Anna Mongibello

# Land Rights in Mediatized Indigenous Legal Discourse. The Kinder Morgan Pipeline Expansion

**Abstract:** In the years 2016-2018 a number of protests conducted by the Indigenous peoples of Canada against the controversial expansion of the Kinder Morgan pipeline was framed in the Canadian news discourse as a conflict involving the First Nations, the federal government and the provincial government of Alberta. The dispute over pipeline regulations, environmental risks and Indigenous land rights saw First Nations peoples arguing against the government of Canada and the government of Alberta as the new expansion would further aggravate water and air pollution on Indigenous sacred lands; while the Liberal Party's leader and PM, Justin Trudeau, had promised to make environmental assessment credible again, the government approved plans to build pipelines on lands whose ownership is still hotly contested. Based on the assumption that the media acts as a proxy for personal contact with the legal system and that legal language plays an important role in the construction, interpretation, negotiation and implementation of legal justice, the present paper intends to investigate the mediatization of Indigenous Law, i.e. the construction and dissemination of legal knowledge on Indigenous land rights in online news discourse for global consumption.

Keywords: *legal language, mediatization, Indigenous Law, legal knowledge, dissemination, online news*

## 1. Introduction

It was November 2016 when Canada's PM and leader of the Liberal Party Justin Trudeau announced the approval of the Kinder Morgan pipeline expansion, a $6.8 billion project in operation since 1953 to transport crude oil across North America. The project implied turning the 53-year-old pipeline into a massive tanker port that would triple the capacity of crude oil barrels transported per day (from 300,000 to 890,000). The aim was to bring the Alberta oil sands to the Pacific coast, running 1,000 km from Northern Alberta to the port of Vancouver, so as to ensure that oil exports reached Asia, with a consistent reduction of reliance on the United States market. According to Alberta Premier Rachel Notley, one of the protagonists of the debate and supporter of the initiative, the Trans Mountain pipeline was in the best interest of both Alberta and Canada. However, this was a hotly contested plan, because the expansion would have run over Indigenous ancestral lands in Alberta and British Columbia, ending on the Salish Sea, part of the hereditary territory of the Squamish People, where

some of the world's largest wild salmon runs. The announcement resulted in Indigenous nations mounting legal challenges and organizing protests all across Canada.

Similar issues are not new to Indigenous peoples, who have never stopped fighting, in Canada as well as elsewhere, over their sacred lands. Although it may sound redundant to point out that Indigenous fights for land rights are to be traced back into Canada's colonial past (or present?), it is however necessary to remember that much of the current federal territory lays on former Indigenous lands. These were either ceded through very controversial treaty policies back in the eighteenth and nineteenth centuries, or forcibly dispossessed, without even being conquered by war or signed away through a treaty.[1] Most of these lands reside, for instance, in British Columbia, where Indigenous peoples control only 0.36% of the territory, while the settler share is the remaining 99.64%.

As Miller highlights:

> Treaties between the Crown and Aboriginal Peoples are one of the paradoxes of Canadian history. Although they have been an important feature of the country since the earliest days of contact between the Natives and the newcomers, relatively few Canadians understand what they are or the role they have played in the country's past.[2]

Just to mention two examples, not too long ago, in 2006, the Nuunchah-nulth Nation protested against the expansion of the Sea-to-Sky Highway at Eagleridge Bluffs (British Columbia), that would have eased access to Whistler during the 2010 Olympics in Vancouver. The overland route ended up destroying thousands of acres of Indigenous sacred land. More recently, starting from 2012, Idle No More, an Indigenous mass movement, has crossed Canada from side to side, mobilizing non-violent marches to support the fight for established land and water rights, threatened, at the time, by former PM Stephen Harper's repressive, anti-Indigenous, policies. Hence, the conflict between the Canadian government, on the one hand, and the Indigenous nations, on the other, has been going on for years, if not centuries, often leading to critical tensions between the protesters and the Royal Canadian Mounted Police, and to legal disputes.

Besides being a matter of land dispute, the conflict deriving from the expansion of existing pipelines also poses an environmental problem, since Canadian tar sands (or oil sands) are one of the

[1] See Steffi Retzlaff, *Tradition, Solidarity and Empowerment: The Native Discourse in Canada* (Verlag: Ibidem, 2005).
[2] James R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty-making in Canada* (Toronto: University of Toronto Press, 2009), 3.

world's largest sources of climate pollution.[3] These are deposits of bitumen, a very dense and viscous form of petroleum mixed with sand and clay that occupy 21% of the province of Alberta. The extraction of oil through mining and drilling is carbon-intensive and results in massive greenhouse gas emissions. Moreover, in Alberta, huge amounts of fresh water, needed for the process, are pumped from the Athabasca River, sacred to the Athabasca First Nation. Since the water becomes toxic after the extractions, it cannot be given back to the river; therefore, it is retained into extremely polluted ponds which nonetheless let pollutants leak through the soil into the groundwater system. Therefore, not only the areas surrounding the tar sands working sites are highly contaminated, but also those crossed by the pipelines are exposed to a number of accidents, mostly in the form of oil spills.

As we have seen so far, both the occupation of disputed Indigenous lands and the environmental hazards resulting from the extraction and transportation of crude oil that threaten sacred territories have made the dispute between the Canadian and Albertan government, on the one hand, and the First Peoples on the other, critical. What made it even more contentious, though, is the complex relationship between the Indigenous peoples and their ancestral lands, that is not to be understood in terms of possession but of mutual belonging. In other words, the First Peoples are linked to their lands in a relationship of mutual assistance, care and respect, which is also the source of much Indigenous Knowledge and Law. For this reason, technically and according to Indigenous Law, sacred lands cannot be ceded nor dispossessed, because neither the Indigenous peoples themselves nor the Canadian government are entitled to own them in the first place.

Considering the above mentioned context, this study concentrates on the examination of some recent representations of the 2016-2017 dispute between the federal and provincial governments, and the First Nations over further expansions of the Kinder Morgan pipeline. By using the tools of Corpus Linguistics in a discourse-analytical perspective, our intent is to investigate the mediatization of Indigenous Law, i.e. to see how legal knowledge of Indigenous land rights is constructed in and disseminated through news discourse for global consumption, in light of the contrast between the language of the official legislations endorsed by the Canadian government and that of Indigenous sovereignty. [4] For our case study, we have chosen to consider, comparatively, the news reported on two very popular online news platforms, CBC.ca and APTN.ca, in the years 2016-2018, marking the beginning and the end of the coverage.

[3] See Oriana Palusci, "River of Hell: Athabasca Tar Sands Narratives", in Palusci, ed., *Green Canada* (Bern: Peter Lang, 2016), 67-85.

[4] Daniel Joyce, "Human Rights and the Mediatization of International Law", *Leiden Journal of International Law*, 23 (2010), 507-527.

## 2. Mediatizing Legal Knowledge

It seems useful, at this point, to provide a broad definition of legal language as it is one of the key points in this study. According to Bhatia, legal language is the language in which the law is learnt and, as such it is the legal language of law.[5] As Bhatia et al. remark, legal language "plays an important role in the construction, interpretation, negotiation and implementation of legal justice."[6] Some of its characteristics, although with significant differences across cultures and languages, include frequent use of ordinary words with specialized meanings, use of Latin words and phrases along with other archaic expressions, doublets, unusual prepositional phrases, formality and precision.[7] The list could be even longer, should we dig deeper into the analysis of linguistic structures. However, suffice it to say that being it a highly specialized language, its syntactic and lexical features make the understanding of legal texts difficult for non-experts. Because of its complex nature, legal language has been thoroughly investigated by legal philosophers, while it is only recently that, as Bhatia remarks, it has exercised some attraction on linguists and discourse analysts as well. Forensic Linguistics, for examples, flowered in the 1990s with collections of reports on language and the law.[8] Also, in the last twenty years, some pioneering works have been published by scholars such as Bhatia and Candlin, Maleyand many others.[9] Their works look into the complexities of legal language, its linguistic and discoursal properties, along with issues regarding its production, translation and interpretation.

Despite being a highly specialized discourse, legal language does not pertain exclusively to specific contexts of usage (such as the court). Through the media, especially in the form of print/online newspapers, television, social networks and other forms of media discourse, legal knowledge is circulated. Hence, the distance between ordinary, lay people and legal experts is significantly shortened. In this sense, the media works as a site for the construction of specialized knowledge for ordinary, non-expert, audiences, who, otherwise, would have no contact with the law. In this study, we therefore make use of the concept of "mediatization" as theorized by Joyce, in reference to "the dynamic involved in the shaping of international legal forms, discourses and processes",[10] or, to put it simply, the translation of the law for global audiences.

[5] K. L. Bhatia, *Textbook on Legal Language and Legal Writing* (New Delhi: Universal Law Publishing, 2016), 2.
[6] K. L. Bhatia et al., *Legal Discourse Across Cultures and Systems* (Hong Kong: Hong Kong U.P., 2008), 9.
[7] Anna Trosborg, "Rhetorical Strategies in Arbitration Law", in K. L. Bhatia et al., *Legal Discourse Across Cultures*, 12.
[8] John Gibbons, ed., *Language and the Law* (London: Longman, 1994).
[9] Vijay K. Bhatia and Christopher Candlin, "Analysing Arbitration Laws Across Legal Systems", *Hermes*, 32 (2004), 13–43; Yon Maley, "The Language of the Law", in John Gibbons, ed., *Language and the Law* (London: Longman, 1994).
[10] Joyce, "Human Rights", 516.

When the media acts as a proxy for personal contact with the legal system, a number of processes take place at the level of language and discourse.[11] Not only legal language, but highly specialized languages in general, are popularized by means of linguistic strategies meant to recontextualize special knowledges so as to make them 'understandable' to ordinary people. Scholars such as Gotti, Calsamiglia, Williams, Garzone and Tessuto have looked into various popularization strategies, including some rhetorical and textual devices, such as exemplification and reformulation, or use of hedges, verb choices and modality.[12] However, from the perspective of linguistics, not much has been said about the connection between the law and the news, either in the form of newspaper, television or online news. Only few researches into court reporting, for instance, have considered the language of the court and the news[13] or, more generally, the uneasy relationship between the courts and the media,[14] but, as Johnston remarks, these studies are often legal-centric, in that legal academics or judges lead the debate.[15]

The process of dissemination that the media enacts also intertwines with the framing of disagreements and tensions. In our case, as we will see, legal disputes are defined and redefined through different narratives and framings, which result in the altering of "the naming and blaming among constituents".[16] This commonly happens, for instance, in the wider arena of news discourse where environmental conflicts are constructed through an ongoing process of assessing and reassessing issues, meant to negotiate, persuade and redefine meanings, to develop understandings that vary from one producer of information to another.[17]

[11] Lieve Gies, *Law and the Media: The Future of an Uneasy Relationship* (Abingdon: Routledge, 2007).

[12] Christopher Williams, "The 'Popularization of Law' and 'Law and Plain Language': Are there Two Separate Issues?" in Susan Kermas and Tgomas Christiansen, eds, *The Popularization of Specialized Discourse Across Communities and Cultures* (Bari: Edipuglia, 2013); Maurizio Gotti, "The Analysis of Popularization Discourse: Conceptual Changes and Methodological Evolutions", in Kermas and Christiansen, eds., *The Popularization of Specialized Discourse*; Giuliana Garzone, "Investigating Blawgs through Corpus Linguistics: Issues of Generic Integrity", in Gotti and Simone Giannoni, eds., *Corpus Analysis for Descriptive and Pedagogical Purposes: ESP Perspectives* (Bern: Peter Lang, 2014); Helena Calsamiglia, "Popularization Discourse", *Discourse Studies*, 5.2 (2003), 139-146; Girolamo Tessuto, "Legal Problem Question Answer Genre Across Jurisdictions and Cultures, *English for Specific Purposes*, 30 (2011), 298-309. See also Tessuto et al., eds., *Frameworks for Discursive Actions and Practices of the Law* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2018).

[13] Steve Chibnall, *Law-and-Order News* (London: Tavistock, 1977).

[14] Rhonda Breit, "How the Law Defines Journalism", *Australian Journalism Review*, 20.1 (2008), 13-25.

[15] Jane Johnston and Rhonda Breit, "Constructing Legal Narratives: Law, Language and the Media", *ANZCA* (2010), 135-155.

[16] Linda Putnam and Martha Shoemaker, "Changes in Conflict Framing in the News Coverage of an Environmental Conflict", *Journal of Dispute Resolution*, 1.10 (2007), 1-10.

[17] Katherine E. Russo, *The Evaluation of Risk in Institutional and Newspaper Discourse: The Case of Climate Change and Migration* (Napoli: Editoriale Scientifica, 2018).

## 2.1 Indigenous legal discourse

Most of the above mentioned works focus on legal English and make reference to common law. On the contrary, in this research paper, what we intend to examine is whether and how Indigenous legal knowledge trespasses the threshold of the court and enters into the arena of online news discourse. According to John Borrows, Indigenous Law originates in the political, economic, spiritual, and social values expressed through the teachings of the elders. These principles are enunciated in stories, ceremonies and traditions that differ across nations. They pre-date common law and consist in rules for conflict resolution and broad principles of living.[18] Indigenous Law is sacred to Indigenous peoples and has been shared orally. Because of its 'narrative' origins, in the years of colonization it was overlooked by common law and obscured by Canadian Law. However, Indigenous legal traditions have resisted colonialism: in Canada, Indigenous Law is recognized today by Canadian courts as a legitimate source in formulating legal principles dealing with Aboriginal rights, although Indigenous peoples are still fighting for the recognition of their own sovereignty, law and entitlement to their sacred lands.

To date, not much research has been done in the area of Indigenous legal knowledge conveyed in English from a linguistic point of view, although some Indigenous scholars have started to work on Indigenous Law from anthropological, juridical and sociological perspectives.[19] To the best of our knowledge and in spite of the relevance of the topic, no other study has investigated Indigenous legal language using a combination of Corpus Linguistics tools and Critical Discourse Analysis. Regardless of the lack of previous studies, in this context, we refer to Indigenous legal language as specialized legal knowledge conveyed in English, influenced by Indigenous cultures and languages. Because of its cultural specificity and uniqueness, it presents significant differences in lexicon, phraseology and other syntactical features compared to the language of other legal systems. The legal traditions of the Mi'kmaq people, for instance, are rooted in ecological relationships. This is also evident from Mi'kmaq language which is built on the identification with the land. Given the changeability of the ecosystem, their language is centered on verbs and privileges states of being rather than noun-based categories. This feature reflects in Mi'kmaq legal system as well, that is flexible and informed by the experience of the land, the spiritual connections with the ecosystem and its knowledge. Regardless of the various Indigenous legal traditions, the relationship with the land is the foundation of all Indigenous rights.

[18] John Borrows, "With or Without You: First Nations Law (in Canada)", *McGill Law Journal*, 41 (1996), 629-665.
[19] See Julie Macfarlane, "Commentary: When Cultures Collide", in Catherine Bell and David Kahane, eds., *Intercultural Dispute Resolution in Aboriginal C*ontexts (Vancouver: UBC Press, 2004).

While this paper does not specifically address the nature nor the features of Indigenous legal language in general, in light of the above premises, what is of interest to us are the modes of mediatization, i.e. the ways in which Indigenous legal language is translated for global audiences in our case study, i.e. the framing and reframing of the dispute between the government of Canada and the Indigenous peoples as reported in Canadian online news with regard to the Kinder Morgan pipeline expansion in the years 2016-2018.[20] In this context, we refer to "dispute" as "a situation in which the two sides held clearly opposite views concerning the question of the performance or non-performance of certain treaty obligations", according to the definition provided by the International Court of Justice.[21] Our research, then, moves within the gap left by previous literature, in order to offer a possible analytical framework for gathering insights into how an environmental dispute is reproduced in online news stories and legal knowledge is popularized.

## 3. Research Methods and Corpus Design

For the purpose of the present study, we have chosen Canadian online news as our field of enquiry, since today this is the biggest source of information.[22] Another reason motivating our choice is connected to the nature of our case study, that takes into account Indigenous news. This includes news about Indigenous peoples produced both by Indigenous and non-Indigenous broadcasters and newspapers. While non-Indigenous newspapers and television networks abound in Canada, Indigenous-administrated TV networks are not as many. The latter may be reduced to one, the Aboriginal Peoples Television Network (APTN), the only television network made by and for Indigenous peoples in Canada. Although Indigenous media include several hundred local radio stations and a number of newspapers, such as *Windspeaker* and *Birchbark*, their reception is difficult and the printed newspapers are almost impossible to find. On the contrary, APTN, besides being now a popular basic cable TV channel, is also an online news platform, where Indigenous-related news circulate in the form of online news reports of easy access, mostly covering the same topics as the newscasts. In this sense, APTN.ca provides an important alternative news source for those who want to explore another perspective besides the mainstream one. Therefore, for our analysis, we have chosen to focus

[20] Many scholars have contributed to theorizing the concepts of frames and framing. See the seminal study by Erving Goffman, *Frame Analysis: An Essay on the Organization of Experience* (Boston: Northeastern U.P., 1974) and the studies by Gaye Tuchman, *Making News: A Study in the Construction of Reality* (New York: Free Press, 1980) and Todd Gitlin, "The Whole World Is Watching: Mass Media in the Making and Unmaking of the New Left" (Berkeley: University of California Press, 1980).

[21] International Court of Justice, 65, at 74, 17 I.L.R. 331 (1950).

[22] According to a report by Nic Newman et al., "Reuters Institute Digital News Report 2017" (Oxford: Reuters Institute for the Study of Journalism, 2017).

on APTN.ca news. At the same time, we will also consider online news stories taken from one mainstream information platform, CBC.ca, the English-language online service of the Canadian Broadcasting Corporation, Canada's leading national TV network.

In the past twenty years, many studies have explored online journalism and the new practices of news production and consumption.[23] What emerged is that online news is a stream of information published on digital platforms that may exist in different electronic forms, including webcasts, news alert services, news tickers, e-journals, weblogs, new trackers and emails, all mainly characterized by compression and a new style of language. This is tailored to the audience and draws from the language of broadcast news, with oral presentation styles, and, in general, a more conversational approach that is reflected into lexical and semantic choices. One of the characteristics of online news is its simultaneous individualization and globalization, in that it has a global reach while 'talking to' individual consumers. It also integrates writing, sound, image and video, differentiated by the hypertext that creates multiple layers of content and numerous levels of details.[24]

Having set the narrower field of investigation, the present study is led by the following research questions:

1. Is Indigenous legal knowledge mediatized in online news discourse?
2. How is Indigenous legal knowledge used in the framing of the conflict between the Indigenous peoples and the Albertan/federal governments over pipeline expansions? What are the discursive strategies employed in the framing of the dispute?

In order to address the above questions, two small corpora of online news stories have been specifically designed, compiled and named for the purpose of the analysis. The Environmental CBC News Corpus (ENV-CBC-NC) comprises 85 online news reports published between January 1, 2016 and September 1, 2018 on cbc.ca, for a total of 58,337 words. The timeframe corresponds to the beginning, the climax and the end of the coverage at the time when the news stories were searched and collected. The reports were retrieved from the online database LexisNexis, using "kinder morgan" and "pipeline" as query words. Similarly, the Environmental APTN News Corpus (ENV-APTN-NC) contains 85 online news reports published during the same timeframe on APTN.ca for a total of 58,737 words. The reports were collected manually from the above website and copied into separate plain text documents. In fact, no online database includes online news items from APTN.ca, since it is not a popular mainstream

[23] See Michael Karlsson and Jesper Strömbäck, "Freezing the Flow of Online News: Exploring Approaches to the Study of the Liquidity of Online News", *Journalism Studies*, 11.1 (2010), 2-19.

[24] Diana Lewis, "Online News: A News Genre?", in Jean Aitchison and Diana Lewis, *New Media Language* (London: Routledge, 2003).

website. APTN.ca offers, though, a tool for searching through news reports published from 2012 on. The same query words were used to retrieve the APTN reports. Both corpora are small and specialized in that they comprise fewer than a million words.

Since the purpose of the analysis is to highlight lexical, semantic and discourse choices, while we do recognize that news discourse is multimodal in nature, it was decided to not include visual data such as photos and other graphic features. The two corpora have been investigated using a framework that combines Critical Discourse Analysis and Corpus Linguistics.[25] In doing so, the analysis examined frequencies and statistically significant lexical patterns in the corpora under investigation as well as their expanded concordances, taking into account collocations. Collocability was determined through mutual information (MI), a method that favors content words that, compared to function words, more clearly indicate discourse prosodies.[26] The investigation was also informed by notions of keyness and semantic prosody. Keyness refers to the level of significance of higher or lower frequencies (keywords). Keyness values were generated automatically based on log-likelihood calculations. Keyword analysis was therefore employed to find out which words were significantly most frequent in each corpus and to determine whether Indigenous legal terms were used, while the analysis of collocates provided indications of semantic prosody, i.e. the associations of a given word or phrase with other words or phrases which are positive or negative in their evaluative orientation.[27] Two software programs were used in this study: *Sketch Engine*[28] was employed as a corpus manager and text analysis software and *Termostat*, an online tool allowing the extraction of candidate terms and clusters from a corpus employed for the analysis of legal terminology.

## 4. Indigenous Law in the APTN News Corpus (ENV-APTN-NC)

Our analysis starts by addressing the first research question. In order to do so, we retrieved a list of keywords from the ENV-APTN-NC. For our keyword analysis we chose the International Corpus of Canadian English (ICE-Can) as a reference corpus, given the context of interest.

[25] Ruth Wodak and Michael Meyer, *Methods of Critical Discourse Analysis* (London: Sage, 2001); Norman Fairclough, *Critical Discourse Analysis: The Critical Study of Language* (London: Longman, 1995); Teun van Dijk, *News Analysis: Case Studies of International and National News in the Press* (Hillsdale, NJ: Erlbaum, 1988); Paul Baker et al., *Discourse Analysis and Media Attitudes: The Representation of Islam in the British Press* (Cambridge: Cambridge U.P., 2013).

[26] Baker and Costas Gabrielatos, "Fleeing, Sneaking, Flooding: A Corpus Analysis of Discursive Constructions of Refugees and Asylum Seekers in the UK Press, 1996-2005", *Journal of English Linguistics*, 36.1 (2008), 5-38.

[27] Susan Hunston, "Evaluation and the Planes of Discourse: Status and Value in Persuasive Texts", in Susan Hunston and Geoff Thompson, eds., *Evaluation in Text: Authorial Stance and the Construction of Discourse* (Oxford: Oxford U.P., 2000), 176–207.

[28] Adam Kilgarriff et al., "The Sketch Engine: Ten Years On", *Lexicography*, 1 (2014), 7-36.

| Rank | Occurrences | Keyness | Keywords |
|---|---|---|---|
| 1 | 519 | 3447.392 | pipeline |
| 2 | 310 | 1986.015 | indigenous |
| 3 | 305 | 1946.241 | morgan |
| 4 | 290 | 1933.536 | kinder |
| 5 | 651 | 1600.049 | said |
| 6 | 230 | 1461.592 | trudeau |
| 7 | 299 | 1372.800 | project |
| 8 | 3855 | 1370.893 | land |
| 9 | 228 | 1296.542 | mountain |
| 10 | 218 | 1266.475 | trans |
| 11 | 204 | 1121.056 | nations |
| 12 | 202 | 1045.547 | nation |
| 13 | 137 | 919.699 | aptn |
| 14 | 150 | 872.986 | expansion |
| 15 | 299 | 815.060 | government |
| 16 | 125 | 763.512 | burnaby |
| 17 | 140 | 709.290 | chief |
| 18 | 1928 | 636.488 | to |
| 19 | 295 | 533.512 | first |
| 20 | 136 | 531.523 | rights |
| 21 | 153 | 502.773 | minister |
| 22 | 74 | 496.772 | justin |
| 23 | 109 | 465.584 | oil |
| 24 | 77 | 464.445 | manuel |
| 25 | 77 | 443.503 | peters |
| 26 | 138 | 416.753 | federal |
| 27 | 91 | 414.017 | camp |
| 28 | 141 | 397.618 | national |
| 29 | 86 | 366.154 | prime |
| 30 | 622 | 356.068 | on |
| 31 | 104 | 337.818 | court |
| 32 | 114 | 324.467 | water |
| 33 | 77 | 322.734 | band |
| 34 | 48 | 312.538 | pipelines |
| 35 | 46 | 308.804 | secwepemc |
| 36 | 72 | 305.704 | billion |
| 37 | 47 | 287.759 | chiefs |
| 38 | 46 | 286.445 | treaty |
| 39 | 188 | 286.169 | canada |
| 40 | 56 | 279.900 | consultation |
| 41 | 83 | 274.443 | energy |
| 42 | 83 | 273.575 | communities |
| 43 | 59 | 270.703 | indian |
| 44 | 76 | 268.377 | environmental |
| 45 | 100 | 256.992 | news |
| 46 | 51 | 256.936 | territory |
| 47 | 50 | 246.317 | consent |
| 48 | 82 | 236.924 | process |
| 49 | 35 | 234.960 | afn |
| 50 | 271 | 232.611 | will |

Table 1. List of keywords in the ENV-APTN-NC sorted by keyness rates

Expectedly, the most salient words in this corpus are also the query terms used to retrieve the reports ("pipeline" and "kinder morgan"), followed by content words related to the Kinder Morgan plan, such as "project", "oil" and "expansion". We also found that "mountain" and "trans" are keywords, since the name of the expansion project is "Trans Mountain Pipeline", owned until August 31 2018 by the Canadian division of Kinder Morgan Energy Partners. Along with these words, the highest positions of the chart are occupied by the main social actors in this coverage: "indigenous", "trudeau" and "nations". However, there is an overuse of "indigenous" in this corpus, compared to the ICE-Can, suggesting that, as expected and in line with the nature of the network, APTN.ca journalists favour an all-Indigenous perspective in the narration of the events.

Interestingly, another very salient word is "said", with the strongest collocates of the query, based on the number of co-occurrences, being inverted commas. In 401 cases, APTN journalists report quotations from statements by Indigenous representatives such as Bobby Cameron, regional chief of the Assembly of First Nations in Saskatchewan and Dustin Khelsilem, council member at Squamish Nation. Another relevant collocate of "said" is "we", used here as an inclusive pronoun by the spokespeople representing the anti-expansion First Nations:

> Anti-pipeline activists are planning to flood the offices of 100 MPs across Canada on Monday, calling on the federal government to rescind its 'outrageous plan' to buy Kinder Morgan's Trans Mountain project. "***We*** can't let our tax dollars go to a project that violates Indigenous rights and would threaten our shared climate," reads the "day of action" event description. (APTN.ca, 4/06/2018)

Conversely, the co-occurrences of "said" and "Trudeau" are only 30 out of 209, which means that in 14% of the cases the words of the PM are picked up by APTN journalist, while there are only 6 co-occurrences of "Notley" and "say*", meaning that Alberta Premier's statements are even more underrated. One possible interpretation of the data is that Trudeau's and Notley's words are not perceived as newsworthy as the words by First Nations representatives that, at the same time, are more interesting to APTN.ca readers.

Once established that the perspective privileged in the narration of the events by APTN journalists is one that sympathizes with Indigenous positions, we can turn to the analysis of legal terms. We compared the longer keyword list featuring 200 keywords (that we could not reproduce here for space constraints) against a list of 100 Indigenous legal terms, compiled using *TermoStat*. The corpus was a collection of 10 different pieces of legislation taken from the *First Nations Gazette*.[29] This is an important online information source providing public notice of First Nation laws, by-laws, land codes, and other First Nation legislation, that serves as the authoritative reference for Indigenous Law. The comparative analysis resulted in a list of 40 Indigenous legal terms, occurring both in the ENV-APTN-NC and in the *First Nations Gazette* (Table 2). We found out that about 20% of the longer keyword list is made of legal terms also related to the field of Indigenous Law. At the same time, we conducted a manual search for frequencies on the ENV-APTN-NC to see which terms presented the highest raw frequency counts. In completing our ultimate list (Table 3), we excluded the terms occurring less than 10 times as we did not find them statistically relevant:

[29] First Nations Gazette (2018), http://www.fng.ca, last accessed 30 November 2018.

| Item |
|---|
| accordance |
| agreement |
| amend |
| appeal |
| apply |
| approval |
| approve |
| arbitration |
| authorize |
| Band |
| chief |
| community |
| comply |
| concern |
| conflict |
| consent |
| consultation |
| council |
| decision |
| description |
| determine |
| dispute |
| Duty |
| equipment |
| govern |
| jurisdiction |
| Land |
| Law |
| licence |
| limit |
| meeting |
| property |
| protection |
| reserve |
| resolution |
| resolve |
| resource |
| respect |
| Rule |
| Title |

Table 2. List of common legal terms in the ENV-APTN-NC and in the *First Nations Gazette*

| Item | Occurrences |
|---|---|
| chief | 187 |
| land | 112 |
| band | 89 |
| decision | 78 |
| community | 67 |
| consultation | 64 |
| council | 63 |
| Law | 59 |
| approval | 56 |
| agreement | 54 |
| resource | 52 |
| consent | 50 |
| Title | 49 |
| concern | 45 |
| meeting | 43 |
| approve | 41 |
| jurisdiction | 25 |
| respect | 24 |
| Duty | 19 |
| Rule | 18 |
| protection | 13 |
| property | 11 |

Table 3. List of the most recurrent legal terms in the ENV-APTN-NC based on raw frequency

If we observe Table 3, we will notice that the list contains two groups of sub-technical terms: words that either refer to legal concepts in both a general or specialized way ("law", "council" etc.), depending on the context of usage; and words having a specialized meaning while also being used in everyday language ("chief", "land", "band", "meeting", "property" etc.). This translates into the hypothesis that references to Indigenous Law are made in APTN.ca news reports via sub-technical terms that are also used in common, everyday language and are therefore familiar to all readers. For the purpose of the analysis, we focused on three key legal concepts recurring in the ENV-APTN-NC: "chief", "land" and "consultation".

In this corpus, "chief" is used only as a culturally significant and specialized word. Collocates of "chief" were retrieved sorting one span on the right. The results show that the strongest pattern, based on MI score, in this corpus is {*Chief* + [proper noun]}, as in the following example:

> We have governance laws based on consensus that were given to us from–in our case in Secwepemcul'ecw, from **Chief Coyote**, and the old ones, those teachings of consensus. The proper decision-makers are the people who hold that title collectively amongst our Nation. (APTN.ca, 3/10/2018)

By means of a semantic redetermination, the meaning of this word, now capitalized, is re-defined by the context and therefore gets a technical connotation. In fact, the noun is used as a modifier of a name in reference to a person who detains a political and cultural power within Indigenous communities. Among Indigenous nations, chiefs are political leaders that deal with a number of issues, fundamental to the lives of band members. Other collocates in the position of pre-modifiers are "grand" (8.57 MI) and "national" (6.92 MI), that are the maximum political authorities whose influence is recognized within and across Indigenous nations. APTN.ca journalists report on chiefs' actions, since the term occurs as the subject of lexical verbs such as "prefer", "instruct", "remove", "gather", "lead" and "sign". The data confirm the initial findings, i.e. APTN.ca leans towards a perspective that privileges Indigenous points of view shared by Indigenous authorities.

The second most frequent sub-technical term and keyword in this corpus is "land", a culturally loaded term in Indigenous worldviews and a legal term in Indigenous Law. As previously stated, land does not merely equate "territory". On the contrary, land as a culture-specific term, is part of Indigenous spirituality and ways of life, a site of belonging rather than a space to own, possess or control. Native lands are sacred since they guard and preserve Indigenous cultural memory. As a legal term, "land" is used in this corpus both as a noun and in the position of pre-modifier of "claim" and "right". Collocates of "land" include "unceded" (9.20 MI), "stolen" (7.23 MI) and "reserve" (6.46 MI). The phrase "unceded land" refers to traditional Indigenous territories that have not been ceded through treaties, but, nevertheless, have been occupied by the British Crown. A closer reading of the reports reveals that, in the coverage of the pipeline expansion and consequent protests, APTN.ca journalists rely on the "legitimate vs. illegitimate" frame: in doing so, they make use of the concept of "unceded land" to represent the pipeline expansion as illegitimate because it violates land rights. Therefore, within such a frame, the Kinder Morgan pipeline expansion is represented as unlawful. As a matter of fact, the phrase "unceded land" occurs in the surroundings of other legal terms such as "law" and "dispute", as in this extract:

> Manuel and many others maintain Canadian laws used to force unwanted development on ***unceded Indigenous lands***, including the use of force to physically remove Indigenous people from defending their lands and waters, do not respect the Supreme Court of Canada's own rulings or international law. On Sunday night Manuel signed off her Facebook live stream in saying: "The ancestors are with us as we stop this pipeline and defend everything that is sacred to us." After a two week break, the Kinder Morgan pipeline dispute was on the minds of members of parliament today in Ottawa. (APTN.ca, 15/07/2017)

Here the narration of the dispute relies on the mediatization of the concept of "unceded Indigenous lands" to build a crucial conflict between two main social actors: the government of Canada that does

not respect the rulings of the Supreme Court and the International Law, on the one hand, and the Indigenous peoples who are physically removed from their own lands, on the other. In another extract, the phrase "unceded Algonquin territory" is employed to further dramatize the tension and fortify the contrast between the Canadian government, whose parliament lays on sacred Algonquin land, and the Indigenous peoples gathered in Ottawa to protest against the pipeline expansion. Since that land is technically unceded, as the journalist remarks, Indigenous protesters have all rights to be there and fight the pipeline:

> "As Indigenous people we are born embedded into the land. The land is sacred to our people and is the location of our spiritual reality," White-Eye told the 300 or so people gathered at Parliament Hill, ***on unceded Algonquin territory***. "The western people believe the land and resources should be available for development and extraction for the benefit of the human. We all struggle with the consequences of their actions," she continued. "We need the government to know and understand that" (APTN.ca, 5/12/2018)

Emphasis is also put, in another report, on the decisions by the Supreme Court of Canada in favor of Indigenous land rights. By reporting the words of a legal expert (Law professor Nicole Schabus), the journalist aims at clarifying why Indigenous peoples are entitled to protest against the pipeline. His/her explanations recontexualize Indigenous legal discourse and provide an interesting example of popularization, in that the reporter aims at making sure that the legal terms employed are understood properly:

> Since then, multiple Supreme Court of Canada decisions have strengthened Indigenous Peoples' land rights, title and jurisdiction in decision-making processes about what happens on their ***unceded territories*** where no treaties exist that give title to the Crown. At least four Secwepemc First Nations along the pipeline route have signed onto the project, but Schabus says Aboriginal title and jurisdiction belong to the Secwepemc people themselves – not the bands established under Canada's Indian Act – and the people are the "proper rights holders." (APTN.ca, 12/07/2018)

According to Calsamiglia and Van Dijk, scientific knowledge is recontextualized in a context other than that where it was originally produced, in order to be accessible to the lay public.[30] In our case, through the use of periphrasis, the writer introduces the concept of "unceded territories" into the narrative and explains that this is where no treaties exist. In this sense, the journalist works as "an

[30] Helena Calsamiglia and Van Dijk, "Popularization Discourse and Knowledge about the Genome", *Discourse and Society*, 15.4 (2004), 369–389.

active participant in the production of novel information and new opinions",[31] in that legal knowledge is included in the narration in order to legitimize Indigenous resistance to the pipeline expansion.

Another worth-noticing case is that of "consultation". The term refers to the "duty to consult and accommodate" doctrine, which is part of a process of dealing and reconciliation, a rule that requires the government to consult with Indigenous communities before making administrative decisions that could have an impact on their rights. While nominalizations are usually very common in legal English in spite of verbs when referring to actions,[32] here the noun seems to represent an instance of reformulation:

> Natural Resources Minister Jim Carr told reporters Thursday the Trudeau government believes it only needs to accommodate and ***consult*** First Nations before proceeding with major resource development projects and not obtain "free prior and informed consent." It's a position at odds with Supreme Court of Canada rulings which have stated that obtaining consent is part of the ***consultation*** spectrum the Crown faces when dealing with First Nations on issues that impact rights, title and territory. (APTN.ca, 4/11/2016)

In this case, the journalist introduces the complex issue of First Nations consultation and consent. The query term is preceded by the corresponding verb "consult" occurring with "accommodate". The nominalization ("consultation") stands out as a form of reformulation for clarification purposes, in that it seems to offer another chance to the readers to understand what has been previously stated. Also, by means of opposition, the reporter inserts into the discourse the contrasting positions between what has been stated by Natural Resources Minister Jim Carr, in representation of the Canadian government, and the rulings of the Supreme Court of Canada. Such an opposition relies on a different interpretation of the rulings themselves, that the journalist introduces by unpacking the language of the Court, using paraphrase and the spectrum metaphor. The concept of the spectrum refers to a decision by the Supreme Court of Canada on the *Haida Nation v. British Columbia (Minister of Forests)* court case, when the province of British Columbia issued a number of tree farm licenses without consent of the Haida people, who claimed they had owned the land for more than 100 years.[33] The Supreme Court decided that the province had a duty to consult with the Haida people and suggested a significant accommodation of their interests. In that case, the Court found that the Crown has a duty to consult with Aboriginal peoples and accommodate their interests proportionately to the strength of the claim for a right or title and the seriousness of the potential effect upon the claimed right or title. The Haida

[31] Gotti, "Reformulation and Recontexualization in Popularization Discourse", *Ibérica*, 27 (2014), 15-34.
[32] Ibid.
[33] Judgments of the Supreme Court of Canada, "Haida Nation v. British Columbia (Minister of Forests)" (2004), https://scc-csc.lexum.com/scc-csc/scc-csc/en/2189/1/document.do, last accessed 30 November 2018.

Spectrum, therefore, refers to the fact that consultation is conducted on a spectrum from low to high. In the extract above, the metaphor is recontexualized, in that it migrates from the discourse of the Supreme Court into that of APTN.ca news. In so doing, it undergoes a process of oversimplification, since in the report the spectrum is "faced" by the Crown, whereas, as we said, the concept refers to the estimated degree of consultation (from giving notice to participating into the decision-making process).

What is even more significant, though, is that by addressing the Haida Spectrum, the reporter is evoking the leading decision of the Supreme Court of Canada on the duty to consult Aboriginal groups which legitimizes, again, Aboriginal concerns and protests against the Kinder Morgan expansion. The intent is remarked by the opening sentence ("it's a position at odds with Supreme Court of Canada rulings"), which unveils the writer's strategy of legitimation and negative evaluation of Natural Resources Minister Jim Carr's positions.

## 5. A Comparative Analysis of the CBC News Corpus and the ENV-APTN-NC

The aim of this section is to verify whether different strategies of representation of the conflict occur in the ENV-CBC-NC compared to the data retrieved from the analysis of the ENV-APTN-NC, specifically with regard to the use of legal terms pertaining to Indigenous Law. In other words, our intent is to check if CBC.ca makes use of the same terminology we spotted in the news coverage by APTN.ca and how the terms related to Indigenous Law are used in the discursive construction of the events narrated by CBC.ca journalists. In so doing, we applied the same procedure used in the previous section. Thus, we firstly retrieved a list of keywords from our focus corpus using the ICE-Can as a referent:

| Rank | Occurrences | Keyness | Keywords |
|---|---|---|---|
| 1 | 542 | 3607.250 | pipeline |
| 2 | 403 | 1985.874 | project |
| 3 | 697 | 1791.684 | said |
| 4 | 250 | 1667.944 | kinder |
| 5 | 4037 | 1635.783 | the |
| 6 | 253 | 1604.214 | morgan |
| 7 | 230 | 1311.689 | mountain |
| 8 | 221 | 1288.069 | trans |
| 9 | 174 | 1029.545 | expansion |
| 10 | 205 | 1024.102 | oil |
| 11 | 331 | 955.952 | government |
| 12 | 153 | 954.232 | trudeau |
| 13 | 151 | 935.643 | indigenous |
| 14 | 139 | 934.592 | â |
| 15 | 2012 | 754.625 | to |
| 16 | 205 | 738.437 | federal |
| 17 | 166 | 566.672 | minister |

| | | | |
|---|---|---|---|
| 18 | 184 | 566.398 | alberta |
| 19 | 84 | 526.636 | headline |
| 20 | 98 | 473.131 | nations |
| 21 | 67 | 450.487 | notley |
| 22 | 118 | 449.806 | energy |
| 23 | 66 | 433.439 | pipelines |
| 24 | 114 | 431.463 | decision |
| 25 | 59 | 386.596 | neb |
| 26 | 335 | 383.431 | will |
| 27 | 57 | 383.250 | justin |
| 28 | 84 | 376.816 | projects |
| 29 | 87 | 372.559 | prime |
| 30 | 55 | 369.802 | morneau |
| 31 | 53 | 356.355 | horgan |
| 32 | 85 | 347.201 | ndp |
| 33 | 51 | 333.095 | barrels |
| 34 | 55 | 304.362 | cbc |
| 35 | 588 | 304.118 | on |
| 36 | 71 | 300.936 | billion |
| 37 | 53 | 298.399 | burnaby |
| 38 | 191 | 296.740 | canada |
| 39 | 67 | 295.939 | construction |
| 40 | 45 | 293.001 | singh |
| 41 | 93 | 287.762 | court |
| 42 | 89 | 272.559 | body |
| 43 | 98 | 264.002 | company |
| 44 | 39 | 262.224 | enbridge |
| 45 | 74 | 259.258 | environmental |
| 46 | 1137 | 257.613 | in |
| 47 | 38 | 255.500 | bitumen |
| 48 | 39 | 252.942 | trump |
| 49 | 64 | 247.332 | nation |
| 50 | 38 | 246.269 | oilsands |

Table 4. List of keywords in the ENV-CBC-NC sorted by keyness rates

Similarly to the ENV-APTN-NC, the highest ranks are occupied by the query terms used to retrieve the reports from LexisNexis. However, there is an overuse of words referred to federal social actors, ("government", "minister", "prime"), including names of politicians ("trudeau", "notley", "morneau" and "horgan"), presenting high rates of LL score. The data show that they are much more common in this corpus compared to the reference corpus. Even more significant is the much lower position occupied by "nation" (#20), contrary to what we observed in the keyword list retrieved from the ENV-APTN-NC, where "nation" featured as 10$^{th}$. Another striking difference is the absence of Indigenous-related terms referring to non-governmental, Aboriginal authorities, such as "band" and "chief" in the first 50 positions, whereas the high LL scores and also raw frequency counts of governmental references may suggest that the most accredited and reported voices in this corpus are those coming from Canadian authorities (Justin Trudeau and Rachel Notley, more than others). Consequently, it seems safe to assume that the perspective embraced in the coverage of the pipeline expansion by

CBC.ca journalists is one that leans towards official representatives of the government rather than other social actors.

In order to check whether our hypothesis is correct, we need to dig deeper in the analysis of collocates. The word sketch tool provided by *Sketch Engine* allows us, for instance, to see that "government" occurs 70 times as an object and more than double the times (181) as the subject of verbs such as "approve" (12), "announce" (9), "say" (9) "do" (5), "promise" (2). Pre-modifiers of the query term show that "government" alternatively refers to the "federal", "Alberta", "B.C." or "Canadian", the former being the most recurrent (82 occurrences and 8.58 of MI score). While the government of Alberta is portrayed as an ally of the federal government, the representation of the provincial government of British Columbia is focused on the conflict between the latter and the federal one, with "opposition" being the strongest collocate (9.02 MI). This means that within the arena of social actors, the federal government is the one being more credited by the journalists in terms of frequency counts. Interestingly, "approve", "announce" and "decide" are also strong collocates of "government", with MI scores higher than 5.50. One possible interpretation of the data is that in CBC.ca news stories the federal government is represented as a 'doer' and its perspective is privileged, being that its occurrences range at 355. In other words, CBC coverage ties up the link between the federal government and the Kinder Morgan pipeline expansion while at the same time providing an overall positive representation of this social actor. If we check the string of concordances for the pattern {*government* + [be] + [Adj.] or [V]}, we will easily notice that "be" tends to bring a positive prosody, as it is followed by items reflecting a positive evaluation, such as "willing" and "prepared". The following extract, reporting the words of the Financial Minister Bill Morneau, provides an example of this trend:

> Morneau said the federal government is willing to compensate the pipeline's backers for any financial loss due to British Columbia's attempts to obstruct the company's Trans Mountain pipeline expansion. "The indemnification would allow Kinder Morgan to finish what they started, what they received federal and B.C. approval to do" (CBC.ca, 15/05/2018)

Once established that the perspective of CBC.ca news aligns with governmental positions, we can move to the analysis of legal terms and see whether legal terminology pertaining to Indigenous Law occurs and how it is used. Hence, we compared our list of 100 common legal terms in the *First Nations Gazette* against a longer list of 200 keywords to see which legal terms from the *First Nations Gazette* occur in the ENV-CBC-NC as well. As a result, in Table 5 we reported a list of legal terms from our focus corpus, occurring more than 10 times, along with their raw frequency counts.

| Item | Occurrences |
|---|---|
| community | 86 |
| consultation | 51 |
| law | 43 |
| chief | 39 |
| resource | 39 |
| agreement | 36 |
| land | 33 |
| rule | 25 |
| band | 23 |
| council | 18 |
| consent | 17 |
| protection | 12 |
| reserve | 12 |
| title | 11 |
| property | 10 |

Table 5. List of the most frequent legal terms in the *First Nations Gazette* and the ENV-CBC-NC based on raw frequency

As we can see, this list is much shorter than Table 3. Also, these are only candidate sub-technical terms that need further investigation in order to assert whether they are used as specific terminology pertaining to the field of Indigenous Law or not. While "consultation", "chief", "band" and "title" are used exclusively as Indigenous-related terms, collocate candidates retrieved for "law", "rule", "protection" and "property", based on a closer reading of concordance strings, do not show any evidence of usage as legal terms in Indigenous legal discourse. The investigation of the remaining words showed low percentages of usage as specialized terms. For instance, "land" collocates with "Indigenous", "reserve" and "defenders" 9 times, and in one case only we found the occurrence of "unceded land". The data suggest that, in the reports posted on CBC.ca, the issue of unceded Indigenous land is not a relevant topic in the framing of the dispute over pipeline expansion, whereas, in the news reports by APTN.ca journalists, this is a recurrent theme.

A list of collocate candidates was retrieved for "consultation" in order to compare the use of the legal term within the ENV-CBC-NC compared to its occurrences in the ENV-APTN-NC. More specifically, what we looked at are the pre-modifiers of the query term, since pre-modification can be the expression of evaluation. In our case, we noticed that "meaningful" is a very strong collocate candidate of "consultation" in both the ENV-CBC-NC and the ENV-APTN-NC. However, the semantic prosody differs in that in this corpus occurrences of the phrase "meaningful consultation" appear in the surroundings of verbs expressing a positive prosody and adverbs/modifiers reinforcing an overall positive stance, as in this example:

> Meanwhile, Alberta Premier Rachel Notley said she was happy to see at least one legal hurdle fall. "This pipeline is unlike any other in that it has been rigorously reviewed, ***meaningful consultation*** has taken

> place and it is paired with an effective climate protection plan," she said in a statement. (CBC.ca 24/05/2018)

Here the journalist, through direct speech, reports a statement by Alberta Premier Rachel Notley who is a strong supporter of the pipeline expansion. If we consider the whole context of the phrase, the presence of positively connoted modifiers such as "happy" and "effective", and also of the adverb "rigorously" enforces a positive evaluation of the consultation process itself, which is framed as successful.

Let us now turn to the occurrences of "meaningful evaluation" in the ENV-APTN-NC: "meaningful" is still a very strong collocate (9.35 MI) of the query term, however the prosody is very different. In fact, when "meaningful" and "evaluation" occur in the same sentence, the verb is in the negative form, as you can see in this extract:

> An unnamed federal government source told The Canadian Press on Tuesday that more Indigenous groups support the project than oppose it. But some groups that did sign agreements say there was no other choice. ***Consultation process not meaningful***: chief Ditidaht is a nation of 774 members with 17 reserves. Its main community is located on the west coast of Vancouver Island. (APTN.ca 11/06/2018)

The lack of 'meaningful consultation' is reported here as the cause leading a small number of First Nations to support the project rather than oppose it, contrary to the majority of Indigenous Nations. This is one clear case of how legal terminology can be strategically employed in different discursive representations of the same event and still not produce the same effect. While in the ENV-CBC-NC the occurrences of "consultation" preceded by the pre-modifier "meaningful", in light of the semantic prosody, are meant to activate a positive evaluation of governmental positions, in the ENV-APTN-NC uses of the query term are embedded in a general project of de-legitimization of governmental positions and legitimization of Indigenous actions.

It seems quite clear, at this point, that in the coverage of the dispute by CBC.ca there is not much concern about Indigenous land rights. This is evident from the percentage of the overall occurrences of Indigenous related legal terms, and also from their semantic prosody. While, as we have already seen, some emphasis is put on the consultation process, which seems to highlight governmental efforts towards Indigenous communities, however, the other legal term co-occurring with "consultation" in the ENV-APTN-NC, i.e. "consent", is here consistently less frequent (17 vs. 50), since, *de facto*, Indigenous consent was not given by First Nations communities. In other words, apparently, more weight is attached to the whole consultation process whereas the negation of consent emerges as a

minor problem. There is, however, one attempt to shed some light on the technical meaning of the legal term by one CBC journalist, as evident from this extract:

> Earlier this year, the federal government said it fully supported the United Nations Declaration of Rights of Indigenous Peoples (UNDRIP). Part of that resolution calls for the free, prior and informed ***consent*** over development on their land. ***So what does that mean?*** It depends who you ask. Earlier this month, Carr seemed to suggest that Kinder Morgan ***didn't require*** First Nations consent for the Trans Mountain plan. But not everyone agrees. (CBC.ca, 26/11/2016)

In this case, the use of a direct question has an engagement function in that it allows the construction of a dialogic interaction between the journalist and his/her readers. Apparently, the journalist plays the role of a mediator who owns some specialized knowledge. In compliance with the informal register of CBC reports, verb contractions are consciously chosen by the writer to establish a common ground of cooperation and create mutual understanding. Therefore, contracted forms and the use of features of spoken language ("it depends who you ask") may suggest that, in delivering legal information, the journalist is trying to facilitate the transmission of his/her own thoughts. However, no definition is provided regarding the notion of "consent". What the reporter seems more concerned about is its non-linearity and lack of clarity, which further complicates the whole issue. In other words, by engaging the reader into a dialogic interaction and by adopting an overall informal but friendly tone, the journalist seems to push towards an understanding of Indigenous consent as a non-crucial point, since nobody really knows what "free, prior and informed consent" truly means.

## 6. Concluding Remarks

In this paper we have attempted to analyze comparatively two corpora, the ENV-APTN-NC and the ENV-CBC-NC, both collecting online news reports posted in the years 2016-2018 on two different virtual platforms of information, APTN.ca, an all-Indigenous website and TV network, and CBC.ca, a very popular website of online news and national TV channel in Canada. All the reports focused on the Kinder Morgan pipeline expansion, a very controversial project approved by the Canadian government and strongly supported by Alberta Premier Rachel Notley in 2016 which, nonetheless led to a serious dispute with the First Nations because of the infringement of Indigenous laws pertaining to land rights. The case was taken to court. The analysis took into consideration uses and occurrences of legal terminology related to Indigenous Law in order to see whether and how this is employed within the wider discursive representation of the dispute and its social actors.

The data showed that in both coverages, Indigenous legal terms are used, although in different percentages, based on raw frequency counts. While in the ENV-APTN-NC, Indigenous sub-technical terms account for 11% of the whole list of keywords, in the ENV-CBC-NC these account only for 7%. The higher percentage in the former corpus confirms the general trend of APTN.ca's coverage, leaning towards a representation of the dispute which sets the conflict between the federal government and Indigenous Nations, giving less space to Alberta's positions, and makes use of Indigenous legal terminology in order not only to explain the reasons of such a conflict but also to legitimize Indigenous actions. The issue of unceded Indigenous lands, for instance, emerges as one of the most recurrent topics, strictly connected with that of consultation and consent. We would like to argue that these are relevant legal issues in Indigenous Law, mediatized by means of a process of recontexualization that is also a form of rediscoursification.[34] In fact, the legal concepts enter a new discursive dimension, that of online news discourse, and are therefore employed in a different setting within which new meanings are construed and directed to specific audiences. In the case of APTN.ca news, the inclusion of legal terminology in the coverage of the pipeline expansion takes the whole framing of the dispute to a jurisdictional level: when recontexualizing legal knowledge, APTN.ca journalists do no simply act as mediators of information, but also as producers of meanings that affect the ways in which the dispute over the pipeline expansion is framed and received. Conversely, Indigenous related legal concepts are employed in CBC.ca's reports either to de-emphasize Indigenous involvement into the pipeline expansion debate or to delegitimize Indigenous court actions. As a matter of fact, the topic of unceded Indigenous territories does not emerge as a crucial point in the dispute. Consistently, uses of sub-technical legal terms, such as "consultation" occur in an overall positive discursive frame, with a semantic prosody that privileges verbs in the affirmative form. This strategy is meant to represent the consultation process as a successful phase in the negotiation of permits. At the same time, no real dissemination of Indigenous Law is provided, which seems to confirm the perspective of CBC.ca that favors governmental positions in the matter.

To conclude, the present research has attempted to show how legal knowledge can be recontexualized in online news discourse, and be employed, by means of lexical and semantic choices, in order to frame legal disputes in comparatively different ways, depending on the information source. Although much more could be said on the topic, we can envision further developments in the investigation of legal knowledge recontexualized in news discourse, as well as in that of Indigenous Law and Media Studies.

[34] Patrizia Anesa, "The Deconstruction and Reconstruction of Legal Information in Expert-Lay Online Interaction", *ESP Today*, 4.1 (2016), 69-86.