export of the province's fossil fuels "by any means," raising fears among eNGOs and charities that accurate criticisms of the industry could lead to them being targeted.<sup>301</sup>

Governments have also defined upholding the interests of the fossil fuel industry as protecting 'critical infrastructure.' In September 2019, Texas passed a Critical Infrastructure Protection Act allowing 10 year prison sentences and \$500,000 fines for protestors targeting the oil and gas industry. Within weeks, Greenpeace activists who had hung from a bridge to block ship traffic were the first to be charged.<sup>302</sup> In Australia in November 2019, Prime Minister Scott Morrison pledged to outlaw climate change boycott campaigns, saying the

<sup>301</sup>L. Johnson, Alberta Inquiry Into Funding of Foreign Environmental Groups Alters Course Again.

<sup>&</sup>lt;sup>290</sup>In 2019, the Kenney government in Alberta spent \$2.75 million in one week promoting the Trans Mountain pipeline, including in BC with a "BC for TMX" campaign. *The Tyee* calculated that the cost to get young people to 'click through' on such ads was \$700 per conversion. Carney, *Inside Alberta's Advertising War to Win TMX Approval*.

<sup>&</sup>lt;sup>291</sup>In October 2020, Kenney announced that the war room would ramp up advertising after a six-month lull caused by the COVID pandemic. L. Johnson, Alberta War Room Set to Ramp Up Pro-oilsands Advertising After Six-month Lull, Jason Kenney Says at Party AGM.

<sup>&</sup>lt;sup>292</sup>In November 2020, Alberta's auditor general criticized the war room for financial oversight problems, namely awarding \$1.3 million in sole source contrasts without adequately justifying and documenting it. Snowdon, Alberta's Energy War Room Under Fire in Auditor General's Annual Report.

<sup>&</sup>lt;sup>293</sup>In July 2021, James Keller wrote for *The Globe and Mail* that the draft report "said nothing improper about anti-oil campaigns." Keller, *Draft of Alberta Inquiry Report Critical of Environmental Groups, but Says Nothing Improper About Anti-oil Campaigns*.

<sup>&</sup>lt;sup>294</sup>Further demonstrating the sensitivity of the issue, when a fourth grade student in Alberta told his parents about a lesson where they had been shown a pro-bitumen sands video from the Alberta government, an anti-bitumen video from Greenpeace, and given "a written assignment that asked how Albertans should manage competing demands on the province's land for uses such as oil development, wind and solar power, agriculture and recreation" it led to news articles, social media discussion, and the cancellation of the school's Christmas dance. Keller, *Alberta School Lesson on Oil Sands Prompts Threats from Parents Amid Sensitivity Over Industry's Image*.

<sup>&</sup>lt;sup>295</sup>See also: Weber, Environmentalists say Alberta Government War Room Threat 'amateur hour'.
<sup>296</sup>Flexhaug, An Inside Look at Alberta's 'War Room'.

<sup>&</sup>lt;sup>297</sup>Krugel, Dead or Not Dead? Scheer Compares Trans Mountain Under Trudeau to Monty Python Parrot Sketch.

<sup>&</sup>lt;sup>298</sup>Weber, 'Intimidating:' Alberta's Energy War Room Singles out Climate Campaigner.

<sup>&</sup>lt;sup>299</sup>Bruch, 'Spin Doctors': Alberta War Room Draws Criticism Over Writer Titles.

<sup>&</sup>lt;sup>300</sup>Canadian Press, Orwellian: Journalist Group Protests Alberta War Room's use of Term 'Reporters'.

<sup>&</sup>lt;sup>302</sup>Dart, Why Texas's Fossil Fuel Support Will 'Spell Disaster' for Climate Crisis.

government was looking into "serious mechanisms that can successfully outlaw these indulgent and selfish practices that threaten the livelihoods of fellow Australians" and that the "right to protest does not mean there is an unlimited license to disrupt people's lives and disrespect your fellow Australians."<sup>303</sup> In June 2021, Australian resource minister Keith Pitt accused "green activists" of trying to "cripple" fossil fuel companies, including by using the courts and bureaucratic processes to delay projects.<sup>304</sup> During the 2020 coronavirus epidemic, Kentucky, South Dakota, and West Virginia passed laws to prohibit protesting fossil fuel infrastructure.<sup>305</sup> South Dakota, Louisiana, Oklahoma, Texas, and other states have banned energy infrastructure protests, including those against pipelines.<sup>306</sup> In May 2020, the Kenney government in Alberta brought a Critical Infrastructure Defence Act to third reading, threatening "hefty penalties against any person or company found to have blocked, damaged or entered without reason any 'essential infrastructure."' Violators can be fined \$25,000, sentenced to up to fix months in prison, or both.<sup>307308309310</sup> The same month, Alberta energy minister Sonva Savage argued on a podcast that: "Now is a great time to be building a pipeline because you can't have protests of more than 15 people" because of COVID-19 restrictions.<sup>311312313</sup> Government house leader Jason Nixon later supported the comments:

Minister Savage has rightly pointed out that there are people, unfortunately both within this province and across this country and the world, who have dedicated themselves to stopping Alberta's clean natural resources from being able to enter the market... I think she was quite right. She just pointed out the obvious that at this moment because of COVID there is probably less people taking the

<sup>&</sup>lt;sup>303</sup>A. Taylor, Australia's Prime Minister Pledges to Outlaw Climate Boycotts, Arguing They Threaten the Economy.

<sup>&</sup>lt;sup>304</sup>K. Murphy, Australian Resources Minister Attacks 'Green Activists' for Trying to 'Cripple' Fossil Fuel Companies.

<sup>&</sup>lt;sup>305</sup>Kaufman, States Quietly Pass Laws Criminalizing Fossil Fuel Protests Amid Coronavirus Chaos.

<sup>&</sup>lt;sup>306</sup>Stokes, Short Circuiting Policy: Interest Groups and the Battle over Clean Energy and Climate Policy in the American States, p. 240.

<sup>&</sup>lt;sup>307</sup>Calgary police chief Mark Neufeld said in February 2020 that the police force was ready for Wet'suwet'enstyle blockades and that the act "will be a useful thing around critical infrastructure." Herring, *Police Ready if Blockades Come to Calgary, Chief Says.* 

 <sup>&</sup>lt;sup>308</sup>See also: French, Controversial Bill Targeting Rail Blockade Protesters Soon to be Alberta Law.
 <sup>309</sup>Das, Kenney's New Bill Targets Alberta Protestors & Blockades With Up To \$200k Fines.
 <sup>310</sup>Morin, Alberta Bans Pipeline Protests in Totally Normal Move.

<sup>&</sup>lt;sup>311</sup>BBC News, Trans Mountain Pipeline: Protest Ban is 'Great Time' to Build, Says Minister.

<sup>&</sup>lt;sup>312</sup>Weber, Limits on Gatherings Make it a 'great time to be building a pipeline,' Says Alberta Energy Minister.

<sup>&</sup>lt;sup>313</sup>CTV News Edmonton, 'Some Honesty for Once': Greta Thunberg Responds to Alta. Energy Minister's Pipeline Comments.

opportunity to go out and protest pipelines.<sup>314</sup>

These varied counter-narratives and counter-repertoires speak to the sense of threat felt within the fossil fuel industry and supportive organizations and governments.

Canada's security and intelligence apparatus has its own understanding of intersectionality in the context of social movements that challenge the *status quo* in areas like Indigenous rights and the environment, coining the term "multi issue extremism" (MIE) in 2007 to refer to groups like Indigenous opponents of the 2010 Olympics, pacifists, and environmentalist groups.<sup>315316317318319320321322323</sup> Monaghan and Walby used information from access to information requests to document a conception of MIEs that includes "activist groups, [I]ndigenous groups, environmentalists and others who are publicly critical of government policy."<sup>324325</sup> "[M]any left-wing associated groups associated with direct action tactics" have been subsumed into this new categorization, including opponents of US foreign policy, animal rights and anti-globalization activists, pacifists, anti-corporate satirists, aboriginal rights

<sup>&</sup>lt;sup>314</sup>Braid, Savage Earns Scorn by Crediting Pandemic for Preventing Pipeline Protests.

<sup>&</sup>lt;sup>315</sup>Crosby and Monaghan identify relevant organizations as including the RCMP, CSIS, Justice Canada, Public Safety Canada and their Government Operations Centre, the Department of National Defence, CSEC, Correctional Services, the Canadian Border Services Agency, Transport Canada, NRCan, the PCO, and the Department of Fisheries and Oceans. They note that a 2013 report from the Auditor General found that 35 departments and agencies fund public security and anti-terrorism activities. Crosby and A. Monaghan, *Policing Indigenous Movements: Dissent and the Security State*, p. 12.

<sup>&</sup>lt;sup>316</sup>Crosby and Monaghan argue that "extremism" is "a flexible label that can be disconnected from its original association with Islamic fundamentalist militancy... to categorize and frame domestic protest groups as threats to national security, blurring the boundaries between protests and terrorism, as well as violence and non-violence." ibid., p. 39.

<sup>&</sup>lt;sup>317</sup>See also: J. Monaghan and Walby, "Making up 'Terror Identities': Security Intelligence, Canada's Integrated Threat Assessment Centre and Social Movement Suppression", p. 142, 149 (footnote 15).

<sup>&</sup>lt;sup>318</sup>For historical background and the division of labour between the RCMP, CSIS, and the CSEC see: Hamilton, *Inside Canadian Intelligence: Exposing the New Realities of Espionage and International Terrorism, 2nd Edition.* 

<sup>&</sup>lt;sup>319</sup>There is a similar pattern internationally. In January 2020, The Guardian reported that: "Counterterrorism police placed the non-violent group Extinction Rebellion (XR) on a list of extremist ideologies that should be reported to the authorities running the Prevent programme, which aims to catch those at risk of committing atrocities." V. Dodd and Grierson, *Terrorism Police List Extinction Rebellion as Extremist Ideology*.

<sup>&</sup>lt;sup>320</sup>Greenpeace and PETA were included along with neo-Nazis in a counter-terrorism police document. ibid. <sup>321</sup>See also: Hudson, *Extinction Rebellion: 'Terror Threat' is a Wake-up Call for how the State Treats Environmental Activism*.

<sup>&</sup>lt;sup>322</sup>Monbiot, If Defending Life on Earth is Extremist, We Must Own That Label.

<sup>&</sup>lt;sup>323</sup>The U.S. Department of Homeland Security also listed Climate Direct Action members as "extremists" alongside white nationalists and mass killers. Federman, *Revealed: US Listed Climate Activist Group as 'Extremists' Alongside Mass Killers*.

<sup>&</sup>lt;sup>324</sup>J. Monaghan and Walby, "Making up 'Terror Identities': Security Intelligence, Canada's Integrated Threat Assessment Centre and Social Movement Suppression", p. 134.

<sup>&</sup>lt;sup>325</sup>See also: Crosby and A. Monaghan, Policing Indigenous Movements: Dissent and the Security State.

advocates, and "the global justice movement" generally.<sup>326327</sup> In terms of choice of tactics, "even boycott campaigns and other public education initiatives such as tabling sessions" may lead to groups being classified as MIEs. Greenpeace is the most frequently cited group in the resulting threat assessments.<sup>328</sup> A November 2008 report also cited organizational structure as a basis for categorization as an MIE: specifically being "non-hierarchical and amorphous in nature", which may correspond with the non-hierarchical structures adopted by CFFD campaigns and the climate justice movement broadly.<sup>329</sup> This new categorization legitimizes the use of surveillance (including signals intelligence of intercepted communication and human intelligence sometimes based on infiltrators) and national defence capabilities to try to suppress social movements.<sup>330331</sup>

This intelligence and security perspective that has emerged in the U.S. and Canada since 2001 is also informed by awareness of social movement theory, seeking to suppress social movements through "a process through which the preconditions for dissident action, mobilisation, and collective organisation are inhibited by either raising their costs of minimising their benefits."<sup>33233334335336337338339</sup> Based on studies of past social movements, Monaghan and Walby summarize that "surveillance programmes target, then problematize and crimi-

<sup>328</sup>J. Monaghan and Walby, "Making up 'Terror Identities': Security Intelligence, Canada's Integrated Threat Assessment Centre and Social Movement Suppression", p. 144.

<sup>329</sup>Ibid., p. 144.

<sup>332</sup>Boykoff, Beyond Bullets: The Suppression of Dissent in the United States, p. 12.

<sup>333</sup>J. Monaghan and Walby, "Making up 'Terror Identities': Security Intelligence, Canada's Integrated Threat Assessment Centre and Social Movement Suppression", p. 137.

<sup>&</sup>lt;sup>326</sup>J. Monaghan and Walby, "Making up 'Terror Identities': Security Intelligence, Canada's Integrated Threat Assessment Centre and Social Movement Suppression", p. 137, 143.

<sup>&</sup>lt;sup>327</sup>See also: Walby and J. Monaghan, "Private Eyes and Public Order: Policing and Surveillance in the Suppression of Animal Rights Activists in Canada".

<sup>&</sup>lt;sup>330</sup>Ibid., p. 135.

<sup>&</sup>lt;sup>331</sup>In January 2020, RCMP spokesperson Sgt. Penny Hermann defended the practice of profiling antifossil fuel protestors using their social media posts. Bronskill, *Mounties Defend Social-media Profiling of Protesters*.

<sup>&</sup>lt;sup>334</sup>Monaghan and Howe also identify "practices of strategic incapacitation" used by the RCMP against Indigenous protests "grounded in a rationality that seeks to demobilize and delegitimize Indigenous social movements." Howe and J. Monaghan, "Strategic Incapacitation of Indigenous Dissent: Crowd Theories, Risk Management, and Settler Colonial Policing", p. 325.

<sup>&</sup>lt;sup>335</sup>Monaghan and Crosby say that policy try to "demobilize movements that challenge settler colonialism and extractive capitalism." Crosby and A. Monaghan, *Policing Indigenous Movements: Dissent and the Security State*, p. xii.

<sup>&</sup>lt;sup>336</sup>The fossil fuel industry also cultivates ties with police forces. The Public Accountability Initiative found in 2020 that firms including Chevron and Shell have partly funded police foundations in a variety of U.S. cities, with fossil fuel corporation staff sometimes serving as foundation directors. Lakhani, *Revealed: Oil Giants Help Fund Powerful Police Groups in Top US Cities*.

 <sup>&</sup>lt;sup>337</sup>See also: Brake, RCMP Concerned Indigenous Rights Advocates Will Gain Public Support: New Study.
 <sup>338</sup>Armstrong and Seidman, Fossil Fuel Industry Pollutes Black & Brown Communities While Propping Up Racist Policing.

<sup>&</sup>lt;sup>339</sup>Lukacs and Groves, Private Firms Pour Millions into Militarizing Police via Charities.

nalize, social movements that present a challenge to the status quo."<sup>340341</sup> In recent Canadian experience, this applies particularly to Indigenous land defenders resisting fossil fuel infrastructure.<sup>342343</sup> Even awareness-raising about environmental sustainability is taken to be a threat by the RCMP, who have criticized the anti-petroleum movement for "drawing attention to, and in building recognition of, the perceived environmental threat from the continued use of fossil fuels" and how "[t]he publicizing of these concerns has led to significant, and often negative, media coverage surrounding the Canadian petroleum industry."<sup>344345</sup> In 2012, the RCMP established a counter-terrorism unit (INSET) specifically to protect the energy industry; later, they monitored Idle No More protests.<sup>346</sup> In May 2014, APTN National News reported that following the October 2013 RCMP raid on the Mi'kmaq Warrior Society-led anti-fracking (Elsipogtog) camp, which had received some support from CFFD activists, the Canadian armed forces monitored the activists' response and tried to assess who protest leaders were.<sup>347348349350</sup> Crosby and Monaghan report that half of those under surveillance by the RCMP under Project SITKA were associated with Mi'kmaw resistance at Elsipogtog.<sup>351</sup> Anti-fracking protests near the Elsipogtog First Nation in New Brunswick in 2014 drove

<sup>&</sup>lt;sup>340</sup>J. Monaghan and Walby, "Making up 'Terror Identities': Security Intelligence, Canada's Integrated Threat Assessment Centre and Social Movement Suppression", p. 145.

<sup>&</sup>lt;sup>341</sup>Monaghan and Howe describe a transition toward policing practices based on "strategies of pre-emptive control" emphasizing surveillance and intelligence gathering, pre-emptive policing techniques, and "routine and pervasive surveillance of protest movements in many Western states." Howe and J. Monaghan, "Strategic Incapacitation of Indigenous Dissent: Crowd Theories, Risk Management, and Settler Colonial Policing", p. 325.

<sup>&</sup>lt;sup>342</sup>Describing how the RCMP enforced an injunction by removing a Wet'suwet'en Nation blockade against the TransCanada Coastal GasLink pipeline in 2019, Jeffrey Monaghan said: "It was very carefully choreographed to communicate to the national audience that any protests against oil and gas pipelines are going to be cracked down upon. I think it was highly symbolic. Police action doesnt stop with the Wet'suwet'en." Nikiforuk, When Indigenous Assert Rights, Canada Sends Militarized Police.

<sup>&</sup>lt;sup>343</sup>See also: Pasternak and Dafnos, "How Does a Settler State Secure the Circuitry of Capital?"

<sup>&</sup>lt;sup>344</sup>Crosby and A. Monaghan, *Policing Indigenous Movements: Dissent and the Security State*, p. 182.

<sup>&</sup>lt;sup>345</sup>Lemphers argues: "Canada's national spy agency, the Canadian Security Intelligence Service, and the Royal Canadian Mounted Policy, Canada's federal police service, began to monitor environmental and Indigenous groups opposed to oil sands pipelines, putting additional pressure on civil society not to oppose fossil fuel expansion plans. These actions recast groups that traditionally engaged in non-violent civil disobedience as domestic terrorists." Lemphers, "Beyond the Carbon Curse: a Study of the Governance Foundations of Climate Change Politics in Australia, Canada and Norway", p. 154.

<sup>&</sup>lt;sup>346</sup>Crosby and A. Monaghan, *Policing Indigenous Movements: Dissent and the Security State*, p. 75, 123, 136–77.

 <sup>&</sup>lt;sup>347</sup>Barrera, Military's Counter-intelligence Unit Monitored Elsipogtog Anti-fracking Protests: Documents.
 <sup>348</sup>Howe, Debriefing Elsipogtog: The Anatomy of a Struggle.

<sup>&</sup>lt;sup>349</sup>Reporting in *The Guardian* says: "The RCMP has deployed snipers during previous confrontations over Indigenous land rights, including in response to 2013 protests against a fracking project in Mi'kmaq territory in New Brunswick." Dhillon and Parrish, *Indigenous People Outraged at Canada Police's Possible Use of Lethal Force*.

<sup>&</sup>lt;sup>350</sup>See also: Linnitt, #MIKMAQBLOCKADE: RCMP Respond to First Nations Fracking Protest with Arrests, Snipers.

<sup>&</sup>lt;sup>351</sup>Crosby and A. Monaghan, Policing Indigenous Movements: Dissent and the Security State, p. 3.

CSIS to advise deputy ministers on expected resistance to the Northern Gateway Pipeline in  $2015.^{352}$ 

In December 2019, The Guardian reported that the "Canadian police were prepared to shoot Indigenous land defenders blockading construction of a natural gas pipeline in northern British Columbia" where Wet'suwet'en land and water defenders are resisting natural gas pipeline construction and that: "Plans included arresting everyone in the injunction area, including children and elders." The coverage notes that "the RCMP conducted surveillance in advance of the raid including heavily armed police patrols, drones, heat-sensing cameras and monitoring of protesters social media postings."<sup>353354355356357358</sup> The document also "notes the RCMP's coordination with Coastal GasLink personnel leading up to the action."<sup>359</sup> Days later, the RCMP responded saying they "found no documents or references that support that [Canadian police were prepared to shoot protesters] and other assertions in the report."<sup>360</sup> The Guardian responded with specific documentary support for the claims they published, while filmmaker Michael Toledano provided supporting images.<sup>361362</sup> Meanwhile, federal NDP safety critic Jack Harris and Skeena-Bulkley Valley MP Taylor Bachrach called for a full governmental inquiry into police strategies and tactics at the site.<sup>363364</sup> In December 2019, the UN Committee on the Elimination of Racial Discrimination called upon Canada to immediately cease construction of the Trans Mountain pipeline expansion, Coastal GasLink pipeline, and the Site C dam intended to provide energy for gas liquefaction on the basis that free, prior and informed consent of the kind required by UNDRIP was not ob-

<sup>&</sup>lt;sup>352</sup>Canadian Press, 'I Find it Odd to see CSIS in the Middle of This': Spy Agency Helped Fend off Northern Gateway Protests.

<sup>&</sup>lt;sup>353</sup>Dhillon, Exclusive: Canada Police Prepared to Shoot Indigenous Activists, Documents Show.

<sup>&</sup>lt;sup>354</sup>See also: The Tyee, *RCMP Planned to Use Snipers in Assault on Wet'suvet'en Protest, Guardian Reports.* 

<sup>&</sup>lt;sup>355</sup>Boynton, B.C. First Nation, RCMP Spar over Report 'Lethal Overwatch' Ordered for Northern Pipeline Arrests.

<sup>&</sup>lt;sup>356</sup>Charlie Smith, Gidimt'en Spokesperson Sleydo', a.k.a. Molly Wickham, Accuses RCMP of Acting as Mercenaries for Industry.

 <sup>&</sup>lt;sup>357</sup>Goodridge, Lethal Force Revelations Nothing New for Indigenous Activists in Mi'kma'ki and Labrador.
 <sup>358</sup>J. Turner, In the Path of the RCMP: An Interview with Sabina Dennis.

<sup>&</sup>lt;sup>359</sup>Dhillon and Parrish, Indigenous People Outraged at Canada Police's Possible Use of Lethal Force.

<sup>&</sup>lt;sup>360</sup>Stueck, RCMP Deny Media Report They Were Prepared to Shoot Indigenous Activists at Coastal GasLink Pipeline Protest.

<sup>&</sup>lt;sup>361</sup>Dhillon and Parrish, Indigenous People Outraged at Canada Police's Possible Use of Lethal Force.

<sup>&</sup>lt;sup>362</sup>Charlie Smith, Documentary Filmmaker Counters RCMP's Attempt to Discredit Guardian Story about Gidimt'en raid.

<sup>&</sup>lt;sup>363</sup>Stueck, RCMP Deny Media Report They Were Prepared to Shoot Indigenous Activists at Coastal GasLink Pipeline Protest.

<sup>&</sup>lt;sup>364</sup>Hewitt, Skeena-Bulkley Valley MP Calling for Independent Review of RCMP Action at Gidimt'En.

tained.<sup>365366367368369</sup> Alberta Minister of Energy Sonya Savage criticized the committee and UN for "singl[ing] out Canada."<sup>370</sup> In May 2020, Export Development Canada announced that it would lend \$500 million to build Coastal GasLink.<sup>371</sup> In October, documents obtained by the CBC revealed that the RCMP spent over \$13 million between January 2019 and March 2020 on their operations related to the CGL pipeline.<sup>372</sup> By February 2021, more than 140 km of the pipeline's 670 km route had been laid.<sup>373</sup>

Groups added to a national security database because of "potential disruption of Enbridge pipelines" include the Ruckus Society, which provided training during the 350.org Keystone XL arrests in Washington, DC in 2011; as well as the Ontario Public Interest Research Group, relevant because several CFFD campaigns were organized as PIRGs; and the Canadian Youth Climate Coalition (CYCC), one of the central broker organizations for the CFFD movement in Canada. The RCMP also monitored events on university campuses.<sup>374</sup> During Idle No More, the military routinely monitored protests, despite a "key message" Canadian Forces talking point that ""[t]he Canadian Armed Forces (CAF) are not in the business of spying on Canadians."<sup>375</sup> This assurance is contradicted by "hundreds of pages of DND files [which] reveal that various units engaged in routine surveillance of Idle No More demonstrations" motivated by the view that "virtually any demonstration that threatens roads, waterways, or economic assets falls under the matrix of potential threat."<sup>376</sup> Security services have thus adopted a role as protectors of the fossil fuel industry's reputation and profits, at the expense of enforcing Indigenous or democratic rights.

Multiple journalistic and scholarly analyses emphasize how security service activities are now especially targeted toward the anti-pipeline movement, 350.org's second major area of focus in Canada along with divestment.<sup>377</sup> An RCMP memo obtained by Greenpeace in 2015 "presents continued expansion of oil and gas production as an inevitability, and repeatedly

<sup>369</sup>Dryden, Hereditary First Nation Chiefs Issue Eviction Notice to Coastal GasLink Contractors.

<sup>&</sup>lt;sup>365</sup>United Nations Committee on the Elimination of Racial Discrimination, *Decision 1 (100)*.

<sup>&</sup>lt;sup>366</sup>See also: Kane, Trans Mountain, LNG Pipeline Among Projects UN Racism Committee Urges to be Stopped.

<sup>&</sup>lt;sup>367</sup>Kestler-D'Amours, A Year After RCMP's Violent Raid, Wet'Suwet'en People Fear Repeat.

<sup>&</sup>lt;sup>368</sup>Smart, What the Wet'suwet'en Case Says About how Canadian Courts Address Indigenous Law.

<sup>&</sup>lt;sup>370</sup>Canadian Press, Alberta Fires Back at UN Racism Committee for Criticism of Energy Megaprojects.

<sup>&</sup>lt;sup>371</sup>Ballingall, Coastal GasLink Pipeline Gets Loan of up to \$500M from Federal Agency.

<sup>&</sup>lt;sup>372</sup>Bellrichard, RCMP spent more than \$13M on Policing Coastal GasLink Conflict on Wet'suwet'en Territory.

<sup>&</sup>lt;sup>373</sup>Trumpener, A Year After Wet'Suwet'en Blockades, Coastal GasLink Pipeline Pushes on Through Pandemic.

<sup>&</sup>lt;sup>374</sup>Crosby and A. Monaghan, *Policing Indigenous Movements: Dissent and the Security State*, p. 85-6. <sup>375</sup>Ibid., p. 105.

<sup>&</sup>lt;sup>376</sup>Ibid., p. 105.

<sup>&</sup>lt;sup>377</sup>S. Leahy, Canada's Environmental Activists Seen as 'Threat to National Security'.

casts doubt on the causes and consequences of climate change."<sup>378</sup> An RCMP report even questions the relationship between fossil fuels and greenhouse gas emissions, or at least frames it only as an opinion held by activists, saying that they are calling on industry and government to "cease all actions which the extremists believe contributes to greenhouse gas emissions" and that groups like Tides Canada and the Sierra Club Canada believe that "climate change is a direct consequence of elevated anthropogenic greenhouse gas emissions which, they believe, are directly linked to the continued use of fossil-fuels."<sup>379</sup> <sup>380</sup> This is relevant to the CFFD movement because many organizers simultaneously took part in more contentious forms of activism outside of their universities while the campaigns were ongoing, including acts of civil disobedience intended to resist pipeline construction. CFFD groups also undertook fundraising and provided material assistance to Indigenous encampments and blockades resisting fossil fuel projects in Atlantic Canada and British Columbia, likely linking their members to existing surveillance targets within those projects by communicating with them. All told, it is likely that numerous members of the CFFD movement have been incorporated into police, intelligence, and corporate databases and link charts, based on their support for movements resisting the status quo, public social media statements, and private communication with existing surveillance targets. The border-spanning nature of U.S.-Canada energy infrastructure may also have subjected CFFD activists to attention from U.S. police and intelligence services.<sup>381382383</sup> This is relevant both to activists planning campaigns and to social movement scholars designing subject protection protocols.

The "critical infrastructure" framing has been applied to proposed as well as functioning fossil fuel projects. When the Northern Gateway pipeline was proposed security services began collecting information on resistance activities, "often combining environmental movements and Indigenous groups into aggregated databases."<sup>384</sup> In a June 2018 CSIS brief, originally classified top secret but obtained by the Canadian Press through the Access to Information Act, resistance to the Kinder Morgan Trans Mountain Pipeline is characterized as a "developing intelligence issue." The brief states:

<sup>&</sup>lt;sup>378</sup>Goldenberg, Canadian Mounties' Secret Memo Casts Doubt on Climate Change Threat.

<sup>&</sup>lt;sup>379</sup>Crosby and A. Monaghan, *Policing Indigenous Movements: Dissent and the Security State*, p. 181 (emphasis added by Crosby and Monaghan).

 $<sup>^{380}</sup>$ This skirts the boundary of self-parody or demonstrates considerable confusion among the report's authors since 'anthropogenic' means created by human beings and nobody disputes that burning fossil fuels adds CO<sub>2</sub> to the atmosphere.

<sup>&</sup>lt;sup>381</sup>On social movement suppression strategies being employed in the U.S. see: Fang, *FBI Expands Ability* to Collect Cellphone Location Data, Monitor Social Media, Recent Contracts Show.

<sup>&</sup>lt;sup>382</sup>Hvistendahl and Brown, Law Enforcement Scoured Protestor Communications and Exaggerated Threats to Minneapolis Cops, Leaked Documents Show.

<sup>&</sup>lt;sup>383</sup>In 2004 a senior FBI official said that animal rights extremism and eco-terrorism were their highest domestic priority for terrorism investigation. The Economist, *What if Climate Activists Turn to Terrorism?* <sup>384</sup>Crosby and A. Monaghan, *Policing Indigenous Movements: Dissent and the Security State*, p. 77.

Indigenous and non-Indigenous opponents of the project continue to highlight the increasing threats to the planet as a result of climate change and the incompatibility of new pipeline and oil sands projects with Canada's 2015 commitment under the Paris Climate Accord... At the same time, many within the broader Indigenous community view the federal government's purchase and possible financing, construction and operation of an expanded bitumen pipeline as wholly incompatible with its attempts at Crown-Indigenous reconciliation.<sup>385</sup>

In July 2019 the B.C. Civil Liberties Association released thousands of CSIS documents demonstrating that "the agency had spied on peaceful protesters of the now-defunct Enbridge Northern Gateway Pipeline project", producing "over 500 CSIS reports about individuals or groups who had been protesting the pipeline proposal."<sup>386387</sup> The documents and testimony from a CSIS official show that the intelligence agency "welcomed reports from the energy industry about perceived threats" and entered such information into its own databases. The documents also show monitoring of the Dogwood Initiative, LeadNow, the Council of Canadians, and other peaceful advocacy organizations.<sup>388389</sup> Court documents also revealed that the RCMP characterized Coastal GasLink protesters as holding "radicalized ideology."<sup>390</sup> The BC Civil Liberties Association alleged in 2014 that "this surveillance campaign relied on widespread open-source surveillance and also the use of covert, undercover methods" directed in particular at "specific organizations and individuals" who prominently opposed the project.<sup>391392</sup>

Elsewhere in the world, environmentalists are far more threatened. In 2020 the NGO Global Witness concluded that more land and environmental activists had been murdered in 2019 than ever before.<sup>393</sup> Rachel Cox, one of their campaigners, argued: "Agribusiness and oil, gas and mining have been consistently the biggest drivers of attacks against land and environmental defenders and they are also the industries pushing us further into runaway

<sup>&</sup>lt;sup>385</sup>Bronskill, Spy Service Says Federal Pipeline Purchase Seen as 'Betrayal' by Many Opponents.

<sup>&</sup>lt;sup>386</sup>Bronskill, 'This Isn't About National Security': Civil Liberties Group Publishes CSIS Reports Related to Alleged Spying.

<sup>&</sup>lt;sup>387</sup>British Columbia Civil Liberties Association, Secret Spy Hearings.

<sup>&</sup>lt;sup>388</sup>Bronskill, 'This Isn't About National Security': Civil Liberties Group Publishes CSIS Reports Related to Alleged Spying.

<sup>&</sup>lt;sup>389</sup>British Columbia Civil Liberties Association, Secret Spy Hearings.

<sup>&</sup>lt;sup>390</sup>Jang, RCMP Viewed B.C. Coastal GasLink Protesters as 'Radicalized,' Court Documents Show.

<sup>&</sup>lt;sup>391</sup>Crosby and A. Monaghan, Policing Indigenous Movements: Dissent and the Security State, p. 85.

<sup>&</sup>lt;sup>392</sup>Bertrand, "'Fear Promotes the Status Quo': Surveillance Discourses and Environmental Activism in Canada", p. 9–10.

<sup>&</sup>lt;sup>393</sup>Guy, Record Number of Environmental Activists Killed In 2019.

climate change through deforestation and increasing carbon emissions."<sup>394395</sup>

### **1.5** Counter-repertoires and divestment strategy

A final dimension of counter-repertoires that deserves consideration is the importance of publicity and justification applied to university actions. A university privately convinced of the moral and financial case against the fossil fuel industry, but which fears criticism from the public or segments of the university community, might privately commit to a kind of 'quiet' or 'stealth' divestment, privately accepting and implementing the central demand of CFFD campaigns. Without a public declaration of the action the university is taking and the reasons for it, there is no pressure on other institutional investors to reconsider their own relationship with the fossil fuel industry, no public delegitimization of the sector, and probably less activist mobilization and development than at universities which either publicly commit to act or publicly reject divestment.<sup>396</sup> It is only by publicly stating their reasons for divestment that institutions can "provide inspiration and a model for others."<sup>397</sup> A UBC divestment organizer explained: "the physical transfer of money is not what's important, it's the political statement." The limited utility of quiet divestment illustrates several things.<sup>398</sup> Quiet divestment may also be equally quietly reversible, as when the Harvard Management Corporation announced in 2017 that it currently held no direct investments in coal companies but there was no policy against making such investments in the future.<sup>399</sup> It shows once again how the secondary effects of fossil fuel divestment by universities are more important than the direct effects — including prompting other institutional investors to reconsider the prudence of their holdings in the industry. It also demonstrates the trade-offs between 350.org's three strategic goals of fossil fuel divestment — delegitimization of the industry,

<sup>&</sup>lt;sup>394</sup>Global Witness, Global Witness Records the Highest Number of Land and Environmental Activists Murdered in one Year — With the Link to Accelerating Climate Change of Increasing Concern.

<sup>&</sup>lt;sup>395</sup>Greenfield and Watta, Record 212 Land and Environment Activists Killed Last Year.

<sup>&</sup>lt;sup>396</sup>This was Harvard's approach to tobacco, which in 1990 "quietly announced" that it had previously divested from tobacco due to the human health impacts. Mufson, *Harvard Says Fighting Climate Change is a Top Priority. but it Still Won't Divest from Fossil Fuels.* 

<sup>&</sup>lt;sup>397</sup>Ayling and Gunningham, "Non-state Governance and Climate Policy: the Fossil Fuel Divestment Movement", p. 5.

<sup>&</sup>lt;sup>398</sup>For example, Frances Rankin described how one of the Church of England's investing bodies "quietly sold its last remaining shares in fossil fuels" with the fund manager saying "it had dropped its investments in oil giants Shell and Total earlier in the year for financial reasons" and a spokesperson from the Diocese of Coventry saying they had divested from fossil fuel companies "on the basis of the financial risks posed by the short to medium term outlook for the oil and gas markets." This demonstrates a strategy where investors who accept the financial case for divestment — but perhaps fear negative public relations from criticizing the industry on moral terms — take part of the institutional action sought by divestment advocates while not using their societal influence and moral authority to advance the delegitimization objective. Rankin, *Church of England Fund Drops Remaining Fossil Fuel Investments*.

<sup>&</sup>lt;sup>399</sup>Toffel and Gulick, Harvard Business School Case: Fossil Fuel Divestment, p. 4.

institutional action, and recruiting and developing activists — since quiet divestment likely has little influence on public perception and limits opportunities for movement building.

CFFD campaigns analyze counter-repertoires and communicate their conclusions with one another. For instance, awareness of a perceived strategy of resisting campaigns through delay is demonstrated in a 2017 tweet by Z Rose McCarron, showing a flowchart entitled "How administrators defeat student campaigns" — including "Committee drags its feet until summer break, likely when the most experienced organizers graduate. Administration lets committee die or ignores its final report."<sup>400</sup> In summer 2020, Canadian divestment organizers were preparing a fall campaign to highlight the inadequacy of ESG screening compared with divestment. While the specific motives of different organizers vary, the common intention in the campaign is to re-affirm the stigmatization objective of fossil fuel divestment in response to the efforts of universities to blur responsibility and portray incremental actions as sufficient in response to the ever-worsening climate crisis.

## 2 Non-divestment actions taken by target universities

Perhaps the most widely-used and effectively-employed strategy used by universities to justify the rejection of CFFD campaign demands is to propose new non-divestment actions intended to address concerns about climate change.<sup>401</sup> These included on-campus energy and emission improvements which many CFFD activists (many of them attracted to CFFD precisely because it represents a systemic rather than individualized approach) criticized as more akin to business-as-usual efficiency seeking than an adequate response to climate change. More broadly, the financial sector has tried to assuage concerns about environmental damage through corporate social responsibility (CSR), socially responsible investment (SRI) funds, and environmental, social, and governance (ESG) screening of investments.<sup>402</sup> For instance, when Harvard rejected divestment in 2013 they became signatories to the UN-supported Principles for Responsible Investment (PRI) and the Carbon Disclosure Project's (CDP) climate change programme — establishing a precedent which would be followed when

<sup>400</sup>McCarron, For all my fellow student organizers out there - do not be deceived by the formation of committees or work-groups!! (Ironically enough, this was given to me by a really rad administrator at UVM).

 $<sup>^{401}</sup>$ Bob Massie, a founder of the Ceres climate coalition and author of a book on the South Africa divestment campaign, described this in positive terms: "What's remarkable is that if they decide not to divest, they almost always decide to do something." Gunther, *Why the Fossil Fuel Divestment Movement May Ultimately Win*.

<sup>&</sup>lt;sup>402</sup>Harmes argues that there is little scope for climate change mitigation through such means, though 'naming and shaming' may have more success by driving regulation. Harmes, "The Limits of Carbon Disclosure: Theorizing the Business Case for Investor Environmentalism", p. 118.

some Canadian schools rejected divestment.<sup>403</sup> Henderson, Bieler, and McKenzie found in 2017 that: "the most common form of response [to climate change at Canadian universities] focused on the built campus environment, with underdeveloped secondary responses focused on research, curriculum, community outreach, and governance policies" and "[w]hile some institutions have engaged the issue at a holistic level, the overwhelming response is one of modifying infrastructure and curbing energy consumption and pollution."<sup>404405</sup> This correspond with Bratman et al.'s discussion of how campaigns attempted to shift administration thinking away from "campus greening" and toward "a more highly politicized focus on the place of institutions of higher education in the modern fossil fuel economy."<sup>406</sup> The resistance of target administrations to such efforts is similar to their unwillingness to link divestment to other supposed moral commitments, most importantly to Indigenous rights, decolonization, and 'reconciliation.' In justifying the rejection of CFFD activists' core demands, a core messaging strategy from target universities has been to list all of their ongoing environmentally related actions, while sometimes committing to additional non-divestment actions.<sup>407</sup> For example, a 2018 document from the University of Ottawa describes a commitment to reduce its carbon footprint by 30% by 2030; academic work on climate change through teaching, academic outreach, and research; investment monitoring and the gradual creation of a Clean Innovations Fund; and campus sustainability.<sup>408</sup> These actions can be interpreted in several ways, most notably as either a partial success which likely wouldn't have happened without the presence of the CFFD campaign and, less optimistically, as a demonstration of how effective universities have been in defending the *status quo* against claims that radically more ought to be done to constrain the severity of climate change. Grady-Benson and Sarathy acknowledge this, saying "some student activists view these as appeasements or roadblocks to divestment" but "such actions are still a testament to the power of divestment campaigns

<sup>406</sup>Ibid., p. 682.

 $<sup>^{403}\</sup>mathrm{Ayling}$  and Gunningham, "Non-state Governance and Climate Policy: the Fossil Fuel Divestment Movement", p. 7.

<sup>&</sup>lt;sup>404</sup>Henderson, Bieler, and McKenzie, "Climate Change and the Canadian Higher Education System: An Institutional Policy Analysis", p. 1, 20.

<sup>&</sup>lt;sup>405</sup>Bratman et al. argue that American University's justification for rejecting divestment "illustrates the institution's response to the divestment issue as one that discursively positions the university's sustainability commitments as recognizing the importance of climate change, but it does so within a business-as-usual sustainability framework characterized by the green economy discourse." Bratman et al., "Justice is the Goal: Divestment as Climate Change Resistance", p. 688.

<sup>&</sup>lt;sup>407</sup>This is similar to the behaviour Jaccard describes from governments who produce long lists of incrementally beneficial but insufficient actions when they are politically unwilling to implement policies which could actually drive decarbonization at the necessary scale. Jaccard, *The Citizen's Guide to Climate Success: Overcoming Myths that Hinder Progress*, p. 260.

<sup>&</sup>lt;sup>408</sup>Frmont, Action on Climate Change by the University of Ottawa.

to spur climate action, even if it does not result in FFD."<sup>409</sup> On the pessimistic side it must be borne in mind that 'winning slowly' on climate change is a form of losing, since the perpetuation of our present activities would be sufficient to produce catastrophe.<sup>410411412413</sup> The most relevant metric for evaluating the impact of divestment campaigns must be action taken relative to action required, not action taken compared to inaction or business as usual.<sup>414415</sup> The actual emission cuts needed for climatic stabilization below a 1.5 or 2.0 C warming threshold require far more action than universities, governments, or the fossil fuel industry have been willing to undertake.

Healy and Debski highlight disrupting regularized university processes as one of the achievements of the CFFD movement. By reframing climate change from an environmental issue to an ethical one:

This reframing of the climate narrative draws attention to the shortcomings of HEI's [higher educational institutions] business-as-usual sustainability framework, which has been characterised by a reformist green-economy discourse. The movement for divestment is attempting to reorient sustainability discourse and actions from a reform/transition sustainability approach towards one of radical transformations. It is pushing HEIs to move to a deeper engagement with global climate justice concerns and the underlying political economy that is influencing (and obstructing) the transition to a low-carbon world.<sup>416</sup>

This is likely less applicable in Canada, at least during the period from 2012–20 during which the majority of CFFD campaigns were rejected, with universities often explicitly stating that they had found their existing activities and processes to represent an adequate response to climate change. Describing universities in the U.S. which rejected CFFD campaigns, Healy

<sup>&</sup>lt;sup>409</sup>Grady-Benson and Sarathy, "Fossil Fuel Divestment in US Higher Education: Student-led Organising for Climate Justice", p. 16.

 $<sup>^{410}</sup>$ In 2012 Bill McKibben said: "We're losing the fight, badly and quickly — losing it because, most of all, we remain in denial about the peril that human civilization is in." McKibben, *Global Warming's Terrifying New Math*.

<sup>&</sup>lt;sup>411</sup>Mangat, Dalby, and Paterson, "Divestment Discourse: War, Justice, Morality and Money", p. 194.

<sup>&</sup>lt;sup>412</sup>Jackson et al. concluded: "Despite positive progress in 19 countries whose economies have grown over the last decade and their emissions have declined, growth in energy use from fossil-fuel sources is still outpacing the rise of low-carbon sources and activities." R. B. Jackson et al., "Global Energy Growth is Outpacing Decarbonization", p. 1.

 $<sup>^{413}</sup>$ In summer 2020, Greta Thunberg lamented how despite all the activism over the last two years during the same span the world emitted over 80 Gt of CO<sub>2</sub>. Carrington, Another Two Years Lost to Climate Inaction, says Greta Thunberg.

<sup>&</sup>lt;sup>414</sup>As Rebecca Solnit both inspiringly and pragmatically put it: "When you fight, you sometimes win; when you don't, you always lose." Solnit, *Rebecca Solnit: 2013 Will Be Year Zero In Our Climate Battle*.

<sup>&</sup>lt;sup>415</sup>Mangat, Dalby, and Paterson, "Divestment Discourse: War, Justice, Morality and Money", p. 196.

<sup>&</sup>lt;sup>416</sup>Healy and Debski, "Fossil Fuel Divestment: Implications for the Future of Sustainability Discourse and Action Within Higher Education", p. 2–3.

and Debski describe concerns among activists that their pledged non-divestment actions "were embracing eco-narratives as a rhetorical device, rather than as a reflection of or an impetus to proactively address the root causes of climate change."<sup>417</sup> They also heard concerns that fossil fuel corporations were trying to undermine the movement by funding research into false solutions and using that activity to legitimize their continuing oil, gas, and coal extraction.

The following is a non-exhaustive list of non-divestment actions taken at Canadian schools that were targets of CFFD campaigns. It is drawn from three sources: interviews with CFFD activists, documents associated with CFFD campaigns, and media reports.

New or altered responsible investment policies

• SFU (2014)<sup>418419</sup>

Environmental, social, and governance (ESG) screening of investments

- UBC<sup>420</sup>
- U of T<sup>421</sup>
- Concordia<sup>422423</sup>
- Dalhousie
- Guelph $^{424425}$
- Waterloo<sup>426427</sup>
- Winnipeg<sup>428</sup>

Decreased portfolio exposure to carbon-intensive investments

• McGill<sup>429430431432</sup>

- <sup>421</sup>Gertler, Beyond Divestment: Taking Decisive Action on Climate Change.
- <sup>422</sup>Mota, Concordia's Sustainable Investment Initiative: The Next Stage.
- <sup>423</sup>Keating, Responsible Investment Action Plan Adopted by the Concordia University Foundation.
- <sup>424</sup>Cimellaro, University of Guelph Board Rejects Proposal for Fossil Fuel Divestment.

<sup>425</sup>Ferreira, University of Guelph Sidesteps Demands for Full Fossil Fuel Divestment With Partial Carbon Cut.

<sup>428</sup>CBC News, University of Winnipeg Fossil Fuel Investment Plans Disappoint Student Group.

<sup>430</sup>McGill University, McGill University to Decrease Carbon Intensity of Investment Portfolio.

<sup>&</sup>lt;sup>417</sup>Healy and Debski, "Fossil Fuel Divestment: Implications for the Future of Sustainability Discourse and Action Within Higher Education", p. 10.

<sup>&</sup>lt;sup>418</sup>Soron, SFU's New Responsible Investment Policy Not A Substitute For Full Divestment From Fossil Fuels.

<sup>&</sup>lt;sup>419</sup>SFU350, SFU's New Responsible Investment Policy Not a Substitute for Full Divestment From Fossil Fuels.

<sup>&</sup>lt;sup>420</sup>Flegg, Canadian Universities Refuse to Divest From Tar Sands.

 $<sup>^{426} {\</sup>rm University}$  of Waterloo Secretariat, Responsible Investing Update.

<sup>&</sup>lt;sup>427</sup>Pham, UWaterloo Responsible Investing: Incorporating Environmental, Social and Governance.

<sup>&</sup>lt;sup>429</sup>McGill University Committee to Advise on Matters of Social Responsibility (CAMSR), Approval of CAMSR Recommendations (GD19-29).

<sup>&</sup>lt;sup>431</sup>Barney and Nystrom, *McGill is Still Investing in Fossil Fuels and Has No Plans to Stop*.

<sup>&</sup>lt;sup>432</sup>Khademian and E. Black, CAMSR Recommends Decarbonization, Not Divestment: Reports and Recommendations to McGill BoG Released.

Becoming a Principles for Responsible Investing (PRI) signatory

- Universite de Montreal<sup>433</sup>
- Universite du Quebec<sup>434</sup>
- Dalhousie<sup>435</sup>
- U of T<sup>436</sup>
- SFU
- UVic<sup>437</sup>
- Waterloo

### Endowment carbon footprint reduction

- In 2016, the University of Ottawa pledged to shift investments to reduce the carbon footprint of its endowment by 30%.<sup>438</sup>
- In 2016, SFU pledged to reduce the carbon footprint of its endowment by 30% by 2030. In early 2019 they increased the pledge to a 40% reduction.<sup>439</sup> In November 2019, the board of governors voted to move toward decreasing carbon investments in its endowment fund by 45% below 2015 levels by 2025.<sup>440</sup>
- In 2019, Guelph pledged to cut the carbon footprint of their endowment by 10% over 2 years.  $^{441442}$
- $\bullet\,$  In 2020, U of T pledged to cut the footprint of its "long-term" investments by 40% by 2030.  $^{443}$
- $\bullet\,$  In 2020, UV ic pledged a 45% reduction in the carbon intensity of their endowment by 2030.
- In 2021, Waterloo committed to reduce the carbon footprint of its endowment by 50% by 2030 and "achieve net-neutral by 2040."<sup>445</sup>

Creation of specialized green funds

 <sup>&</sup>lt;sup>433</sup>Millar, Canada's Universities Urged to Embrace Ethical Investing.
 <sup>434</sup>Ibid.

<sup>&</sup>lt;sup>435</sup>Dalhousie University Investment Committee, *Fossil Fuel Investment Review*, p. 4.

<sup>&</sup>lt;sup>436</sup>Gertler, Beyond Divestment: Taking Decisive Action on Climate Change, p. 2.

 <sup>&</sup>lt;sup>437</sup>Pacific Institute for Climate Solutions, A Dialogue: Climate Change, Divestment and Society.
 <sup>438</sup>Haslam, Students vs. Big Oil.

<sup>&</sup>lt;sup>439</sup>SFU News, SFU Moves to Further Decrease Carbon Footprint of its Investments.

 $<sup>^{440}\</sup>mathrm{CBC}$  News, SFU to Slash Fossil-fuel Investments by Nearly Half By 2025.

<sup>&</sup>lt;sup>441</sup>Ferreira, University of Guelph Sidesteps Demands for Full Fossil Fuel Divestment With Partial Carbon Cut.

<sup>&</sup>lt;sup>442</sup>Seto, University of Guelph Board Says No to Divestment from Fossil Fuels.

<sup>&</sup>lt;sup>443</sup>U of T News, UTAM to Reduce the Carbon Footprint of its Long-term Investments by at Least 40 per Cent by 2030.

<sup>&</sup>lt;sup>444</sup>CBC News, UVic Adopts Investment Policy Reducing Reliance on Carbon Emitters, but Critics Call it 'Greenwashing'.

<sup>&</sup>lt;sup>445</sup>University of Waterloo Media Relations, University of Waterloo Commits to Reduce Carbon Footprint of its Pension and Endowment Investments 50 per Cent by 2030, Achieve Net-neutral By 2040.

- Green pension option for faculty Winnipeg
- Fossil free fund McGill
- Sustainable Futures Fund UBC<sup>446</sup>
- Clean Innovations Fund SFU<sup>447448</sup>
- Fossil free pension option for faculty SFU
- In 2015, Concordia agreed to redirect half of the \$10 million it had invested in fossil fuels into other things.<sup>449</sup> Some sources reported this as partial divestment or a "formal commitment to divestment."<sup>450</sup>

Pledge of no future fossil fuel investments

• UQAM (2019)<sup>451</sup>

Sustainable bonds

• Concordia (2019)<sup>452</sup>

Campus carbon neutrality pledges

• McGill pledge for carbon neutrality by 2040

New bodies and reporting to decision-makers

- Twice-annual sustainability statements to the Board of Governors McGill
- $\bullet$  A new Committee on the Environment, Climate Change and Sustainability — U of  ${\rm T}^{453}$

All of these actions could have been done while also divesting. Notably, Middlebury College's Energy2028 plan included divestment alongside a commitment to renewable energy and energy conservation as well as changes to their educational programming.<sup>454</sup> Some of these non-divestment actions are summarized in a "Charter for Canadian Universities" released in June 2020 and signed by many of Canada's major universities.<sup>455456457458</sup> The

<sup>448</sup>Frmont, Action on Climate Change by the University of Ottawa.

<sup>457</sup>McGill University et al., Investing to Address Climate Change: A Charter for Canadian Universities.

 $<sup>^{446}</sup>$ The UBC fund was created after the 2013 and 2015 student and faculty referendums at UBC. Established with \$10 million from land lease revenues endowed by the board and donors, it was established with 30% bonds and 70% stocks "with materially lower carbon dioxide emissions and higher ESG (environmental, social and governance) ratings than a passive equity portfolio." Sutcliffe, '[Full] Divestment was not a Viable Option': Sustainable Future Fund Parameters Approved.

<sup>&</sup>lt;sup>447</sup>Crawford, uOttawa to Seek Ways to 'Shift' Fossil Fuel Investments; Rejects Full Divestment.

<sup>&</sup>lt;sup>449</sup>Haslam, Students vs. Big Oil.

<sup>&</sup>lt;sup>450</sup>Pacific Institute for Climate Solutions, *PICS Climate News Scan: UBC Moves one Step Closer to Divestment*.

<sup>&</sup>lt;sup>451</sup>CTV Montreal, UQAM Halts Investments in Fossil Fuels.

<sup>&</sup>lt;sup>452</sup>Ferreira, Concordia Becomes First University to Issue Sustainable Bonds in Canada.

<sup>&</sup>lt;sup>453</sup>University of Toronto President's Advisory Committee on the Environment, Climate Change, and Sustainability, Annual Report 2019: From Vision to Action.

 <sup>&</sup>lt;sup>454</sup>Middlebury College, Middlebury Announces Energy2028 Plan to Address Threat of Climate Change.
 <sup>455</sup>McGill University et al., Investing to Address Climate Change: A Charter for Canadian Universities.

<sup>&</sup>lt;sup>456</sup>See also: Lee, *McGill and Other Canadian Universities Unite to Address Climate Change*.

<sup>&</sup>lt;sup>458</sup>J. Jackson, University of Waterloo Pledges More Responsible Investments to Address Climate Change.

way the list of signatories includes universities which have committed to divest (Laval, UBC, Guelph) alongside others which have rejected long-running campaigns demonstrates how all of these actions can be undertaken in addition to divestment.

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For a complete bibliography of the entire dissertation, see: https://www.sindark.com/phd/thesis/bibliography-2022-01-07.pdf

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