

**Representations of Resistance:  
the RCMP and C-IRG's Representations of Indigenous Land Defenders'  
Dissent Against the Coastal GasLink Pipeline on Wet'suwet'en Territory**

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## **Abstract**

A global uptick in both the frequency and scale of protests has led to increased visibility surrounding the policing of protests, particularly in Canada. Recent high-profile Indigenous demonstrations such as the Idle No More movement, Fairy Creek protests, and resistance against the Coastal GasLink and TransMountain Pipelines have significantly increased public scrutiny about the RCMP's role in policing Indigenous resistance. This thesis will examine how the RCMP (and more specifically, C-IRG) represented Indigenous land defenders during the Wet'suwet'en opposition to the Coastal GasLink pipeline. This study employs a qualitative, critical content analysis of RCMP documents obtained through access to information and privacy (ATIP) requests using a theoretical framework of settler colonial theory to provide insight into the varied and complex ways in which the RCMP represents Indigenous resistance on Wet'suwet'en territory. This study finds that land defenders on Wet'suwet'en territory are represented as threats to Canadian law, police officers, infrastructure projects and workers, and even to themselves. These representations demonstrate that the founding logics of settler colonialism actively persist today, continuously re(created) through mechanisms such as the RCMP's policing of Indigenous resistance. Ultimately, these findings suggest that the RCMP's representations of Indigenous land defenders go significantly beyond the scope of their policing duties by emphasizing their perceived threat of a militaristic, occupying force of land defenders who jeopardize the Canadian state's and private corporations' access to the land, its resources, and by extension, capital.

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## Chapter 1: Overview of the Thesis

Around the world, protests are increasing in both frequency and scale (Brannen & Haig, 2020). The grievances that serve as the basis for these protests range from the failure of political systems, economic injustice, civil rights issues, and other demands for justice (Ortiz et al., 2021). Protesting trends in Canada are no exception: the Canadian Association of Chiefs of Police (CACCP) has recently voiced their concern over “an increase in the frequency, duration, complexities, risks and threats of protests and demonstrations in communities across Canada” (Wright, 2024, para. 1). From right-wing populist protests such as the various Freedom Convoy protests (Gillies et al., 2023) to the Idle No More protests (Crosby & Monaghan, 2017), how protests and protestors are policed varies greatly. This thesis will investigate protestor representation tactics mobilized by the police through an examination of ATIP documents to determine how the Royal Canadian Mounted Police (RCMP), particularly the Community-Industry Relations Group (C-IRG), represents Indigenous land defenders during recent land defence actions.

C-IRG is an RCMP unit formed in 2017 “to provide strategic oversight addressing energy industry incidents and related public order, national security and crime issues ... [and] to ensure a consistent, standardized and impartially administered police response across the province [of British Columbia]” (Royal Canadian Mounted Police, 2020). The actions of C-IRG during their enforcement of the injunction on Wet’suwet’en territory is the subject of an ongoing investigation by the Civilian Review and Complaints Commission for the RCMP; the allegations against C-IRG are related to neglect of duty, oppressive conduct, mishandling of property, improper attitude, improper use of force, and irregularity of procedure (Civilian Review and Complaints

Commission, 2024). Due to this backlash, C-IRG was renamed the Critical Response Unit (CRU) in 2024 (Royal Canadian Mounted Police, 2024). Despite this name change, I will continue referring to the unit as C-IRG to maintain continuity with the data. In practice, C-IRG has played a critical role in policing the resistance of land defenders against projects such as the Coastal GasLink pipeline (Wet'suwet'en), Trans Mountain pipeline, and old-growth logging (Fairy Creek) (Forester, 2023). At issue for this thesis are the ways in which C-IRG and the RCMP represented Indigenous land defenders during land defence actions on Wet'suwet'en nation territories.

There is considerable overlap in how police represent environmental activists and Indigenous land defenders. These representations tend to frame the two groups negatively as eco-terrorists and threats to national security, and these representations are thus used to justify increased levels of surveillance and policing of the two intersecting groups (Burdon, 2020; Monaghan & Walby, 2017). Furthermore, the actors involved in this surveillance and policing tend to be the Canadian state and extractive industry corporations, who collaborate to mitigate the 'threat' of Indigenous land defenders to secure unfettered access to natural resources and accumulate capital (Burdon, 2020).

The RCMP and C-IRG's policing of Indigenous land defenders and their resistance against land dispossession and extractive industries is highly relevant in the current social and political climate at the intersection of Indigenous land rights and the looming climate crisis. The RCMP's policing of Indigenous resistance, involving frequent use of extreme force, has gained international attention from human rights organizations, who condemn their actions and call for

the Canadian state to disband the unit (Forester, 2023). Thus, a critical study of the RCMP and C-IRG's representations of Indigenous land defenders is especially topical.

The remainder of this thesis will consist of six chapters. In *Chapter 2: The Policing of Indigenous Protest in Canada and the West*, I will discuss the extant literature on settler colonialism and the policing of environmental activists and Indigenous land defenders. More specifically, in *Section 2.1: Settler Colonialism*, I will begin by exploring the foundations and underlying logics of settler colonialism, the historical relationship between Indigenous peoples and police in Canada, and the role of police in colonization. I will also briefly summarize the divergence and convergence of Indigenous land defenders and mainstream environmental activists. In *Section 2.2: Indigenous Land Defenders in Settler Colonial Nations*, I will define what it means to be an Indigenous land defender and explore their rationales and strategies for land defence. Similarly, in *Section 2.3: Environmental Activists in Settler Colonial Nations*, I will define what it means to be an environmental activist and explore their rationales and strategies for environmental activism. *Section 2.4: The Policing of Environmental Activists and Indigenous Land Defenders in Settler Colonial Nations*, I will discuss the discourses mobilized to facilitate the policing of land defenders and environmental activists, particularly within the concept of Critical Infrastructure Protection. Next, I will discuss the Canadian state's positive and negative reactions to environmental activists. I will also discuss the Canadian state's adverse reactions to Indigenous land defenders and contextualize this representation within the broader War on Terror context. Additionally, I will outline the legal foundations of protest policing, particularly in regards to the *Criminal Code of Canada* (1985) and the *Canadian Charter of Rights and Freedoms* (1982). Lastly, I will discuss the techniques used to police environmental activists and

Indigenous land defenders in Canada, including preemptive policing, surveillance and infiltration, and injunctions. Next, in *Section 2.5: Context About the Wet'suwet'en Nation and the Coastal GasLink Conflict*, I will briefly introduce the Wet'suwet'en Nation and their relevant Clans and Houses before providing a background and a timeline about the Coastal GasLink conflict on Wet'suwet'en territories.

Next, in *Section 2.6: Settler Colonial Theory*, I will outline my theoretical framework of settler colonial theory, particularly the logics of settler colonialism, its legal frameworks, and Indigenous resistance under settler colonialism. Next, in *Section 2.7: Settler Colonial Strategies*, I will explain the role of pacification in settler colonialism and outline two of its relevant mechanisms: lawfare and recognition. In *Section 2.8: Critiques of Settler Colonial Theory*, I will discuss the limitations of settler colonial theory, particularly the "inevitability" of settler colonialism and the reinforcement of settler academic authority. Finally, in *Section 2.9: Application of Settler Colonial Theory*, I will outline the application of this theory within my thesis.

In *Chapter 3: Methodology*, I will discuss the methodological choices I made while researching and writing this thesis. In *Section 3.1: Research Design*, I outline and explain my choice of engaging in a qualitative research study informed by the constructivist paradigm. In *Section 3.2: Data Sampling and Collection*, I discuss my data collection and sampling process, which consisted of RCMP documents obtained through access to information and privacy (ATIP) requests selected using a purposive sampling method. In *Section 3.3: Critical Content Analysis*, I outline the critical content analysis process I used to analyze the ATIP documents. Finally, in

*Section 3.4: Reflexive Statement*, I discuss the impact of my role as a non-Indigenous researcher on the research conducted for this thesis.

In *Chapter 4: Findings*, I will present my empirical observations about the data. In *Section 4.1: Wet'suwet'en protestors illegally claim ownership of and occupy Crown land*, I will explain how the RCMP and C-IRG represent Indigenous land defenders as unjustly claiming ownership of the land and sovereignty over the territory, and illegally occupying Crown land, and illegally evicting police and industry from the territory. Next, in *Section 4.2: Indigenous protestors have strained relationships with law enforcement*, I will explain how the RCMP and C-IRG reprint Indigenous land defenders as uncooperative, disrespectful, and threatening. In this section, I will also explain how the RCMP occasionally concede that Indigenous land defenders are entitled to peaceful protest. Next, in *Section 4.3: Indigenous protestors pose a threat to pipeline projects*, I will explain how the RCMP and C-IRG represent Indigenous land defenders as a threat to pipeline workers, infrastructure, and property. I will also explore how Indigenous land defenders are represented as purposefully attempting to incite conflict with law enforcement to halt the construction of the pipeline. Finally, in *Section 4.4: Indigenous protests are internally disorganized*, I will explain how the RCMP and C-IRG represent Indigenous land defenders as having internally disorganized protests which are negatively influenced by protestors from outside the Wet'suwet'en nation.

Next, in *Chapter 5: Discussion*, I will interpret my findings as informed by settler colonial theory. First, in *Section 5.1: Settler colonial legalism and the representations of Indigenous land defenders*, I will begin by outlining how the settler colonial logics of terra nullius manifests in the modern day through "Crown land." Then, I will move on to explaining

the RCMP and C-IRG's contradictory representations of Indigenous land defenders as occupiers of their territory, using the idea of a legal Janus. Second, in *Section 5.2: Indigenous land defenders are represented as opponents of the law*, I will discuss how the RCMP and C-IRG represent Indigenous land defenders as uncooperative with the law and how this might translate to them being represented as uncooperative with settler colonialism. Here, I will also question whether the RCMP attempts to protect the land defenders' Charter rights or whether that supposed protection is a cover for pacification. Third, in *Section 5.3: Indigenous land defenders are represented as threats to accumulation*, I will discuss how the RCMP and C-IRG's alleged rescue of TC Energy's workers can be interpreted as a rescue of capital. Here, I will also discuss how and why the RCMP centres its law enforcement officers in the policing of infrastructure threats. In this section, I will also discuss how Indigenous land defenders are represented as "risky" and in need of enhanced policing and surveillance mechanisms. Fourth, in *Section 5.4: The impact of settler colonial power structures on Wet'suwet'en land defence*, I will discuss how the RCMP and C-IRG delegitimize and demonize Indigenous land defenders by mobilizing conspiracies. I will also explore how the RCMP privileges pro-pipeline Wet'suwet'en over anti-pipeline Wet'suwet'en and how this constitutes divide-and-conquer tactics. Lastly, in *Section 5.5: Conclusion*, I will provide answers to my research questions.

Finally, in *Chapter 6: Conclusion*, I will provide an overall conclusion for this thesis. In *Section 6.1: Summary of the research findings*, I will discuss the research aim of this thesis. Next, in *Section 6.2: Contributions to the literature*, I will outline the contributions of this thesis to the broader literature on policing and surveillance, particularly that of Indigenous resistance.

Third, in *Section 6.3: Limitations of the study and future research recommendations*, I will present critiques of my findings and discussion and provide recommendations for future avenues of research that account for this study's limitations.

## **Chapter 2: The Policing of Indigenous Protest in Canada and the West**

### **Section 2.1: Settler colonialism**

While I will provide a more in-depth explanation of settler colonialism as a theoretical framework, it is important to offer some context about this topic to properly frame the literature review. Initially, settler society claimed the North American landmass under the doctrine of terra nullius (a legal term for empty or unowned land) — settler colonizers argued that since Indigenous people did not ‘own’ the land, they could legally claim it for themselves (Burow et al., 2018). Thus, the settler colonizers aimed to dispossess, eliminate and replace the Indigenous peoples of the land to free up access for a new community of settlers (LeFevre, 2015; Simpson et al., 2018). Genocide, while not necessarily synonymous with settler colonialism, is nevertheless closely tied to it (Wolfe, 2006). Since the genocidal project of the settler colonial states has largely failed, Indigenous people have remained and actively resisted the occupation (Simpson et al., 2018). As a result of this struggle, security agencies in settler colonial states perceive Indigenous peoples as inherently risky and contributing to the insecurity of the state because Indigenous resistance highlights the fragile legal claims that the state rests on.

This struggle exists because there is a significant incompatibility between how settler colonial society sees the land compared to Indigenous societies. While “settler ontologies of land operate by occluding other modes of perceiving, representing, and experiencing land” (Burow et al., 2018, p. 57), Indigenous ontologies of land are based on relational and reciprocal relationships between human and non-human entities, the land, and different political orders (Simpson et al., 2018). In other words, while settler society restricts their relationship to the land as a property-owner binary, whereby the land is ‘property’ from which economic value can be

extracted, Indigenous societies' relationship to the land prioritizes the agency of non-humans and the maintenance of their reciprocal relationships (Burow et al., 2018; Carroll, 2015). Thus, the law is used to reinforce the sovereignty of the white settler state over the land, effectively dispossessing Indigenous communities (Moreton-Robinson, 2015). If the settler colonial state were to legally recognize Indigenous peoples' claims to the land, it would effectively halt the settler colonial project of capitalist accumulation and return the requirement of reciprocal relationships between humans and non-humans (Coulthard, 2014). Ultimately, these settler colonial rationales, based on a framework of capital accumulation, have jeopardized Indigenous territories and land-based practices (Datta et al., 2024).

Thus, the settler colonial states utilize mechanisms of violence against Indigenous communities that attempt to resist, or appear to resist, their settlements (Howe & Monaghan, 2018). This violence carries on to this day, as police are still vital actors who produce privatized space in the settler colonial state (Sylvestre, 2021). Indigenous communities have always actively resisted this 'production of space,' resulting in police forces viewing Indigenous resistance as violent and Indigenous land defenders as criminals who are a threat to the security and sovereignty of the settler colonial state (Van Rythoven, 2021). Police have thus responded to the constructed threat of Indigenous resistance with several forms of social control, such as surveillance and over-policing, which "operate within the contours of the eliminatory logic of settler colonialism" (Crosby, 2021, p. 415; Howe & Monaghan, 2018; Van Rythoven, 2021).

### ***Indigenous people and settler colonial policing***

There is a long and horrific history between Indigenous peoples and the police forces of settler colonial states. In Canada, the North West Mounted Police (NWMP), the precursor to the

RCMP, is a prime example of how policing helped to produce early settler colonial states. The NWMP, formed in 1873, was initially mandated to reinforce the sovereignty of the state and to serve as a buffer between Indigenous populations and incoming settlers (Goldring, 1979). Eventually, this mandate expanded to include involvement in the residential school system (Macleod, 2018). In short, the residential school system was created by the Canadian government and administered by multiple church denominations with the aim of separating Indigenous children from their culture and traditions, to assimilate them into Euro-Canadian and Christian ways of life (Hanson et al., 2020). New regulations passed in 1894 compelled the attendance of residential schools for Indigenous children, and the NWMP was tasked with taking children from their parents to these residential schools (Macleod, 2018).

However, the violence of settler colonial policing is not restricted to the NWMP's historical involvement in the residential school system. To the present day, Indigenous peoples in settler colonial states face mistreatment and harm at the hands of state police forces. For example, Indigenous people are disproportionately subjected to the use of force by police and remain overrepresented in police-involved deaths (Laming, 2023; Singh, 2020). This reality can be understood as a form of racial terror, which is central to settler colonialism (Razack, 2020). Indigenous communities are also generally over-policed compared to other racial groups (Laming, 2023). For example, Indigenous people are significantly overrepresented in police stops and search incidents (Gorsuch & Rho, 2019).

Moreover, when Indigenous peoples are victimized by crime, they are typically not treated with care by the responding police. This trend can especially be seen with Indigenous women and girls, whose experiences of physical and sexual violence are regularly dismissed by

the police, thus contributing to the thousands of missing and murdered Indigenous women and girls (Palmater, 2016). These instances are facilitated by the perceptions that police hold of Indigenous peoples and communities, whom they view as strange, confrontational, and violent (Dwyer et al., 2021). Ultimately, policing in Canada aids in the recreation of the settler colonial state by reinforcing state sovereignty and capital accumulation at the expense of Indigenous peoples' well-being, lives, and rights. Indigenous peoples, however, are not passive in their oppression. Instead, they have continued to resist the outcomes of settler colonialism in multiple ways, such as through land defence (Crosby, 2021). While Indigenous land defenders are significant forces of social and environmental justice in their own right, their resistance has been steadily converging with that of the environmental movement.

***The convergence and divergence of Indigenous land defence and the environmental movement***

While Indigenous land defenders and activists from the mainstream environmental movement have distinct origins and ideological foundations, they are increasingly engaging in collaborative resistance against the extractive industry. Indigenous communities have resisted the colonization of their lands and the violation of their rights since the beginning of European colonization (Hill, 2009; Simpson, 2017). Today, Indigenous resistance against the extractive industry, particularly oil and gas pipelines, exists as a manifestation of land defence actions which began during colonization (Gobby, 2020).

On the other hand, the environmental movement has much more recent origins. This movement, derived from ideologies associated with Manifest Destiny and Western expansion, first formed during the late 1800s and early 1900s with the goal of conserving nature and the

“wilderness” of Indigenous lands in the form of national parks (Gilio-Whitaker, 2019; Guha, 2014). The logic underlying the early environmental movement was “deeply influenced by a national fixation on the imagined pre-Columbian pristine American wilderness and the social Darwinist values of white superiority” (Gilio-Whitaker, 2019, p. 92). Towards the end of the 20th century, the environmental movement became more mainstream and less contentious as its activists and organizations were gradually professionalized and institutionalized (Gobby, 2020). Despite differences in origins, Indigenous land defenders and environmental activists have — with increasing frequency — found themselves collaborating to protect the environment from resource extraction, pollution, and development projects (Gobby, 2020). Although their combined effort sometimes succeeds in stopping environmental harm and destruction, the white supremacist and colonialist logics which founded the mainstream environmental movement occasionally manifest in the present day, resulting in tensions between the two groups. Indigenous communities, which are disproportionately impacted by climate change due to their reliance on the land and its resources, are also marginalized by the mainstream environmental movement, neglected in climate policy negotiations, and experience verbal and physical abuse at climate marches (Datta et al., 2024; Gobby, 2020).

Despite these conflicts, Indigenous communities remain at the helm of environmental justice movements and still frequently collaborate with settler environmental activists. This joint opposition to extractive industry projects by Indigenous people and non-Indigenous allies from the mainstream environmental movement poses a substantive challenge to the extractive economy on which Canada is built. In what follows, I will outline the parameters, rationales, strategies, and policing of Indigenous land defenders and environmental activists. While this

thesis aims primarily to explore police representations of Indigenous land defenders, incorporating a brief discussion about environmental activists is necessary to explain the collaborative nature of the two groups and demonstrate the differences in the policing of Indigenous versus non-Indigenous protestors.

## **Section 2.2: Indigenous land defence in settler colonial nations**

### ***Definitions and parameters of land defenders***

Indigenous land defenders' rationales and strategies differ greatly across spaces and contexts. Indigenous communities, and by extension, Indigenous resistance, is not monolithic. Indigenous people and land defenders, even within the same community, have complex and differing approaches and perspectives about protesting, extractive industries, and governance. So, the purposes of this thesis, "(Indigenous) land defenders" will be understood as Indigenous individuals who engage in resistance for a variety of reasons, including but not limited to promoting environmental protection and furthering Indigenous land rights. To accomplish these central goals, land defenders employ many strategies such as, for example, formal litigation and blockades.

### ***Land defenders and their rationales***

With an ongoing climate crisis and the upheaval of social and legal rights, Indigenous land defenders play an important role in addressing environmental and power inequalities related to land use and its resources (Le Billon & Lujalab, 2020). While Indigenous movements are typically portrayed in the media as shallow and reactionary, in reality, they tend to have a profound, extensive history behind their struggles (Simpson et al., 2018). The rationales of

resistance for these land defenders can be generally categorized into two main objectives: environmental protection and the pursuit of Indigenous land rights.

*Environmental protection.* As the climate crisis worsens, settler colonial countries around the world cling to capitalist economic systems that are reliant on environmentally damaging extractive industries (Isaac, 2022). Given that settler colonial nations are formed and maintained for the goal of capital accumulation, this mishandling of the climate crisis does not come as a surprise (Crosby, 2021). However, Indigenous land defenders are pushing back against the failures of settler colonial states and extractive industries to safeguard the environment. Indigenous peoples' relationship with the land are formed around respect and stewardship, which is "premised on a deep appreciation for Indigenous Natural or First Law, which warrants recognition and respect for an earth-centred and relational jurisprudence system" (Dudgeon et al., 2024, p. 388). While these Laws vary by nation, they are typically rooted in the notions of reciprocity and responsibility for the natural world (Gratani et al., 2016). Regardless of location, many environmental features of conservation interest are located in Indigenous traditional lands, thus rendering the outlook of stewardship particularly significant (Artelle et al., 2019; Kennedy et al., 2023).

*Indigenous land rights.* The aforementioned rationale of environmental protection is closely related to Indigenous land rights. By preserving the land, Indigenous peoples can continue their culture, traditions, and struggle for sovereignty (Datta et al., 2024). As mentioned above, settlers initially claimed Indigenous land under the doctrine of terra nullius, arguing that Indigenous people did not 'own' their land and, thus, the settlers should be able to legally claim it for themselves (Burow et al., 2018). Ever since then, Indigenous peoples have been engaged in a

struggle with settler colonial states over the rights to their land (Sylvestre, 2021). However, it does not appear that settler colonial governments will recognize the rights of Indigenous peoples to their traditional lands. If the settler colonizers were to do so, they would be effectively recognizing the claims of legitimacy that Indigenous peoples have over their land as well as conceding the illegitimacy of settler colonial occupation (Isaac, 2022). Nevertheless, there is growing pressure from not only Indigenous land defenders but also the wider international community to restore Indigenous rights to their land (Mercer, 1987). To achieve their goals of resistance under both rationales, land defenders employ numerous strategies, including formal litigation and blockades.

### ***Land defenders and their strategies***

*Formal litigation.* The first resistance strategy that Indigenous land defenders employ is the use of formal litigation. In certain settler colonial states, including Canada, both the federal and provincial governments are required to consult Indigenous peoples if they hope to build energy infrastructure on their land — this is known as the Duty to Consult, or DTC (Isaac, 2022). Thus, Indigenous land defenders may retaliate through the formal legal system when the government fails to uphold their DTC. To accomplish this, land defenders may advocate for their land rights in collaboration with international bodies (Gobby & Everett, 2022). Occasionally, these strategies result in the Indigenous community winning their case against their respective government. This strategy may also manifest as Indigenous land defenders attempting to issue eviction notices to extractive industry companies, sometimes successfully (Gobby et al., 2022). If formal litigation strategies fail, land defenders may turn to blockades.

*Blockades.* Since Indigenous land defenders hold a vulnerable position in settler society, collective action in the form of non-violent blockades is a common strategy undertaken in the name of resistance (Scheidel et al., 2020). This strategy is typically only attempted after other means of resistance against settler colonial governments and extractive industry corporations have failed (Canning, 2018; Hanna et al., 2016). One of the primary purposes of these blockades is to create conflict for the offending party, whether it be the state or an extractive industry corporation, to create financial risk and loss for those involved in the hope that it hastens their departure (Isaac, 2022). Networks of solidarity typically emerge during blockades, as formal alliances and additional blockades are set up in support of land defenders from other territories; these acts of solidarity also facilitate the sharing of information and resources (Isaac, 2022). These blockades have the added benefit of allowing Indigenous land defenders “to seek the attention of a broader audience, establish a dialogue with authorities and companies, and to achieve respect for their individual and collective human rights” (Hanna et al., 2016, p. 490). Thus, media campaigns are also frequently incorporated into the strategy of blockades, as sharing information on social media helps to draw attention to climate change, reshape dominant discourses around resource extraction and land issues, and promote Indigenous self-determination (Isaac, 2022). These campaigns can also help land defenders form alliances with other like-minded groups, such as environmental activists (Gobby, 2020).

### **Section 2.3: Environmental activism in settler colonial nations**

#### ***Definitions and parameters of environmental activists***

For the purposes of this thesis, environmental activists can be defined as individuals who participate in activism to generally protect nature and promote sustainability (Hummel & James-

Abra, 2022). Environmental activists' rationales and strategies are incredibly diverse and complex. Besides the reason for which they partake in activism, environmental activists differ from other activist groups due to their heavy engagement with scientific research, the practicality of their international solidarity, and their coordinated critique of industrial capitalism (Pinto, 2010). They engage in activism to mitigate environmental harm, participate in collective action and care, spread awareness about climate change, and/or for their self-interest. To accomplish these goals, environmental activists employ techniques such as climate change litigation, business sector activism, activism within the formal political system, and activism outside the formal economic and political systems.

### ***Environmental activists and their rationales***

Environmental activists are not monolithic; their rationales and strategies are highly complex and diverse (Pickard, 2022). While their environmental movements tend to centre on values of democracy, openness, fluidity, and voluntariness, the reasons why individual activists participate in environmental activism differ significantly (Gulliver et al., 2023; Pickard, 2022). For this thesis, the rationales for environmental activism will be generally classified into four categories: the mitigation of harm, collective action and care, spreading awareness, and self-interest.

*Mitigation of harm.* This rationale for environmental activism is the most significant and widespread and has been the prevailing discourse in this field of activism for the past few decades (Dennis & Stock, 2024). The growing urgency of biological and environmental annihilation has led environmental activists to seek the reconfiguration of the relationships between humans and the planet in a way that is more ethical and sustainable (Alberro, 2020). For

youth environmental activists, rationales surrounding harm and care are particularly central to their ideology. These youths typically feel powerless in the face of their dire circumstances and prospects, which are amplified by the institutional ineffectiveness of their respective governments regarding climate change (Pickard, 2022).

*Collective action and care.* While discourses of harm mitigation are prevalent in environmental movements, narratives around pro-environmental collective action and care are also necessary in the fight to achieve positive systemic change (Wright et al., 2022). Environmental activists typically see themselves as defenders of the broader group who collectively struggle against the injustices and inequalities that arise from climate change (Mackay et al., 2021). This push for collective action and care is furthered by the activists' collective experiences of ecological grief, which arises from the distress they feel upon seeing the collapse of the planet on which they rely and connect (Dennis & Stock, 2024). Collectivity is also a motivating factor for youth activists, who typically promote the necessity of collective action to mitigate climate change's impacts (Pickard, 2022).

*Spreading awareness.* The necessity of the social diffusion of pro-environmental behaviours and opinions is central to environmental activists' rationale (Geiger, 2022). Not only do these activists rationalize that it is their duty to inform the general public about environmental conservation, but they also assume a vital role in translating and disseminating relevant scientific material (Fährnich, 2018). Environmental activists use scientific information to substantiate their arguments and create symbolic legitimacy for their movements. As such, digital connectivity is vital in activists' efforts to operate as a collective and spread awareness, especially among youth activists (Pickard, 2022).

*Self-interest.* Some environmental activists are motivated purely by self-interest, including financial interests, health benefits, and gaining attention and admiration from others for their activism (Geiger, 2022). For example, some environmental activists identify heavily with the beauty of nature and may be driven by the desire to preserve the purity and aesthetic of the planet for their enjoyment, as opposed to protecting the planet due to concerns about climate change (Dennis & Stock, 2024; Geiger, 2022).

### ***Environmental activists and their strategies***

Environmental activists' strategies to achieve their goals can be broadly grouped into two categories, namely, direct and indirect effects on climate change (Fisher & Nasrin, 2021). Few strategies directly impact climate change, but these typically involve activities that responsabilize individuals to make greener lifestyle changes (Fisher & Nasrin, 2021). In contrast, there are numerous strategies that environmental activists employ which have an indirect effect on climate change:

*Climate change litigation.* This strategy, used by citizens, NGOs, corporations, and local governments, aims to pursue environmental activism by engaging with the judicial system to get them to enforce existing pro-environmental legislation (Fisher & Nasrin, 2021). However, judges tend to lack the scientific expertise to deal with climate-related issues (Jasanoff, 1995).

*Business sector activism.* This form of activism explicitly targets the economic sector by engaging in shareholder activism to pressure the corporation into making environmentally friendly changes (Gillan & Starks, 2007) and cooperative board stewardship, which involves associations of individuals operating jointly-owned, democratically controlled environmentally conscious businesses (Viardot, 2013).

*Activism within the formal political system.* First, environmental activists use the electoral process to support positive environmental issues and parties (Basu & Devaraj, 2014). However, there is minimal evidence that suggests the effectiveness of the electoral process on positive environmental change (Fisher & Nasrin, 2021). Second, some environmental activists lobby for enhanced environmental protection and preservation at the legislative level by, for example, aiding environmental organizations with their grant applications.

*Activism outside of the formal economic and political systems.* To challenge environmentally harmful economic and political systems, these activists engage in “more confrontational tactics, such as boycotting, striking, protesting, and direct action that targets politics, policymakers, and businesses” (Fisher & Nasrin, 2021, p. 4). Within these strategies, the central value of collectivity within environmental activism becomes apparent; environmental activists generally believe that collective action is needed to achieve systemic change and enhance environmental protection (Mackay et al., 2021; Wright et al., 2022).

#### **Section 2.4: The policing of environmental activists and Indigenous land defenders in settler colonial nations**

Law enforcement agencies in settler colonial states mobilize several discourses to facilitate their policing of land defenders and environmental activists. While some of these discourses overlap between the two groups, others are specific to each party. To understand the underlying rationale of why land defenders and environmental protestors are heavily policed and represented negatively by the governments of settler colonial states, it is first necessary to understand the concept of critical infrastructure. According to Public Safety Canada (2009):

Critical infrastructure refers to processes, systems, facilities, technologies, networks, assets and services essential to the health, safety, security or economic well-being of Canadians and the effective functioning of government. Critical infrastructure can be stand-alone or interconnected and interdependent within and across provinces, territories and national borders. Disruptions of critical infrastructure could result in catastrophic loss of life, adverse economic effects, and significant harm to public confidence. (p. 2)

In theory, Critical Infrastructure Protection (CIP) is vital to the security of the nation and should aim to protect critical infrastructure against natural, accidental, and intentional threats (Public Safety Canada, 2009). Additionally, the policing assemblage of CIP should emphasize collaboration between a wide range of sectors to enhance the resiliency of critical infrastructure. However, in practice, CIP is carried out by a policing assemblage consisting mainly of federal security agencies and private corporations that are more concerned with intentional threats to critical infrastructure (Monaghan & Walby, 2017). In the context of environmental activism and Indigenous land defence, the actors which make up the CIP policing assemblage can be understood as a petro-security apparatus, which is comprised of federal security agencies and private extractive industry corporations who use a CIP framework to justify increased policing and surveillance of activists and land defenders.

Thus, when land defenders and environmental activists undertake actions that interrupt critical infrastructure or are perceived as threatening to the operation of critical infrastructure, they are represented by members of the petro-security apparatus as extremists and domestic terrorists (specifically, eco-terrorists) who are actively disrupting infrastructure necessary for the national security and prosperity of the country (Burdon, 2020; Monaghan & Walby, 2017). Even

when their actions do not directly impact the operation of critical infrastructure, these groups are nevertheless defined by security institutions as a perpetual source of potential violence (Monaghan & Walby, 2017).

It is important to note the neoliberal, capitalist logic that underpins CIP and the framing of land defenders and environmental activists as extremists and eco-terrorists. To begin, states and their security apparatuses label these groups as eco-terrorists because of the threat that they pose to the capital accumulation activities of governments and extractive industry corporations who aim to profit from the exploitation of natural resources (Deibert & Rohozinski, 2010; Hasler et al., 2020). The underlying logic here is that of neoliberalism, which assumes that all domains must be ‘economized’ (Burdon, 2020). Thus, the logic of neoliberalism is unable to account for the environmental protection goals of environmental activists and land defenders unless they are framed as being for the benefit of the economy or national competitiveness. Note that the settler colonial goal of land and resource accumulation is also present in this discourse (Crosby, 2021). While discourses of extremism and eco-terrorism are levelled at both environmental activists and Indigenous land defenders, there are some differences within the discourses when applied to each group.

### ***State reactions to environmental activists***

To begin, environmental activists are dually seen by governments as both positive and negative actors, regardless of whether they carry out their activism in a violent or non-violent manner. On the one hand, the Canadian government views them positively because their activism is central to the enforcement, compliance, and regulation of environmental law (Hasler et al., 2020). Environmental activists also play a significant role in mobilizing social movements

around collective environmental and climate change concerns. These civil society environmental actors, who range from formal NGOs to individual, decentralized activists, are increasingly involved in global governance due to their insight into preventing environmental harm (Gemmill & Bamidale-Izu, 2002).

On the other hand, security practices following 9/11 and increasing dependence on extractive industries have resulted in Canadian policing agencies altering their classification of environmental movements, leading to these activists being increasingly viewed and represented negatively by the government and security agencies (Monaghan & Walby, 2017). This rift between the Canadian government and environmental activists is due to the state's partnership with and protection of private extractive industry corporations that are complicit in actions that harm the environment. The Canadian government and corporations in question aim to secure both power and profit by exploiting natural resources and biodiversity, thus directly and significantly harming the environment (Hasler et al., 2020). Youth environmental activists have an additional hurdle to overcome. Not only are they perceived as disruptive and troublesome by mainstream media and society, but their voices are also systematically dismissed due to their young age and the assumption that adults on either side of the debate would know better than them (Jones et al., 2021).

### ***State reactions to land defenders***

Unlike non-Indigenous environmental activists and protestors, Indigenous land defenders are typically constructed solely in negative ways. First, it is important to situate the Canadian government's and Indigenous communities' relationship within the broader War on Terror discourse (Balfour, 2014). There exist links between anti-terrorism legislation, the discourse

surrounding 9/11, and the government's representation of Indigenous resistance as terrorist activities; as such, Indigenous activists are increasingly represented as insurgents who share similarities with Islamic terrorists (Proulx, 2014). Besides Indigenous activists being represented as terrorists by the Canadian government, their collective resistance, particularly towards industrial development projects in the extractive sector, is represented as a form of eco-terrorism (Balfour, 2014). Any collective resistance on the part of Indigenous communities to assert self-determination is interpreted and represented by members of the settler colonial state as irrational and a potential threat to the national and economic security of Canada (Crosby, 2021).

This representation of Indigenous land defenders as terrorists and Indigenous resistance as eco-terrorism is nothing new, as it is rooted in Canada's settler colonial context (Wakeham, 2012). In fact, Indigenous resistance has a long and recurring history of being framed through racialized discourses as insecure and dangerous, which has, in turn, been used to justify their repression and policing (Van Rythoven, 2021). This racialized discourse of the dangers of Indigenous activists serves to effectively blur the classifications of terrorists and activists, thus leading to the criminalization of Indigenous peoples' political right to politically dissent and engage in protest (Proulx, 2014).

By representing Indigenous land defenders as eco-terrorists and Indigenous resistance as eco-terrorism, the Canadian government effectively erases the suffering of Indigenous peoples caused by the loss of their land while simultaneously emphasizing the imagined deviance of Indigenous peoples and their communities (Balfour, 2014). These eco-terrorist representations are particularly problematic because they assume that Indigenous people are inclined towards terror activities and locate them "within the realm of terrorist rather than the more historically

and socially accurate condition of being terrorized” (Balfour, 2014, p. 27). It is also ironic for the Canadian state to represent Indigenous land defenders as threats to public order while Indigenous peoples simultaneously have a history of disempowerment (Van Rythoven, 2021). Indigenous resistance and protests are not a manifestation of criminality; rather, they are legitimate and are protected by the Charter as a way for them to express their dissatisfaction with the settler colonial state of Canada (Proulx, 2014).

Neoliberal capitalism also plays a role in the representations of Indigenous land defenders as eco-terrorists for a couple of reasons (Proulx, 2014). First, non-Indigenous peoples and capitalists are commonly afraid of the economic and political costs of Indigenous resistance. Second, these groups are also afraid of Indigenous peoples’ potential to engage in extralegal and potentially violent resistance against the state and extractive industries. The fear of losing the means of accumulating capital contributes to the representation of Indigenous land defenders as potential terrorists and criminals who threaten the security and economy of Canada (Crosby, 2021). To remedy this fear, the Canadian state criminalizes and polices Indigenous resistance through a variety of techniques to facilitate the state’s and private corporations’ access to Indigenous land and resources for the explicit purpose of capital accumulation.

### ***Mischief in the context of protest policing***

To understand why and how law enforcement exercises discretion while policing Indigenous protestors, it is important to outline the legal rationales that inform their decisions, namely, the *Criminal Code of Canada* (1985) and the *Canadian Charter of Rights and Freedoms* (1982). To begin, mass protests may include illegal elements, such as mischief. According to section 430(1) of the Criminal Code:

430 (1) Every one commits mischief who willfully

(a) destroys or damages property;

(b) renders property dangerous, useless, inoperative or ineffective;

(c) obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property; or

(d) obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.

Under this definition, actions such as willfully destroying property or interfering with the lawful use of property constitutes mischief, both of which arguably took place during the anti-extractive industry protests on Wet'suwet'en territory (Cecco, 2022).

In practice, law enforcement personnel must use their discretion to strike the correct balance between enforcing the law, as outlined in the Criminal Code. To decide whether a party is overstepping the legal boundary during protests and instead committing mischief, law enforcement officials assess the scope, duration, and nature of the mischief before making an arrest. Although mischief commonly occurs during protests, it is not always enforced to allow individuals to exercise their Charter-protected freedoms of expression and assembly.

This delicate balancing act can be seen in the sentencing hearing of *R. v. King* (2025). In 2022, Patrick King, one of the organizers of the Freedom Convoy protest in Ottawa, was convicted of mischief, amongst other offences, for his role in organizing and leading the protest (Fraser, 2024). During his sentence hearing, when comparing King's case to those arising from the border protests in Coutts, Alberta, Hackland J. notes that the protest King was involved with in Ottawa was "longer lasting and broader in scope" when compared to the Coutts protest cases,

which he determined made it “markedly more serious” (*R. v. King*, 2025, para. 29). Even in this ruling, Hackland J. emphasizes the importance, but not absolute nature, of Charter rights by stating that “The right to demonstrate and to protest are democratic values protected by the Charter but when the conduct crosses the line into criminal mischief a sentence reflecting the principles of denunciation and deterrence is warranted” (*R. v. King*, 2025, para. 28). Thus, we can conclude that while the criminal law and law enforcement personnel reserve the right to exercise discretion when policing protests regarding law enforcement activities such as arrest, these rights are not absolute. If the duration, scope, and nature of the protest demands it, law enforcement officials reserve the right to arrest protestors for mischief (amongst other criminal offences) following the Criminal Code and Section 1 of the Charter.

### ***Policing techniques***

*Preemptive policing.* The techniques used to police environmental activists and Indigenous land defenders can generally be understood as preemptive policing tactics. Preemptive policing refers to various techniques, such as surveillance, infiltration, and liaison policing, which predict and preempt ‘criminal activity’ before it becomes too difficult for the police to ‘control’ (Egbert & Krasmann, 2020). The rationalization behind the need to preemptively police these groups lies in the belief that “having more and better tactical intelligence would serve a preventative function and avert recourse to physical force” but also would contribute to developing future-oriented strategic intelligence that would be preventative and potentially avert the future need for physical force (Dafnos, 2013, p. 64). For Indigenous land defenders, in particular, the logic behind these techniques stems from historical, racialized representations of Indigenous peoples as inherently dangerous and a threat to private property,

which functions as a justification for their repression and surveillance in the name of national security (Van Rythoven, 2021).

Within the Canadian context, the Ontario Provincial Police's (OPP) *Framework for Police Preparedness for Indigenous Critical Incidents* is an excellent example of how preemptive policing manifests concerning Indigenous organizing and resistance (Ontario Provincial Police, 2006). This Framework resulted from a public inquiry that looked at the killing of an Ojibway land defender, Dudley George, in 1995 by OPP officers at Camp Ipperwash, and it outlines the best practices that are meant to guide the OPP in responding to public order issues that involve Indigenous people. The Framework emphasizes preparedness, which "explicitly conditions an array of pre-emptive police tactics intended to intervene in an issue before it becomes critical" (Sylvestre, 2021, p. 1817). To fulfill this Framework, the OPP aims to preemptively police Indigenous land defenders through techniques such as surveillance, whereby law enforcement personnel work to produce profiles on activists, Indigenous leaders, and stakeholders by gathering intelligence from online open sources and their fellow security partners within their assemblage. Police Liaison Teams (PLTs), who engage in liaison policing, are one such method of preempting policing.

*Liaison policing.* The actions of environmental activists and Indigenous land defenders are increasingly policed through liaison policing methods. This method, derivative of community policing approaches and initially thought to be a more democratic form of protest policing, aims to build trust and rapport between police officers and protestors (Gorringer & Rosie, 2013; Gorringer et al., 2024). While liaison policing is thought to mitigate instances of conflict and police use of force during protests, PLTs have faced backlash for gathering intelligence about

protestors while engaging in dialogue with them during their work (Gorringe et al., 2024; Stott et al., 2013). Critics of liaison policing have noted that, in the case of conflicts involving Indigenous land defenders, “liaison strategies worked by constraining the terrain of manoeuvre for radical organising while simultaneously facilitating Indigenous engagement in state-sanctioned processes of recognition and accommodation” (Sylvestre, 2021, p. 1807). This strategy can therefore be understood as “modulating eventfulness,” which effectively reduce the potentiality of political opposition movements, such as environmental activism and land defence organizing.

*Surveillance and infiltration.* Besides the more overt tactics of liaison policing, environmental activists and Indigenous land defenders are also policed more covertly through complex surveillance and infiltration techniques which span multiple agencies and institutions (Hasler et al., 2020; Monaghan & Walby, 2017). The surveillance of environmental protestors is carried out not only by formal government intelligence organizations but also by members of the private sector who are involved with the extractive industry (Burdon, 2020). To accomplish their security goals, national security agencies mobilize their resources to conduct and organize surveillance by coordinating the efforts of specialists from multiple governmental agencies, local police, and industry representatives (Monaghan & Walby, 2017). These security peers use a dragnet approach to carrying out surveillance whereby they collaborate to engage in widespread, open-source surveillance operations of environmental protestors to obtain as much intelligence as possible (Burdon, 2020).

Environmental protestors are also subjected to infiltration by state security entities and private sector actors, usually under the rationale that the protestors are ‘targeting’ Critical

Infrastructure and thus jeopardizing national security (Burdon, 2020). After infiltrating the environmental protest groups, the spies work to gain the trust of the activists and then proceed to collect intelligence and report it back to government security agencies and their private sector associates (Burdon, 2020; Monaghan & Walby, 2017). With the information gained from their infiltration and surveillance, government security agencies, specifically the police, often collaborate with their private sector counterparts to produce classified and unclassified intelligence products (Burdon, 2020; Monaghan & Walby, 2017). Occasionally, these infiltration techniques may also be used by state security agencies and private actors to obtain intelligence to serve an injunction to the protestors (Button et al., 2002).

*Injunctions.* Both environmental activists and Indigenous land defenders are policed using injunctions. An injunction refers to “an order granted by a court restraining someone from commencing or continuing an activity on a permanent or interlocutory (temporary) basis pending the outcome of a legal proceeding” (Gunn, 2020, para. 4). The purpose of an injunction is to preserve the status quo until the dispute between the parties can be resolved. Ultimately, these injunctions are a powerful tool used by settler colonial states’ security apparatuses because they work to effectively stop protests and resistance, especially if the party seeking the injunction delays going to trial and allows the injunction to stand until the extractive project is complete (Mathieu-Leger, 2023). If environmental protestors and land defenders defy the injunctions, they have “found themselves subject to contempt of court proceedings as a result of direct action to block pipeline development in contempt of injunctions ordered to keep them from disrupting” private extractive industry activities (Benjamin & Seck, 2022, p. 201).

Injunctions are quickly becoming the ‘new normal’ for policing Indigenous land defenders (Williams et al., 2017). These injunctions negatively impact Indigenous resistance by criminalizing Indigenous land defenders and engaging them in systems of settler colonial legality, which is used to maintain settler colonial property relations, control over Indigenous peoples, and jurisdiction over their territories (Ceric, 2020). By criminalizing Indigenous land defenders and their resistance using injunctions, settler colonial states effectively relocate the resistance to the courtroom; thus, court proceedings essentially become the protest, entrapping the land defenders in systems of settler colonial legality (Ceric, 2020). Injunctions almost exclusively work for the benefit of the settler colonial state and private extractive industry corporations, as demonstrated by the fact that, in Canada, “81% of the injunctions filed by private corporations against Indigenous Peoples were granted, while similar portions of injunctions filed by Indigenous Peoples (against corporations and the government) were denied” (Mittal, 2021, p. 132). This fact demonstrates that states and private extractive industry corporations use the settler colonial legal system to suppress Indigenous resistance and sovereignty.

### **Section 2.5: Context about the Wet’suwet’en nation and the Coastal GasLink conflict**

Besides the RCMP, there are two main groups of actors involved in this conflict: members (and supporters) of the Wet’suwet’en Nation and individuals associated with the Coastal GasLink Pipeline. To begin, the Wet’suwet’en First Nation is located on the Bulkley River in the Central Interior of British Columbia (Office of the Wet’suwet’en, n.d.). The Wet’suwet’en governance system consists of five Clans, which refer to a group of people who belong to a particular House. These five Clans are made up of 13 Houses, which refer to groups

of people closely related to one another. For the purposes of this thesis, it is important to note both Gitdumden (Wolf and Bear Clan) and Dark House, both of which are frequently mentioned in the documents obtained from the RCMP. The Office of the Wet'suwet'en (OW), which is also frequently mentioned in the RCMP documents, is a non-profit located in Smithers, British Columbia, and acts as the central office for the Wet'suwet'en Nation, mainly focusing on Lands and Resources, Fisheries & Wildlife, Human and Social Services, and Governance (Office of the Wet'suwet'en, n.d.). The OW is jointly led by the Wet'suwet'en Hereditary Chiefs, who hold the highest hereditary titles in the Wet'suwet'en nation. In 2009, the Hereditary Chiefs laid out a protocol for private sector organizations wishing to pursue projects on the Wet'suwet'en territories, requiring them to:

contact the Office of the Wet'suwet'en, Natural Resource Department to discuss project development plans; present project to affected house members; and initiate discussions leading to a Communications & Engagement Agreement based on the following basic principles: assurance the development project will not pose a threat of irreparable environmental impacts; assurance the development project will provide positive socio-economic benefits for all Wet'suwet'en; assurance the development project will not jeopardize, prejudice, or otherwise compromise Wet'suwet'en title, rights and interests. (Office of the Wet'suwet'en, n.d., para. 4-5)

This protocol aims to facilitate “communication, engagement, consultation and accommodation” between the Wet'suwet'en, the Crown, and private sector organizations in

matters relating to the development and extraction of natural resources on Wet'suwet'en territories (Office of the Wet'suwet'en, n.d., para. 6).

Besides the Wet'suwet'en Hereditary Chiefs, there are also six band councils comprised of elected chiefs and councillors. These band councils are responsible for governing each of the Wet'suwet'en's member nations, namely the Skin Tyee First Nation, Wet'suwet'en First Nation, Witsset First Nation, Nee Tahi Buhn Band, Burns Lake Band and Hagwilget Nation (CBC, 2020). While the Wet'suwet'en Nation has both hereditary and elected chiefs, under the *Indian Act*, elected band leaders are the only governing power recognized by the Canadian state (Price et al., 2011).

Part of what makes this conflict so complex is the disagreement between the Hereditary Chiefs and elected chiefs of the Wet'suwet'en Nation about the Coastal GasLink Pipeline passing through their territory. The in-progress Coastal GasLink Pipeline will span 670 kilometres upon completion and will be used to transport natural gas from northeastern British Columbia to Kitimat, a city along British Columbia's west coast (TC Energy, 2023). Once the gas arrives in Kitimat, LNG Canada will convert it to liquified natural gas before exporting it to global markets (TC Energy, n.d.). This project was initially proposed by TC Energy (formerly known as TransCanada) and received its Environmental Assessment Certificate in 2014. While some Indigenous communities and people have approved the construction of the pipeline, including the elected leaders of the Wet'suwet'en Nation (TC Energy, 2018), many Indigenous people from the Wet'suwet'en and other First Nations oppose the pipeline's construction.

Similarly to any other group, the Wet'suwet'en people are not a monolith, and their attitudes toward the Coastal GasLink Pipeline vary from individual to individual. While five of

the six band councils that govern the Wet'suwet'en Nation have reached agreements regarding the Coastal GasLink Pipeline, most Wet'suwet'en Hereditary Chiefs oppose the project (CBC, 2020). This division came to a head in 2018 when protests in opposition to the pipeline began on Wet'suwet'en territory, sparking numerous other solidarity protests across Canada. On December 14th, 2018, Justice Marguerite Church of the British Columbia Supreme Court ordered an Interim Injunction with a Police Enforcement Order in favour of Coastal GasLink, which prevented anyone from interfering with the company's construction of the pipeline (Public Safety Canada, 2022). In response to this ruling, the RCMP began enforcing the injunction against protestors on January 7th, 2019.

## **Section 2.6: Settler colonial theory**

Settler colonial theory will guide the analysis within this thesis. In short, settler colonialism describes a structure in which settlers seek to replace the Indigenous population of a territory with a community of settlers who claim the land with the intention of forging a new settler society to accumulate land, resources, and capital (LeFevre, 2015). Settler colonialism is premised on the exogenous denomination, as it is premised on the displacement of ongoing unequal relations with the Indigenous population (Veracini, 2011). First, I will begin by outlining settler colonial theory, particularly the logics of settler colonialism, its legal frameworks, and Indigenous resistance under settler colonialism. Second, I will explain the role of pacification in settler colonialism and outline two of its relevant mechanisms: lawfare and recognition. Third, I will discuss the limitations of settler colonial theory, particularly the "inevitability" of settler colonialism and the reinforcement of settler academic authority. Finally, I will outline the application of settler colonial theory to the analysis of data in my thesis.

### *The logics of settler colonialism*

Settler colonialism is organized around the access to and accumulation of land because, for the new settler society to function and for its settlers to survive away from the metropole, it needs access to land and the resources it contains and produces to sustain life within the colony (LeFevre, 2015; Wolfe, 2006). To access these lands and resources, the logic of settler colonialism demands the destruction of Indigenous peoples and their cultures with the ultimate goal of replacing the Indigenous population with settlers, establishing themselves as the primary inhabitants of the territory, and securing access to the resources of the land (Cox, 2017). Thus, the primary motive behind the settler colonial destruction of Indigenous peoples and societies was not race, per se, but unfettered access to land and, by extension, resources.

Despite this motive for the elimination of Indigenous peoples, settler colonialism still employs the socially constructed concept of “race” to organize and differentiate settlers from the Indigenous population of the land (Wolfe, 2006). These racial categories and hierarchies, including xenophobic discourses such as anti-semitism, Islamophobia, and Negrophobia, were created and upheld by European colonizers and served to “encode and reproduce the unequal relationships into which Europeans coerced the populations concerned” (Wolfe, 2006, p. 387). While land acquisition is a critical feature in the political economy of settler colonialism, the logic which supports settler domination and exploitation of the land, which is grounded in Eurocentrism and white supremacy, does not support Indigenous retention of their respective territories (Morgensen, 2011; Vimalassery, 2013).

Settler colonizers believed that members of the settler colony should have unrestricted access to the land to produce products almost entirely for themselves; these products, as

discussed above, would be used to sustain life in the colony (Vimalassery, 2013). Additionally, settler colonizers advanced their dialogue about unrestricted land access because they disapproved of how Indigenous peoples were using the land (Vimalassery, 2013; Wolfe, 2006). Not only did settler colonizers assume that the Indigenous people were subservient and less knowledgeable about the land, but they also deemed the land as “waste” lands under Indigenous governance since its resources were not being exploited to their full extent (Vimalassery, 2013). While Indigenous societies had a reciprocal relationship with the land and its non-human beings, the settler colonizers were more focused on resource extraction and capital accumulation (Burow et al., 2018; Carroll, 2015). Thus, the settler colonizers believed that the Indigenous population should give the land to the settlers to allow for advances in produce, wealth, and greatness by extracting resources from the land (Vimalassery, 2013).

In defiance of this perspective from the settlers, Indigenous people did not simply surrender the land to the colonists. For the settler colonists, the presence and increase of the Indigenous population were deemed counterproductive to the goals of settler colonial society and their political economic goal of land accumulation; this belief, in turn, served to justify the settler colonists’ elimination of the Indigenous population in favour of attaining unfettered access to Indigenous territories (Wolfe, 2006). Despite the seemingly inherent nature of race in settler-colonial ideology, it is important to note that these racial dimensions are not a given. Instead, race and Indigeneity are socially and politically constructed categories which are (re)created through the targeting of Indigenous people during the settler colonial process. When settler colonists attempted to gain control of Indigenous territories, the “Indigenous North Americans were not killed, driven away, romanticized, assimilated, fenced in, bred White, and otherwise

eliminated as the original owners of the land but as Indians” (Wolfe, 2006, p. 388). This racialized form of oppression, as well as other interlocking forms of oppression present in the logic of settler colonialism, such as heteropatriarchy and capitalism, came from the settler colonizers’ Eurocentric background, which assumes the natural and inevitable superiority of European morals and values (Cox, 2017). In turn, these beliefs were used to morally justify the subjugation and elimination of Indigenous populations.

### ***Settler colonial legal frameworks***

On the other hand, the legal justification of settler colonial land claims comes from the doctrine of *terra nullius* (Burow et al., 2018). *Terra nullius* refers to the legal rationale and series of deceptions used by European colonists to justify their conquest of “empty lands” — lands which Indigenous people lived on but were nevertheless deemed uninhabited because the Indigenous population did not legally “own” the land, according to European law (Sen, 2017). Additionally, the right of pre-emption facilitated the initial colonization of Indigenous territories. In theory, by being the first Europeans to “discover” the territory, the settlers were granted a monopoly over buying land from the Indigenous peoples, who were forbidden from selling their land to another European power (Wolfe, 2006). However, in practice, the right of pre-emption did not grant the Indigenous populations the freedom to choose whether they sold their land to the incoming European settlers.

In short, the doctrine of *terra nullius* was used to justify the European conquest of Indigenous territories, while the right of pre-emption facilitated the settlers’ purchasing of the land and prevented the Indigenous population from refusing the sale. In this way, European law and legal systems were used to reinforce “a racialized and gendered white settler sovereignty

over property that enables Indigenous dispossession” (Burrow et al., 2018, p. 59). As such, Europeans in the distant metropole have established their Western law alongside their new settlers in distant territories by creating an exception to the law, permitting the elimination of Indigenous populations and societies while simultaneously naming the settlers as those who legally and rightfully replace them (Morgensen, 2011). In this new settler society, European laws reduce the complex relationships between people and the land to a relationship akin to owner and property (Burrow et al., 2018).

### *Indigenous resistance under settler colonialism*

This owner-property ideology is fundamentally contrary to Indigenous relationship-based approaches with the land that acknowledge the agency of non-humans and prioritize maintaining reciprocal relationships between them (Carroll, 2015). Labour and capital accumulation are two concepts which are central to this process. Following this logic, land is viewed as property from which settlers must extract resources and, in turn, economic value (Coulthard, 2014; Wolfe, 2009). Thus, the settler colonial aim of maximum capital accumulation lends itself to the dispossession of Indigenous peoples and their lands while extracting value through the massive exploitation of natural resources (Coulthard, 2014).

As it follows, transcending these racist and capitalist structures would require a resurgence of Indigenous cultural obligations between humans and non-human entities of the land as opposed to the reaffirmation and recreation of settler colonial hierarchies and structures; however, the settler colonial state is unwilling to participate in these ways of being which subvert their founding logics. This logic and legal structure ultimately impact Indigenous peoples’ land claims negotiation process, as they must undermine their relationship-oriented perception of the

land in favour of the colonial view of using the land to further resource development and capital accumulation (Burow et al., 2018). Participating, and thereby recreating, this settler colonial and capitalist worldview is one of the only ways in which Indigenous communities can engage in significant and “acceptable” dialogue with the settler colonial state. In this way, European laws incorporate Indigenous societies into the sweeping settler colonial nation while simultaneously attempting to eliminate them (Morgensen, 2011).

Driven by the assumption of natural moral superiority, the need for land to support the colony, the aversion of Indigenous peoples and cultures, and with the supporting logics of *terra nullius* and European law, settler colonizers engaged in attempts to eliminate Indigenous people to clear them from the land and to solidify their unequivocal access to the territory’s resources. Here, it is important to note that “settler colonialism is inherently eliminatory but not invariably genocidal” (Wolfe, 2006, p. 387). Settler colonial attempts at elimination have taken several forms, and Indigenous people have survived attempts at “being physically eliminated or displaced, having [their] cultural practices erased, being ‘absorbed,’ ‘assimilated’ or ‘amalgamated’ in the wider population,” amongst other strategies (Veracini, 2011, p. 2). Under settler colonialism, Indigenous people are seen as dispensable (Veracini, 2024). The settler colonists are generally uninterested in exploiting Indigenous labour, thus, the elimination of the Indigenous population does not contradict their goals of land and capital accumulation (Veracini, 2013). Ultimately, settler colonialism engages in these practices, in addition to genocide, in pursuit of the elimination of Indigenous people to solidify settler access to land, resources, and capital.

In its quest to eliminate the Indigenous people of a given territory, settler colonialism is comprised of both negative and positive (as in productive) components. Settler colonialism is negative insofar as colonists may attempt to engage in the erasure of the Indigenous population through genocide (Wolfe, 2006). However, settler colonialism is also productive, as it pursues the elimination of the Indigenous population by reproducing them as individuals within the colonial nation. By assimilating or amalgamating Indigenous people into the settler population, the positive, productive aspects of settler colonialism “precisely narrows or erases the possibility of distinctive Indigenous nationalities challenging the prerogative of the settler nation that means to replace them on, now, ‘its own’ lands” (Morgensen, 2011, p. 56). This latter scenario represents a manifestation of biopower in the settler colonial context, as Indigenous people are recreated as citizens of the settler colonial state, even into modernity.

Despite this attempt at elimination, both through negative and productive strategies, Indigenous people did not simply go away. In fact, they actively resisted, demanding recognition from the settler colonial state and the reinstatement of their right to self-determination (Veracini, 2013). Their resistance, however, was not necessarily exclusive from survival (Veracini, 2011). These actions frequently operate simultaneously, whereby Indigenous people “survive to resist and resist by surviving” (Veracini, 2011, p. 4). This ongoing resistance and survival of Indigenous people in the modern settler colonial state of Canada pose a threat to the operation of the state and brings into question its claims to land and legitimacy (Coulthard, 2014; Van Rythoven, 2021). These representations of Indigenous people as threats stem from historical racialized tropes which represent Indigenous peoples as monolithic, combative, uncivilized, and inherently threatening to the health and prosperity of white society (Bond et al., 2020; Krueger,

2021; Monaghan, 2013). Although the Canadian state has routinely ignored Indigenous consent to resource extraction (Simpson, 2021), any collective resistance on the part of Indigenous communities to assert self-determination is interpreted and represented by the settler colonial state as a potential threat to the national and economic security of Canada (Crosby, 2021).

### **Section 2.7: Settler colonial strategies**

There are several mechanisms deployed under settler colonialism to mitigate the threat of Indigenous resistance and dispossess Indigenous people of their land, all of which are premised on the elimination of the Indigenous population (LeFevre, 2015). Historically, these strategies have ranged from forming treaties with Indigenous peoples to outright occupation of the land. In what follows, I will outline strategies employed by modern settler colonial states to mitigate the perceived threat of Indigenous land defence organizing and political opposition to resource extraction.

#### ***Settler colonial policing as pacification***

One way in which this eliminatory settler colonial mindset manifests is through pacification efforts (Dafnos, 2013). According to Dafnos et al. (2016), “[p]acification is an ongoing process, aimed at producing a specific ‘peace’ through ‘civilising’ political and legal strategies to capture ‘hearts and minds’ [... it] entails destructive and constitutive practices towards producing capitalist-colonial order” (p. 323). This mechanism reinforces the innate goal of settler colonialism, which aims to gain total access to land to create a new, prosperous society of settlers using both destructive and productive practices.

In settler colonial contexts, it can be argued that security itself is a form of pacification — in this case, a process through which police power works to produce order by suppressing

Indigenous populations and activities which are in direct opposition to the settler colonial project (Boyle & Dafnos, 2019). Historically, this manifestation of police power was crucial for creating and maintaining the early settler colonial nation through pacification efforts aimed at constricting the actions of the Indigenous population (Bell & Schreiner, 2018). Pacification was integral to the colonial dream (Deloria, 2004). On the one hand, pacification worked to rearticulate the idea of the “vanishing Indian” by transforming it into a narrative which simultaneously mourned the “natural” disappearance of Indigenous people while also framing them as passive victims (Dafnos et al., 2016; Deloria, 2004, p. 50). On the other hand, pacification efforts also made Indigenous people “safe,” thereby facilitating the settler colonial appropriation of their lands.

Today, the settler colonial state retains the instability on which it was founded. This instability, which derives from the questionable claims of the settler colonial state’s sovereignty over Indigenous lands and the enduring presence and resistance of Indigenous peoples, informs the pacification mechanisms which manifest in settler colonial policing today (Dafnos, 2019). These pacification mechanisms control not only the settler colonial state’s fragile claims to sovereignty but also its ongoing need to suppress Indigenous resistance to maintain order and legitimacy (Dafnos, 2019). The CIP strategies behind critical infrastructure, outlined in the previous chapter, represent a manifestation of police power and settler colonial pacification mechanisms (Boyle & Dafnos, 2019). Here, the pacification mechanisms of early settler colonialism reemerge to deal with the continued “threat” of Indigenous resistance against the extractive industry (Dafnos, 2020).

Interestingly, Boyle and Dafnos (2019) state that infrastructures function as pacification projects by not only reshaping social, political, and economic spaces through the imposition of

new power structures but also by facilitating settler colonial surveillance and control. It then follows that police efforts to secure these infrastructures can be understood as a form of reflexive pacification in which police power and other mechanisms of control work to prevent disruptions to capital accumulation (Boyle & Dafnos, 2019). Ultimately, these pacification efforts work “to suppress social–political–economic forms deemed obstructive to constituting a ‘proper’ capitalist-colonial formation” (Dafnos et al., 2016, p. 337). In the case of Indigenous land defence against extractive industry infrastructure projects, pacification mechanisms aim to disrupt the potentiality of Indigenous resistance in favour of upholding political and economic order (Boyle & Dafnos, 2019). Two pacification mechanisms relevant to this thesis are: lawfare, and recognition.

*Lawfare.* Legal pacification efforts, also known as lawfare, is a pacification strategy of settler colonialism. This concept, which refers to utilizing the law as a tool for political coercion and erasure, highlights the destructive and constitutive role that law plays in settler colonial societies (Comaroff & Comaroff, 2007; Dafnos, 2013). The settler colonial legal apparatus in question is organized through a liberal legalism framework, which establishes “norms for behaviour that produce ‘good’ liberal subjects by shaping conduct to be consistent with security logic” (Dafnos, 2013, p. 60). Consequently, this form of pacification and liberal legalism has the effect of recreating Indigenous people as “subjects of empire” (Coulthard, 2007).

*Recognition.* Another mechanism of pacification can be understood as a politics of recognition. This concept refers to “recognition-based models of liberal pluralism that seek to reconcile Indigenous claims to nationhood with Crown sovereignty via the accommodation of Indigenous identities in some form of renewed relationship with the Canadian state” (Coulthard,

2007, p. 438). Here, Indigenous complaints are accommodated by the settler colonial state in such a way as not to threaten settler occupation of the land. Ultimately, the goal of pacification efforts such as lawfare and politics of recognition is to suppress Indigenous political dissent to limit their resistance potentiality and facilitate the continuation of settler colonial and capitalist endeavours (Dafnos et al., 2016).

While these concepts will help explore police representations of Indigenous land defenders, this thesis must first address a couple of fundamental limitations. The following section will explore two of these criticisms, specifically, the inevitability of settler colonialism and the reinforcement of settler academic authority.

### **Section 2.8: Criticisms of settler colonial theory**

The first critique of settler colonial theory is that it re-inscribes settler colonialism by depicting it as inevitable (Macoun & Strakosch, 2013). Settler colonial theory ascribes a “suspended temporality” to the settler colonial project as an unchanging, inevitable structure that persists across time. By framing this settler colonial history as a force that continually shapes the present day, this approach implies that decolonizing efforts are futile and predetermined within settler colonial logics (Macoun & Strakosch, 2013; Veracini, 2011). This fatalistic perspective may undermine resistance efforts by delegitimizing Indigenous resistance and excusing political action by rendering them an inevitable aspect of settler colonialism (Macoun & Strakosch, 2013). In response to this criticism, it could be argued that the fatalistic lens inherent to settler colonial theory can be challenged by focusing on the contingent nature of settler colonialism on domination (Vimalassery, 2013). By emphasizing that settler colonialism is contingent on

systems of domination, it thereby follows that efforts to resist this domination, such as Indigenous land defence, may have the disruptive potential to enact change.

The second critique of settler colonial theory is that it recreates settler colonial social and political hegemonies by reinforcing the authority of settler academics (Macoun & Strakosch, 2013). Despite the important foundational contributions that Indigenous thinkers have made to settler colonial theory, the field is nevertheless characterized by a restricted citational practice whereby the work of predominantly settler scholars (see Wolfe, 2006; Veracini, 2013) is centralized and the Indigenous origin of their ideas as obscured (Carey & Silverstein, 2020). This practice ultimately neglects the inherent complexity of Indigenous contributions to settler colonial theory. The effect of this practice is that non-Indigenous scholars may find it challenging to engage in critical thought about how their work recreates settler colonial social, political, and thought hierarchies (Carey & Silverstein, 2020). In response to this criticism, I acknowledge that citational practices in settler colonial theory, and academia more broadly, tend to concretize settler scholars as authorities of knowledge production. To incorporate a more scholarly robust perspective to my thesis, I have consciously supplemented the work of authors such as Wolfe (2006) and Veracini (2013) with Indigenous academics to highlight their contributions to the field of settler colonial theory. Additionally, I have included a section on reflexivity in my methodology chapter, where I have explored the implications of my settler identity on the research at hand, ensuring my accountability to this work.

### **Section 2.9: Application of settler colonial theory**

Despite these limitations, the theoretical framework of settler colonial theory will help me to explore *how the RCMP (and more specifically, C-IRG) represented Indigenous land*

*defenders during the Wet'suwet'en opposition to the Coastal GasLink pipeline.* First, settler colonial theory emphasizes settler colonialism's contemporary, structural nature (Macoun & Strakosch, 2013; Wolfe, 2006). By centring the idea of the continuity of settler colonialism, settler colonial theory disrupts the settler colonial narrative of decolonization (Macoun & Strakosch, 2013). Additionally, this theory dismantles the settler colonial narrative that the emergence of settler colonial society coincides with the disappearance of Indigenous societies by acknowledging their overlap, thereby facilitating the analysis of ongoing contemporary settler colonial projects. This insight will be instrumental to my thesis because it will help me to trace historical settler colonial ideologies and representations and identify them in modern Canadian policing representations.

Second, settler colonial theory strongly emphasizes the relationship between settler colonialism, capitalism, natural resources, and land. As demonstrated by settler colonial theory, settler colonialism is organized around land access to sustain life within the settler colony and secure access to resources for the purpose of capital accumulation (Cox, 2017; Crosby, 2021; LeFevre, 2015; Wolfe, 2006). This insight will guide my analysis by drawing attention to how Indigenous people are represented as antithetical to critical infrastructure, which serves as a veiled substitute for land and capital accumulation.

## **Section 2.10: Conclusion**

Ultimately, the current literature indicates that settler colonialism, which claimed Indigenous lands under the doctrine of terra nullius, sought the elimination of Indigenous people to gain access to land and resources for the purposes of capital accumulation. While they ultimately failed, the incompatibility between settler colonial and Indigenous ontologies of the

land means that the two groups are engaged in a lengthy struggle over land rights. As such, the settler colonial state utilizes mechanisms of violence to manage this struggle. This fact can be seen both historically, through the involvement of the NWMP in residential schools, and in the present day, through the violent over-policing of Indigenous peoples.

However, despite this violence, Indigenous people, especially land defenders, continue to resist. Regarding conflicts surrounding the extractive industries and natural resource development, Indigenous land defenders are increasingly collaborating with environmental activists to resist the influence of private corporations and the Canadian state. The rationales of land defenders' resistance typically fall into the categories of environmental protection and land rights; the strategies employed through these rationales usually take the form of formal litigation and blockades. On the other hand, the rationales and strategies of their environmental activist counterparts are much more diverse. These rationales can include the desire to mitigate environmental harm, collective action and care, spreading awareness, and self-interest. Their strategies typically include climate change litigation, business sector activism, activism within the formal political system, and general activism outside the formal economic and political systems.

Regardless of their differences in rationales and strategies, both environmental activists and land defenders are subjected to negative discourses and policing by the settler colonial state. While the labeling of both parties as eco-terrorists is justified under the CIP framework, Indigenous land defenders are labeled in a much harsher manner. Due to the settler colonial context in which they operate, they are portrayed as inherently risky and a threat to national security. These discourses against both land defenders and environmental activists thus result in

their members being preemptively policed by the settler colonial state through techniques such as surveillance, infiltration, and injunctions.

Ultimately, I am interested in researching the multiple and intersecting ways in which the RCMP, particularly C-IRG, represents Indigenous land defenders during the Wet'suwet'en conflict. While the literature has some discussion surrounding the discourses mobilized by settler colonial states more generally, there is less focus on the representations of land defenders mobilized by those units policing their resistance. Through this exploration, my thesis will aid in updating the current literature on the relationships between settler colonial policing and Indigenous land defenders in Canada, as informed by a settler colonial theoretical framework.

In conclusion, my thesis, with the aid of settler colonial theory, will explore how the RCMP (and more specifically, C-IRG) represented Indigenous land defenders during the Wet'suwet'en opposition to the Coastal GasLink pipeline. To accomplish this, I will determine:

1. *To what extent do the legal foundations of settler colonialism manifest in the RCMP and C-IRG's representations of Indigenous land defenders?*
2. *What representations do the RCMP and C-IRG use to justify their actions against Wet'suwet'en and other Indigenous land defenders?*
3. *How are the RCMP and C-IRG's representations of Indigenous land defenders informed by settler colonial interests in land and capital accumulation?*
4. *In what ways do settler colonial hierarchies and structures manifest in the RCMP and C-IRG's representations of Indigenous land defenders?*

Having established the theoretical framework and research questions for this thesis, I will now provide an overview of the methodology of this study.

## **Chapter 3: Methodology**

To answer my above research questions and engage with my research aim of identifying how the RCMP, particularly C-IRG, represent Indigenous land defenders during their political opposition to the pipeline on Wet'suwet'en territory, I conducted a qualitative research design to perform a critical content analysis (CCA) of ATIP documents. This chapter will begin by explaining this study's research design, data sampling, and data collection methods, including the limitations of the data. Next, I will explain my CCA process, including the limitations of the analysis. Finally, I will reflect on my positionality as a researcher for this study.

### **Section 3.1: Research design**

This thesis uses a qualitative critical content analysis, informed by the constructivist paradigm, to inform the data sampling, collection, and analysis strategies. The thesis aimed to analyze the RCMP's representations of Indigenous protestors, which justified the use of a qualitative research design. Qualitative research generally refers to research in which a researcher attempts to understand the lives and social realities of their research subjects (Van den Hoonard & Van den Scott, 2022). By conducting a qualitative study, I could make sense of the social rationales underlying the RCMP's representations of the Indigenous protestors. Additionally, by choosing to conduct qualitative research as opposed to quantitative research, I was able to gain a deeper understanding of the RCMP's representations of the Indigenous protestors since undertaking qualitative research allowed me to adjust my research questions to examine new ideas which emerged as my research progressed (Van den Hoonard & Van den Scott, 2022).

Next, constructivism, which refers to the belief that individuals construct their understanding of reality through their own cognitive and social experiences, served as the paradigm which framed this research (Shannon-Baker, 2023). Constructivism holds that knowledge is constructed through interactions between the researcher and participant, meaning that both perspectives influence the research process. As such, my position as a researcher is not neutral nor objective, as my background and identity shaped the research process for this thesis. To acknowledge and engage with this influence, I have included a reflexive statement towards the end of this chapter.

### **Section 3.2: Data sampling and collection**

Given that this thesis aimed to determine *how the RCMP (and more specifically, C-IRG) represented Indigenous land defenders during the Wet'suwet'en opposition to the Coastal GasLink pipeline*, I required a dataset comprised of RCMP personnels' discussion about the Wet'suwet'en protest and protestors. As such, I selected ATIP documents to serve as my data source. ATIP, or Access to Information and Privacy, refers to a process through which Canadian citizens may exercise their right to access information from government institutions by submitting a request under the *Access to Information Act* (1985) or *Privacy Act* (1985) (Treasury Board of Canada Secretariat, 2024). Upon submission of the request, the named government institution is required to respond within 30 days unless an extension is required. The amount of information released to the requester is impacted by specific exclusions and exceptions under the Acts, meaning that certain information may be redacted before the document is released.

Given that it is possible to request information from the RCMP and other government institutions about law enforcement activity using the ATIP process, I decided that documents

obtained through ATIP about the RCMP's policing of the Wet'suwet'en protests would provide sufficient insight into the RCMP's representations of the Wet'suwet'en protestors. I consulted two websites to obtain these documents: the journalist-run Open By Default database (Investigative Journalism Foundation, n.d.) and the federal government's Completed Access to Information Requests webpage (Government of Canada, n.d.). While ATIP documents from Open By Default were available to access instantly, Completed Access to Information Requests required me to request copies of the individual documents.

Given that both websites contained dozens of documents concerning the RCMP, C-IRG, and Indigenous protestors, I opted to engage in purposive sampling, a non-probability sampling method in which the researcher "collect[s] data that aligns closely with specific parameters, contexts and research objectives" (Memon et al., 2025). By selecting individual ATIP document requests aligned with predetermined criteria, I could narrow down a smaller selection of documents, which included information about the RCMP and C-IRG's policing of Indigenous protest. Here, it is important to note that I initially set out to research C-IRG's representation of Indigenous protestors in general, including those from Fairy Creek and the TransMountain Expansion Project (TMEP), in addition to Wet'suwet'en Nation protestors. Thus, I initially sampled documents containing information about the RCMP's policing of all three protests. However, after my initial data collection efforts, I decided to narrow my sample to documents only from the RCMP regarding the Wet'suwet'en protest for three reasons.

First, while I initially sampled documents about protests surrounding Fairy Creek, TMEP and the Wet'suwet'en territory, after reviewing the documents, I realized that the representations of the protestors at Fairy Creek and TMEP were extremely similar to the representations of

Wet'suwet'en protestors. In hindsight, this fact was to be expected. Given the proximity of the three protests, both in geographic location and time, the RCMP and C-IRG were policing similar or overlapping groups of protestors at each of the protests. In fact, several documents included in my sample from the Wet'suwet'en protests include references and comparisons to protestors from Fairy Creek and TMEP.

Second, the initial sample of ATIP documents from the three protests resulted in a large amount of data, specifically, 1953 pages of documents. Given that it would have been unrealistic to analyze that amount of data given the time constraints of this thesis, I decided to narrow my sample to documents about one protest. Ultimately, the portion of documents detailing the RCMP's policing of the Wet'suwet'en protests, totalling 1035 pages across 17 ATIP documents, provided a much more focused and rich source of data when compared to Fairy Creek (114 pages) and TMEP (624 pages), both of which were comprised of only a singular ATIP document.

Given this updated criteria, I conducted searches of the Open By Default and Completed Access to Information Requests databases using prompts which included "RCMP" or "Royal Canadian Mounted Police," "C-IRG" or "Community-Industry Response Group," and "Wet'suwet'en" and/or "Coastal GasLink." The resulting 17 ATIP documents contained data from RCMP personnel's emails, notebooks, slideshow presentations, transcripts of police news conferences, Situation Reports, Progress Reports, After Action Reviews, Concepts of Operations, Operational Plans, and Briefing Notes. These 17 ATIP documents, released between 2019 and 2023, ranged from one to 425 pages in length for a total of 1035 pages. **Appendix A: ATIP Documents** provides a chart detailing the reference number, number of pages, and request

description of the documents I sampled. In these documents, RCMP personnel discussed their policing of the Wet'suwet'en protest and, by extension, their perspectives on the protestors.

### ***Limitations of the data***

Despite this benefit, I suspect two limitations to using ATIP documents for this research exist. First, RCMP personnel are aware that the contents of their communications generated during law enforcement operations are subject to ATIP requests. Thus, due to the potential that their communications may be made public via ATIP requests, this fact may impact how they choose to communicate with each other about the Wet'suwet'en protest and protestors since their discussions may be made available to the public. As such, their communications within ATIP documents may reflect more restrained representations of the protestors compared to other communications not available through ATIP, such as verbal communication. There is some evidence in support of this concern, as recordings have surfaced in court of RCMP members using much more derogatory speech towards the Wet'suwet'en protestors (McKay, 2024) than present in the sampled ATIP documents.

Second, given the nature of these ATIP requests, there was a number of redactions made throughout the documents. While it is impossible to know the exact information that was redacted, it is public knowledge that categories of information can be redacted. These permitted redactions include items such as specific information pertaining to lawful investigations (Access to Information Act, 1983, s. 16(1)) and RCMP policing services in certain provinces and municipalities (Access to Information Act, 1983, s. 16(3)). Thus, given these and other redaction criteria, it is possible that information which could have changed my findings was redacted from the ATIP documents.

Despite these potential limitations, ATIP documents nevertheless presented the most appropriate data source for this thesis as they provided a detailed source of information concerning the RCMP's representations of the Wet'suwet'en protestors. Given these concerns, the findings of this thesis should be read while taking into consideration that (1) RCMP personnel potentially adapted their communication with one another under the assumption that it may be made public, and (2) redactions of the ATIP may have concealed information which could alter my findings.

### **Section 3.3: Critical content analysis**

I engaged in a CCA to analyze the RCMP documents obtained through access to information and privacy (ATIP) requests. CCA is derived from content analysis, which refers to research techniques that systematically condense texts or other materials into coded content categories (Stemler, 2001). Content analysis aims to provide insights, increase understanding of a phenomenon, or inform actions by examining a text's (or other source's) manifest or latent meanings, themes, or patterns (Krippendorff, 2019; Zhang & Wildemuth, 2005). CCA builds on content analysis by using a critical lens to frame the entirety of the study, as opposed to just the interpretation of the findings or the scholarship in the literature review (Short & Worlds of Words Community, 2019). The "critical" in CCA signals a political stance where the researcher examines inequities from a multitude of perspectives by thinking "within, through, and beyond the text" with the aid of a critical theoretical framework (Short & Worlds of Words Community, 2017; Short & Worlds of Words Community, 2019, p. 5). CCA offers depth to studies by focusing on marginalized groups, the power inequalities they experience, and their experiences of oppression (Macnamara, 2005). Given my research aims, questions and theoretical

framework, it was most appropriate for me to conduct a CCA of the ATIP documents from the RCMP. By using a CCA framework, I could identify key themes in the data while considering how settler colonialism shaped the findings, thus challenging dominant social assumptions about Indigeneity while interrogating settler colonial policing perspectives about Indigenous protest (Willis et al., 2008).

To guide my analysis, I employed Short and Worlds of Words Community's (2017) six-step methodological approach for engaging in a CCA: (1) decide on a research purpose, questions, and text; (2) select and read deeply within a critical theory frame; (3) read related research studies; (4) list theoretical tenets to frame the analysis; (5) examine the texts through close reading within the theoretical frame; and (6) revisit theory and texts.

To begin my CCA, I created a series of research questions which would facilitate my understanding of *how the RCMP (and more specifically, C-IRG) represented Indigenous land defenders during the Wet'suwet'en opposition to the Coastal GasLink pipeline*, namely:

1. *To what extent do the legal foundations of settler colonialism manifest in the RCMP and C-IRG's representations of Indigenous land defenders?*
2. *What representations do the RCMP and C-IRG use to justify their actions against Wet'suwet'en and other Indigenous land defenders?*
3. *How are the RCMP and C-IRG's representations of Indigenous land defenders informed by settler colonial interests in land and capital accumulation?*
4. *In what ways do settler colonial power hierarchies and structures manifest in the RCMP and C-IRG's representations of Indigenous land defenders?*

These research questions were informed by a settler colonial theoretical framework to better critique common social representations of Indigeneity in Canada. Next, I read through my data three times: first, to note my initial thoughts about the ATIP documents, and second, to make short notes about important passages. During the final round, I revisited the data and read through it while keeping settler colonial theory in mind and adding to my previous notes about the data.

During the next portion of CCA, I read key related research studies that either had similar texts or research purposes or shared the same theoretical framework as my current study (Short & Worlds of Words Community, 2017). By reviewing these studies, I gained insights regarding findings, theoretical frames, and strategies for my research. To further facilitate the creation of codes, I synthesized points from my theoretical framework into a few key tenets most relevant to my research question and texts. At this point, I also revisited and revised my research questions with the support of my identified theoretical tenets.

Finally, I conducted three rounds of coding on the RCMP ATIP documents using both inductive and deductive coding strategies guided by a settler colonial theoretical framework. All three rounds of coding were conducted manually using NVivo to facilitate data and theme organization. For my first round of coding, I engaged in both inductive and deductive coding strategies. Inductive coding refers to codes developed throughout the analysis, while deductive coding refers to codes identified before the analysis (Bingham, 2023). I began with a pre-determined coding scheme informed by my theoretical framework of settler colonial theory and similar studies about the policing of Indigenous protest in North America. During this first round

of coding, I also remained open to emergent codes that surfaced during my review of the ATIP documents.

For the second round of coding, I began by refining and reducing my initial set of codes using a two-step process. First, I redefined and reorganized relevant codes from the first round to better reflect their relationship to the data. Second, I discarded any inductive codes not supported by the data; for example, although “eco-terrorism” appeared in similar studies, it was absent from my dataset, and thus, the code was not needed. The aim of this round of coding was to cluster related codes and identify preliminary themes in the dataset.

For the final round of coding, I organized the codes into broader themes, which ultimately informed my research findings. This set of themes was informed primarily by the data and settler colonial theory. While coding, I focused on identifying the nuances of each theme within the data to facilitate a deeper analysis. During this round of coding, I also controlled for duplicate RCMP communications, as some emails and other documents appeared multiple times throughout the ATIP documents. Appendix B: Codebook provides an overview of the codes used in all three rounds, including their definitions and number of occurrences in the dataset.

### ***Limitations of the analysis***

CCA’s foundation in content analysis contributes to several limitations. First, since content analysis relies on a series of codes to represent ideas within a text, it may neglect “essential syntactic or semantic features of language or text in the analysis” and thus fail to consider or illustrate the richness of the texts (Weber, 1990, p. 76). While these codes aim to capture the essential meaning behind each textual unit, they may inadvertently limit the richness of the analysis through its reductionist nature (Drisko & Maschi, 2015; Weber, 1990). To

minimize the impact of this limitation on my analysis, I ensured that each code was properly defined before each round of coding in a way that properly grasped the complexity of the themes and texts.

A second limitation of CCA is an issue with dependability, which refers to “the coherence of the internal process and the way the researcher accounts for changing conditions in the phenomena” (Bradley, 1993, p. 437). In datasets coded by a single researcher, it is challenging to establish coding consistency as there is no other coder to compare coding agreement with, thus leading to difficulty in demonstrating dependability (Schreier, 2012; Zhang & Wildemuth, 2005). There was potential for this limitation to manifest in my analysis as I was the only person coding the ATIP documents analyzed for this thesis. Thus, I did not have another coder with whom I could compare codes to ensure coding consistency and agreement. One way in which I accounted for this limitation was engaging in reflexivity to identify my biases and their resulting tensions in this research.

### **Section 3.4: Reflexive statement**

By design, qualitative coding practices are based on a researcher’s nuanced judgements and are thus inherently subjective (Olmos-Vega et al., 2023). Centring self-reflexivity prompts the researcher to account for the impact of subjectivity on their research by reflecting on their positionality, the power of the research, and the tensions in their data while remaining sensitive to the research context and ambiguity inherent to data analysis (Hunting, 2021). With this in mind, I must engage reflexively with my position as a non-Indigenous researcher whose perspective has undoubtedly been shaped by the very settler colonial ideologies I aim to critique. By conducting research about Indigenous political dissent and sovereignty claims within an

academic setting, which has historically upheld colonial ideologies and power structures, I risk recreating the same power imbalances this thesis aims to critique. As I am not a member of any Indigenous communities on Turtle Island, I have limited insight into their lived realities, particularly concerning sovereignty and land rights struggles. To address this limitation, I have sought to educate myself about settler colonialism, its ongoing colonial mechanisms, and the impact experienced by Indigenous people. Regardless, I do not and cannot speak for Indigenous communities. Instead, I aim to critically examine one method of the settler colonial state's mechanisms of control — policing — and its role in shaping the representations of Indigenous protestors.

### **Section 3.5: Conclusion**

In this chapter, I began by outlining the research design used for this thesis. This thesis consisted of a qualitative study informed by the constructivist paradigm, which allowed me to gain a deeper understanding of my data and adjust my research questions as the study progressed. Additionally, the constructivist paradigm informed my understanding that the knowledge I produced in my thesis was socially constructed, informed by my past experiences, and thus not neutral. Second, I described my data collection and sampling strategy, which consisted of RCMP ATIP documents obtained through the Open By Default and Completed Access to Information Requests databanks. Here, I used purposive sampling to help me focus my scope on documents most relevant to my thesis. Third, I discussed my analysis strategy, which consisted of a critical content analysis informed by Short and Worlds of Words Community's (2017) six-step approach, culminating in three rounds of coding. Finally, I engaged in reflexivity,

addressing the impact of my identity as a non-Indigenous researcher on the research conducted for this thesis.

## Chapter 4: Findings

This chapter will outline the findings of this thesis based on the empirical evidence gathered from RCMP ATIP documents. In *Finding One*, I will explain how the RCMP represented Indigenous, particularly Wet'suwet'en protestors, as illegally claiming ownership of and occupying Crown land. Similarly, the RCMP also claimed that Indigenous protestors' appeals to land ownership and sovereignty were legally unfounded, which in turn led to the protestors being represented as illegally evicting law enforcement and pipeline workers from the Wet'suwet'en territory. In *Finding Two*, I will discuss Indigenous protestors' strained relationships with law enforcement, which manifested as the RCMP representing the protestors as uncooperative, disrespectful, and a threat to police officers' safety and wellbeing. In this section, I will also discuss how, on occasion, the RCMP resists TC Energy's demands of enforcing the injunction against the protestors.

In *Finding Three*, I will discuss how the RCMP represented Indigenous protestors' actions as a threat to pipeline projects, particularly pipeline workers and infrastructure. Additionally, the RCMP alleged that Indigenous protestors purposefully incited conflict with law enforcement to halt pipeline construction. Next, in *Finding Four*, I will explain how the RCMP represented Indigenous protests as internally disorganized, particularly due to disagreements between protestors and the negative influence of protestors outside the Wet'suwet'en nation. Taken together, these findings demonstrate that while RCMP personnel attempt to portray themselves as neutral enforcers of the law, they continuously and contradictorily represented Indigenous protestors as behaving in an uncooperative, threatening, and disorganized manner while occupying Crown land and preventing pipeline construction. Note that moving forward, I

will use the term “protestor” when referring to RCMP claims derived from my data to maintain continuity in terminology; however, I will continue to use the term “land defender” when presenting my observations.

#### **Section 4.1: Wet’suwet’en protestors are represented as illegally claiming ownership of and occupying Crown land**

The empirical data collected throughout this research strongly supports the assertion that Indigenous protestors involved in opposition to the Coastal GasLink (CGL) pipeline are frequently represented by the RCMP as illegally claiming ownership of and occupying Crown land. Through various RCMP interactions documented in Situation Reports, Progress Reports, an After Action Review, and a Concept of Operations, it is evident that RCMP personnel frequently represent Indigenous protestors, particularly those belonging to the Wet’suwet’en nation, as illegally claiming ownership of their territory, occupying Crown land, and illegally evicting police and industry workers from the territory. While the RCMP claims to neutrally uphold and enforce Canadian law while policing protestors on Wet’suwet’en territory, and while their language occasionally supports this neutrality, the remainder of the data suggests that they view Indigenous protest in a non-neutral manner.

##### ***Indigenous protestors’ claims of land ownership and sovereignty are legally unfounded***

Confirming the RCMP’s position on the legal foundations of the protestors’ land claims is important to establish the necessary context. Throughout the data, the RCMP repeatedly acknowledged the protestors’ rejection of the Supreme Court of Canada’s ruling regarding Wet’suwet’en land rights, as exemplified in a Situation Report from Cpl. Dean Allchin where he states that:

Hereditary Chief [redacted] and spokespersons for the Unis'ot'en Camp and the Wet'suwet'en Access Point on Gitdumt'en Territory have all stated that the expulsion of CGL is based upon their rejection of the Supreme Court decision and subsequent injunction and is a reassertion of title over the territory and a validation of traditional Wet'suwet'en laws (Anuc'nu'at'en). (RCMP, A-2020-00392, p. 43)

When addressing legal disputes over land claims to Wet'suwet'en territory, the RCMP tend to approach both the SCC and Wet'suwet'en claims in a relatively neutral manner by simply paraphrasing what both parties have stated without interjecting the RCMP's opinion on the matter. This approach is to be expected, as the purpose of the RCMP is to enforce Canadian law, even if it means dismissing the laws of a given Indigenous nation. As such, when the RCMP reports on SCC rulings, they predictably take on the language of settler colonial legality, which takes the position that the Wet'suwet'en's land claims have no legal backing, as demonstrated by Cpl. Allchin's Situation Report where he states that:

On 2019-12-31, BC Supreme Court Madam Justice CHURCH issued her decision regarding a CGL application to make the interim injunction permanent and found in favour of the plaintiff. The judgement rejected the Wet'suwet'en defendants' claim that the blockade was an assertion of traditional laws and found that it was in fact an unlawful "self-help remedy" that was not recognized by the Court. (RCMP, A-2020-00392, p. 43)

As demonstrated in the above excerpts, when discussing court decisions, the RCMP attempts to describe them in neutral terms by stating the court's and protestors' positions without interjecting their own. However, as I will shortly demonstrate, these first few neutral representations are the exception instead of the rule. Nevertheless, it is important to address these expectedly neutral

legal statements made by the RCMP because they effectively confirm the RCMP's position in relation to settler colonial legality versus the various Indigenous laws. In the excerpts which follow, I will demonstrate that the RCMP go beyond this neutrality when discussing Indigenous protestors throughout their ATIP documents.

***Indigenous protestors illegally occupy Crown land***

As demonstrated in the previous subsection, RCMP personnel acknowledge Wet'suwet'en's land and sovereignty claims over their traditional territory while still privileging settler colonial legality. Now, I will move on to describing how the RCMP represents Wet'suwet'en and other Indigenous protestors as illegally occupying traditional Wet'suwet'en territory. Data gathered from the ATIP documents demonstrate that the RCMP view the protestors' presence as an illegal occupation of Crown land, as opposed to an anti-extractive industry protest on Wet'suwet'en territory. Here, the Indigenous protestors are represented by RCMP personnel as a militaristic, occupying force going against the rule of Canadian law. For example, this sentiment can be seen in a Situation Report written by Sgt. John Uzelac, a Sliver Staff Officer from C-IRG, addressed numerous RCMP personnel where he states that:

Since 2009, the Dark House of the Wet'suwet'en Nation have been occupying Crown Land at km 66 of the Morice West Forest Services Road (FSR). In 2019 they erected a blockade at the Wet'suwet'en Access Point on Gidumt'en Territory near km 44 of the Morice West FSR. These obstructions remained in place despite a BC Supreme Court interim injunction prohibiting anyone from interfering with CGL operations in the area. (RCMP, AI-2023-02700, p. 1)

In this excerpt, and as well as within the majority of the data, RCMP personnel use language such as “occupying,” “blockade,” and “obstructions” to describe the actions of the Indigenous protestors on Wet’suwet’en territory. Of note here is the phrase “occupying Crown Land” (RCMP, AI-2023-02700, p. 1), which appears regularly throughout RCMP communications regarding Wet’suwet’en protests about CGL’s extractive industry projects. This specification of “Crown Land,” while not legally inaccurate under Canadian law, serves a dual purpose. First, by specifying the protestors’ “occupation” of Crown land, RCMP personnel position Indigenous protestors as illicitly living on land belonging to the Canadian state, as opposed to licitly residing on their traditional territory. Second, it positions Indigenous protestors as individuals who disavow Canadian law, and by extension, the Canadian state. This disavowal of Canadian law can also be seen in the RCMP’s assertion that “[these] obstructions remained in place despite a BC Supreme Court interim injunction prohibiting anyone from interfering with CGL operations in the area” (RCMP, AI-2023-02700, p. 1). This phrase demonstrates that the RCMP represent Indigenous protestors as individuals who completely disregard Canadian law while also interrupting extractive industry activities in the area.

Additionally, this sentiment that Indigenous protestors are occupying Crown land instead of protesting on their territory is bolstered by how RCMP personnel describe structures associated with the protestors, for example, in a set of Progress Notes from C/Supt. Dave Attfield, Gold Commander of C-IRG, remarks, "Gold, Silver and Bronze as well as Watch Commanders attended the Gidimt'enL (*sic*) camp at the 44km. The re-occupation of the traditional territories continues with the modified school bus, Yurt and large ‘military’ marque (*sic*) tent” (RCMP, A-2019-04526, p. 423). In this excerpt, it is clear that, once again, the RCMP

represents Indigenous protestors as occupying their traditional territory while they protest CGL's pipeline. Throughout the documents and as exemplified by this excerpt, the RCMP also represent Indigenous protestors as somewhat militaristic by using language such as "occupation," specifying the use of a "military' marquee tent" as opposed to just a marquee tent and naming off other items which they go on to suggest is being used to blockade the roads or serve as a strategic planning centre for the protestors. According to the data, RCMP personnel do not see the protestors as simply protesting on their traditional territory while using a school bus, yurt, and marquee tent to provide shelter and barriers against CGL operations; rather, the language used by the RCMP represents the protestors' actions as an occupation of Crown land with militaristic undertones.

Finally, somewhat contradictory language is present throughout the data and in this excerpt, namely, the "occupation" of their "traditional territories." Throughout the documents, the RCMP acknowledges that the land is traditionally part of the Wet'suwet'en nation while simultaneously stating that Wet'suwet'en protestors are occupying that land. Along these same lines, in the Situation Report from Sgt. Uzelac, he states that:

On February 6, 2020 at approximately 04:14 [redacted] lead a group into the Morice FSA to the camp at 39.5KM to initiate the EZ and remove those whose presence would interfere with the lawful execution of duties. Those at the 39.5KM Camp were told that the area they were occupying was, as of 03:00, part of the EZ and were given the option to depart the area of (*sic*) be arrested for obstruction. (RCMP, AI-2023-02700, p. 3)

Beyond the previously discussed idea of occupation, this excerpt demonstrates that RCMP personnel perceive protestors as partaking in illegal actions that interfere with law enforcement

operations. The presence of Indigenous protestors who are “occupying Crown land” then interferes with law enforcement procedures, resulting in the criminalization of Indigenous protestors throughout the data as they are arrested for the crime of obstruction, amongst others such as civil disobedience (RCMP, A-2020-00392), resisting arrest (RCMP, A-2020-04198), property obtained by crime (RCMP, A-2023-02673), mischief (RCMP, A-2023-02673), and civil contempt of court order (RCMP, A-2023-02673), to name a few. This narrative of illegal actions and criminalization, which appears frequently throughout the data, further bolsters the sentiments conveyed by RCMP personnel regarding the protestors’ “occupation” of the land. Another factor which aligns with these narratives of “occupation” is the RCMP’s framing of Indigenous protestors as illegally evicting police and industry personnel from Crown land.

***Indigenous protestors illegally evict police and industry from Crown land***

Similar to the RCMP personnel’s discussion about the protestors’ illegal occupation, the data also demonstrates that RCMP personnel represent Indigenous protestors as illegally evicting or preventing the entry of industry workers and police from Crown land. Throughout their communications, RCMP personnel consistently discuss Indigenous, particularly Wet’suwet’en, protestors’ eviction of industry and police from Wet’suwet’en territory. Similarly to their discussions about the Wet’suwet’en’s legal disagreements with the Canadian state regarding land rights and sovereignty, RCMP personnel typically discuss these evictions by pointing to the disruption that protestors cause to CGL workers and operations. This finding is exemplified by an excerpt from a Situation Report written by Cpl. Allchin:

On 2020-01-04, all ten Hereditary Chiefs of the Wet’suwet’en sent an eviction notice to CGL stating that the corporation was trespassing and must immediately vacate

Wet'suwet'en territory and not return without the express permission of the Hereditary Chiefs. [redacted] of the Unist'ot'en camp attended the CGL camp, served its staff and contractors with the eviction notice and verbally demanded that they leave the work site and depart from the area. (RCMP, A-2020-00392, p. 43)

In addition to discussing these pipeline construction disruptions, the RCMP also underscore the illegality of the Wet'suwet'en's eviction of CGL workers and law enforcement personnel. Here, the RCMP not only describe Wet'suwet'en protestors as disavowing Canadian law, they also represent them as upholding the illegitimate Anuc'nu'at'en (Wet'suwet'en traditional laws). This idea can be exemplified through an excerpt from a Concept of Operations plan, in which C/Supt. John Brewer, Silver Commander of C-IRG, states:

The Camp is located on Provincial Crown land, however the Unistoten (*sic*) Camp does not recognize the Province's legal authority. The OW claims the territory in and around the camp as part of their Dark House hereditary lands. [...] On several occasions since 2014, the Camp has "evicted" Industry personnel, citing they don't have the legal authority or the consent of the Unistoten (*sic*) Hereditary Chiefs. (RCMP, A-2019-04526, p. 412)

In this excerpt, as well as throughout the other documents, the land and sovereignty claims of the Wet'suwet'en are dismissed by RCMP personnel as they cite SCC rulings which claim that the land belongs to the Crown, not to Wet'suwet'en nation, even if that land is their hereditary land. When members of Dark House attempt to evict industry workers from their hereditary land, the RCMP consistently suggests that this eviction holds no legal weight, as indicated by the quotation marks C/Supt. Brewer included around the word "evicted" (RCMP, A-2019-04526, p.

412). The result of this phrasing is that the RCMP represents Indigenous protestors of the Wet'suwet'en nation as not only disavowing Canadian law but also stubbornly and incorrectly touting traditional Wet'suwet'en law in its place.

#### **Section 4.2: Indigenous protestors are represented as having a strained relationship with law enforcement**

Given the RCMP's description of Indigenous protestors as illegally claiming, occupying and evicting people from Wet'suwet'en territory, it is not surprising that the data suggests that RCMP and Indigenous protestors have a strained relationship. The empirical data collected throughout this research strongly supports the assertion that Indigenous protestors involved in opposition to the Coastal GasLink (CGL) pipeline are frequently represented by RCMP personnel as having a strained relationship with law enforcement officials on multiple fronts. Through various RCMP interactions documented in Progress Reports, an After Action Review, a transcript of a police news conference, and multiple emails, it is evident that RCMP personnel frequently represent Indigenous protestors, particularly those belonging to the Wet'suwet'en nation, as being uncooperative with, disrespectful towards, and physically threatening to law enforcement. However, evidence suggests that RCMP leadership used their discretion to minimize their enforcement of the injunction, not necessarily for the protestors' rights, but rather because they hoped a negotiated settlement would prevent future anti-extractive industry protests in the area.

##### ***Indigenous protestors are uncooperative with law enforcement***

While there were some instances of RCMP personnel and protestors coming to a mutual agreement on some issues throughout the protests on Wet'suwet'en territory, the ATIP documents

reveal that, with some regularity, RCMP personnel refer to instances in which protestors agree to RCMP requests before eventually renegeing on those agreements. Throughout the data, there are many instances in which RCMP (predominantly DLT) would repeatedly request an action or inaction from the protestors. In a few of these instances, the protestors would initially agree to meet those requests or indicate that they are willing to participate in dialogue toward these requests. However, the data also demonstrates some frustration on the part of the RCMP as these agreements are sometimes not honoured or fulfilled exactly as agreed upon.

In one case, members of the Unist'ot'en Healing Centre had erected a gate on one of the Forest Service Roads and required the RCMP and CGL to request access past the gate after certain hours. Following this, the RCMP and CGL requested key access to the gate to facilitate their response to emergencies. While the RCMP DLT was initially able to convince Unist'ot'en members to provide them with a key to the gate, as seen in the ATIP documents where "Division Liaison Team (DLT) follow-up confirmed that [redacted] agreed to a key for the RCMP," (RCMP, A-2019-04526, p. 212), this request was later denied. The RCMP's response to this incident can be seen in a series of Progress Notes written by C/Supt. Dave Attfield, Gold Commander of C-IRG, where he notes that:

Gold advised of his concern that dialogue occur at the earliest opportunity to deal with the matters of access raised by CGL. He also advised that the RCMP has not received a key. [redacted] indicated that the RCMP would never receive a key. (RCMP, A-2019-04526, p. 214)

This excerpt demonstrates a regular occurrence in the data where the RCMP will initially negotiate a deal with protestors, only to have the agreement retracted later. The data indicates that the RCMP rarely comments about the protestors' uncooperative behaviour. Protestors

throughout the ATIP documents are not directly labelled as “uncooperative,” rather, it is implied through the RCMP’s description of events that Indigenous protestors are frequently unwilling to cooperate with law and injunction enforcement activities.

In other incidents described in the data, the RCMP suggests that Indigenous protestors outright refuse to engage in dialogue with RCMP personnel to resolve issues surrounding extractive projects on Wet’suwet’en territory. In these incidents, the RCMP represent Indigenous protestors as unwilling to engage in effective dialogue with RCMP personnel to resolve the incidents despite repeated attempts from law enforcement to do so. During one such incident, which occurred around the same time as the aforementioned key incident, CGL requested that protestors remove or relocate the gate and its guardhouse, which interfered with pipeline construction due to the width restrictions that the gate and guardhouse placed on CGL equipment. During this incident, the RCMP DLT attempted to facilitate dialogue between CGL and Wet’suwet’en protestors by asking them to move their guardhouse, as it was beginning to pose a hazard to CGL workers. In the same series of Progress Notes by C/Supt. Attfield notes, “In dialogue with the Hereditary Chiefs, the company offered to build a new guardhouse and pay for someone not employed to maintain security. Attempts to advance this discussion, facilitated by the RCMP DLT, had no response” (RCMP, A-2019-04526, p. 420). While the previous excerpt demonstrates an example of when the protestors engage in an agreement with the RCMP before renegeing on it, this excerpt indicates that on occasion, RCMP personnel see Indigenous protestors as unwilling, even initially, to engage in dialogue. Furthermore, some level of frustration is evident in the data on the part of the RCMP as they see themselves as generally willing to make some concessions, such as facilitating the building of a new guardhouse for the

protestors. However, the protestors remained uncooperative by either not holding up their end of the agreement or by not engaging in discussion in the first place.

Similarly, in another incident, Indigenous protestors erected a second blockade on the Morice River Bridge following the SCC's announcement of an injunction order in favour of CGL. In an attempt to resolve this dispute and get the protestors to move the blockade:

The RCMP directly engaged stakeholders to make every effort to peacefully resolve the issue ahead of any enforcement action, including multiple attempts to request the protestors to remove the blockade. Unfortunately, all efforts did not result in an agreement, and the RCMP enforced the court-ordered injunction later in the day on January 7, 2019, arresting fourteen individuals in the process [...] (RCMP, A-2020-00392, p. 14).

This excerpt builds on the previous one by demonstrating that, according to the RCMP, Indigenous protestors are unwilling to engage in productive dialogue with their officers despite repeated attempts on the part of the RCMP to resolve issues or disagreements which arise between the parties. The data demonstrates that the RCMP frequently describe their enforcement actions against Indigenous protestors in ways that portray RCMP personnel as patiently and repeatedly attempting to resolve disputes in the face of uncooperative Indigenous protestors before somewhat reluctantly enforcing the injunction against the protestors as a last resort. This contrast between the uncooperative Indigenous protestor and the patient RCMP police officer continues in the RCMP's depiction of Indigenous protestors as disrespectful towards RCMP personnel.

***Indigenous protestors are disrespectful towards law enforcement***

Another component of the strained relationship between Indigenous protestors and RCMP personnel revolves around the RCMP's representation of Indigenous protestors as disrespectful towards law enforcement. In the data, RCMP personnel describe Indigenous protestors as being disrespectful towards RCMP personnel or engaging in anti-police activities or dialogues. The incidents discussed in the ATIP documents range from Indigenous protestors creating anti-police signs, being verbally disrespectful towards police officers, and playing anti-police music. When describing these incidents, and in line with their previous conventions for describing occurrences, they describe them in mostly impartial language. However, it should be noted that RCMP personnel tend to include more detail when describing incidents involving anti-police sentiments as opposed to other incidents, such as those involving the key access and moving the guardhouse. There were a moderate number of these instances in which RCMP personnel described Indigenous protestors as being disrespectful and engaging in anti-police activities within the ATIP documents. For example, in a series of Progress Notes by C/Supt. Attfield describes an incident in which RCMP officers approached members of the Unist'ot'en and described witness accounts of:

[...] at least 5 more subjects were seen running from the UHC including a male who lit another flare. The music was shut off and the (*sic*) changed to the song "Fuck The Police" on a continuous loop as the group of approximately 15 subjects danced around a wood/log likeness of a person which was adorned with a reflective road safety vest and white hard hat with "CGL" marked on it dancing on the bridge to "Fuck the Police". (RCMP, A-2019-04526, p. 425)

In this excerpt, as with other instances in the data where RCMP personnel describe disrespectful and anti-police actions from the Indigenous protestors, they include a lot of detail compared to

their descriptions of different interactions with the protestors. Note how there is more detail in this excerpt, from the number of protestors to descriptions of the CGL worker wood likeness, to more information about the physical actions of the protestors, to the music being changed to a continuous loop of “Fuck the Police.” This level of detail differs from previous excerpts where the RCMP includes less detail and instead describes the minimum amount of detail needed to explain the significant events. For example, instances of the protestors playing music as RCMP personnel attempt to engage with them occasionally occur throughout the data, but the only song that the RCMP ever specify hearing is “Fuck the Police,” which appears at several points in the data; no other songs are ever specified. For the most part, it is only these perceived anti-police activities in which the RCMP use more detail (with a few exceptions, which will be explored later in this chapter).

However, not all incidents of disrespect towards the police described by RCMP personnel are necessarily anti-police. There are a significant number of incidents throughout the ATIP documents in which the RCMP describe the protestors as disrespectful but not inherently anti-police. Interestingly, RCMP personnel contrast their officers’ behaviour with that of the Indigenous protestors during these incidents. While the Indigenous protestors are listed as being verbally abusive, using profanity, and refusing to engage in respectful dialogue, RCMP personnel describe themselves as patient, professional, respectful (especially of Indigenous practices), and considerate of the Indigenous protestors’ physical safety. This apparent contrast in descriptions of Indigenous protestors as disrespectful and RCMP personnel as respectful can be seen in an incident described in an After Action Review, in which the RCMP enforced the injunction against the protestors located at one of the blockades. According to the authors of the Review:

The abundant video evidence (from both RCMP, contemnor and media sources) clearly shows that despite consistent verbal abuse and profanity from some of the protestors, the arresting members and later, members of the DLT, were extremely professional with those behind the barricade—patient, respectful, caring, cognizant of cultural and religious items-and went above and beyond to ensure the prisoners’ safety (RCMP, A-2020-04198, p. 26)

In this excerpt, as with other instances in the data describing similar events, the RCMP personnel announce, without much specificity, the Indigenous protestors’ ongoing verbal abuse and use of profanity. Note the lack of detail when describing this incident, which is not inherently anti-police, versus the previous instance of perceived anti-police actions by the protestors.

Additionally, the Indigenous protestors are described in the ATIP documents in strong contrast to the RCMP. While the protestors engage in verbal abuse and use profanity against RCMP officers, the RCMP describe themselves as “patient, respectful, caring, cognizant of cultural and religious items-and went above and beyond to ensure the prisoners’ safety” (RCMP, A-2020-04198, p. 26).

During instances in the data where the RCMP describe themselves confronting the protestors, it is extremely common for them to contrast the police officers“ ’good” behaviour with the “bad” behaviour of the protestors.

Furthermore, the RCMP describe themselves as remaining professional and respectful despite the protestors’ provocative behaviour, further driving home the narrative of separation in respectful behaviour between the RCMP personnel versus the seemingly unprofessional and disrespectful behaviour of the Indigenous protestors. However, the strained relationship between RCMP personnel and Indigenous protestors goes well beyond instances of uncooperative and

disrespectful dialogue. There are a few instances in the data where the RCMP personnel refer to protestors' physical threats toward law enforcement officers.

***Indigenous protestors threaten the physical safety of law enforcement***

Throughout the data, there are a few infrequent references to Indigenous protestors being a physical threat, both directly and indirectly, to RCMP personnel. These instances range from the protestors throwing items at police, setting up obstacles to slow or prevent police and industry incursion into Wet'suwet'en territory, resisting arrest, and one instance of a protestor threatening the lives of RCMP officers. To begin, when describing these incidents, similarly to when describing anti-police sentiments from protestors, RCMP personnel use more detail compared to the level of detail used for other types of incidents. The majority of these instances where RCMP personnel describe being physically threatened by protestors occur when the protestors throw items at police, as seen in this excerpt from an email from Insp. Ken Floyd, C-IRG Bronze Commander, describes the injunction enforcement by stating that “[interactions] from the protestors included: yelling anti-police slogans, sticks and rocks being thrown in the direction of the police several barb wire strands strung up in the trees. Protestors in camo threw smoke grenades at police” (RCMP, A-2023-02673, p. 30). In this excerpt, as with many communications between RCMP personnel, Insp. Floyd differentiates between items being thrown at police and items being “thrown in the direction of the police,” however, in the second type of phrasing, RCMP personnel tend not to get too specific about what “thrown in the direction of police” means (RCMP, A-2023-02673, p. 30).

Another type of incident that the RCMP personnel cite in the ATIP documents is RCMP officers being physically threatened in a more indirect manner, where Indigenous protestors will

set up obstacles to prevent the incursion of CGL and, by extension, the RCMP onto Wet'suwet'en territory. When describing these incidents, RCMP personnel describe the obstacles using specific language and naming each obstacle, as demonstrated in this excerpt from a transcript from an RCMP news conference where Supt. Jim Elliot, Silver Commander of C-IRG, remarks that:

At one point, at the 41 km mark, there were downed trees, tar covered stumps, wires, boards with spikes in them, and debris on fire in the middle of the roadway. A number of people engaged our officers as they made their way through the debris and traps, by throwing smoke bombs and fire lit sticks at them, causing injuries to one officer. (RCMP, A-2023-10616, p. 1)

Once again, as demonstrated by this excerpt, the protestors are described as directly and indirectly engaging in actions against RCMP personnel which may pose a physical threat to their wellbeing. The incident is described in a somewhat dramatic manner, compared to other instances described in the ATIP documents, and includes more detail as well. Notably, this example represents the only incident in the data in which an RCMP officer is reported to be injured by protestors' actions. Throughout the entirety of the data, there is only one reported incident in which protestors threatened the life of RCMP personnel. This incident, described in an email from Insp. Ken Floyd describes an incident in which the RCMP responded to CGL's complaint of protestors occupying a CGL work area:

[...] a group of 10-15 protestors had occupied a work area along the Marten Forest Service Road (Marten FSR) and told CGL security personnel to leave. RCMP responded later that morning and found a protestor operating a stolen industry backhoe and destroying the forest service road. He was advised he was under arrest for breaching the

injunction, however, he resisted by swinging the backhoe towards the RCMP members and endangering their lives. (RCMP, A-2023-02673, p. 28)

In this excerpt, Insp. Floyd describes an incident where a protestor stole a backhoe from the CGL worksite and swung it toward RCMP officers attempting to arrest them. Once again, and similar to RCMP discussions of anti-police sentiments, Insp. Floyd includes more detail when describing this incident, which threatened the physical safety of law enforcement officers. Additionally, he underscores the criminality of the protestor through the use of words such as “occupied,” “stolen,” “breaching the injunction,” “resisted,” and “endangering their lives” — all of these terms carry more weight compared to the language the RCMP uses to describe other incidents that are not related to anti-police activities.

***Indigenous protestors are (occasionally) entitled to peaceful protest***

Despite this established history of the RCMP representing the Indigenous protestors as having a strained relationship with law enforcement characterized by uncooperative, disrespectful, and threatening behaviour, there are nevertheless sparse examples in the data during which law enforcement personnel, in direct defiance of TC Energy, refused to enforce the injunction due to the mostly peaceful nature of the protest. The most prominent example of this dynamic can be found in an exchange between an unnamed Coastal GasLink representative and C/Supt. Brewer. In the initial email from Coastal GasLink, the representative reminds C/Supt. Brewer of the injunction order outlines the unlawful activities of the protestors that violate the injunction and reminds C/Supt. Brewer of the RCMP’s obligation to enforce the law. The representative also suggests that the company will request the courts to instruct the RCMP to

enforce the injunction if they persist in acting (RCMP, A-2023-02655, p. 7-8). In response to the Coastal GasLink representative, C/Supt. Brewer states that:

While the injunction may order the police to enforce the order, it also allows the police to retain their discretion as to the timing and manner of any enforcement. [...] Presently, the ongoing blockade on the Martin Forest Service Road, while not lawful under the injunction, is peaceful and restricted to that one area. (RCMP, A-2023-02655, p. 9)

Here, C/Supt. Brewer invokes the police's right to use discretion when enforcing the law in defiance of TC Energy's demands of injunction enforcement, C/Supt. Brewer takes into consideration the protestors' predominantly peaceful behaviour and restricted areas of protest when determining whether or not to allow the protestors to continue exercising their right to protest instead of agreeing with TC Energy that their Coastal GasLink representative's statement outlining the protestors' numerous alleged criminal acts warrants police response, C/Supt. Brewer assesses the protest's current state and explains to the representative that the protestors' behaviour does not yet warrant full enforcement of the injunction. Additionally, C/Supt. Brewer states that:

With our experience over the past few years, the RCMP has focused on engaging all stakeholders, and levels of government, in an effort to have meaningful engagement/negotiations with the Wet'suwet'en Hereditary Chiefs with a goal of resolving this extended conflict in the region. Should these efforts lead to a positive outcome that forms a negotiated settlement that avoids enforcement, it could allow your company to continue working in the area peacefully for years to come. Until such time as enforcement becomes absolutely necessary, and no other options remain, I will stand by and keep the

peace allowing the time and space for all parties to seek a negotiated peaceful settlement.

(RCMP, A-2023-02655, p. 10)

This excerpt demonstrates that, in addition to emphasizing police discretion and the peaceful nature of the protest, C/Supt. Brewer restricted the enforcement of the injunction against the protestors because he believed that a negotiated settlement would prevent future need for law enforcement to police Indigenous extractive industry protests in the area. Thus, he decided to restrict injunction enforcement not necessarily to preserve the protestors' rights but also in the hope that a settlement would prevent or reduce the likelihood of another Indigenous anti-extractive industry protest in the future.

#### **Section 4.3: Indigenous protestors are represented as a threat to pipeline projects**

Given this established history of a predominantly strained relationship between law enforcement and Indigenous protestors, it is not uncommon to find references in the data where RCMP personnel represent Indigenous protestors as posing a threat to pipeline projects. The empirical data collected throughout this research in the form of various emails, Operational Plans, and Situation Reports strongly supports the assertion that Indigenous protestors involved in opposition to the Coastal GasLink (CGL) pipeline are frequently represented by RCMP personnel as posing a threat to CGL's pipeline construction by threatening pipeline workers, infrastructure and property, as well as purposefully inciting conflict with RCMP personnel attempting to carry out law enforcement operations relevant to pipeline construction.

##### ***Indigenous protestors are a threat to pipeline workers***

Communications from RCMP personnel demonstrate that they view Indigenous protestors as a threat to CGL pipeline workers in multiple ways, including by threatening their

well-being through blockades, protesting on construction sites, and causing public disturbances. To begin, RCMP personnel made many references to Indigenous protestors posing a threat to pipeline workers through the use of blockades. The ATIP documents demonstrate that RCMP personnel are highly concerned about the impact of blockades on CGL workers because they are worried about protestors preventing essential materials and emergency services from reaching the workers, as demonstrated by an excerpt from an email from C/Supt. Brewer:

A Blockade, [redacted] approx. 10 supporters had been preventing essential materials and services such as fuel, food, water and sewage trucks in to provide support to approx. 400 CGL workers. [redacted] C-IRG DLT had made several attempts to end the blockade peacefully through a negotiated settlement. [redacted] reneged on each agreement to allow materials and services essential to the safety of individuals and maintenance at the camp. (RCMP, A-2023-02673, p. 44)

Note that, once again, the previously discussed idea of Indigenous protestors being uncooperative with law enforcement by reneging on previous settlements despite law enforcement's attempts to reach a settlement is evident in this excerpt. In this instance, as with other instances involving the protestors' blockades, RCMP personnel highlight the multiple services protestors are blockading from reaching CGL workers while emphasizing the protestors' unwillingness to participate in discussions toward an agreement.

It is important to note that out of the numerous discussions of blockades' impacts on pipeline workers in the data, most incidents were resolved as protestors either agreed to terms allowing essential materials and services past the blockade or were allowing them through in the first place. However, regardless of whether the protestors allowed these materials and services

past the blockade to the CGL workers, RCMP personnel nevertheless discussed them as a threat. This sentiment can be seen throughout the data, with C-IRG's enforcement of the injunction being frequently justified as a "rescue" mission for the CGL employees trapped behind the blockades. In fact, in an email from Sgt. Uzelac, C-IRG is described as "coordinating the rescue of 700-CGL employees through the enforcement of a British Columbia Supreme Court Injunction in the Morice Forest Service Area (FSA) outside Houston BC" (RCMP, A-2023-02673, p. 65). This description used by RCMP personnel when describing the protestors' threat to CGL workers further solidifies the militarized language used to describe the protestors, who "occupy" the territory and "trap" workers behind "blockades" who are then in need of "rescue" by C-IRG and other members of the RCMP.

Beyond RCMP discussions about Indigenous protestors' intentional threat to CGL workers, the protestors are also described in the data as posing a risk to workers (and public order, more generally) simply because they are protesting. Here, even the most minor disturbances are classified as public order issues. For example, in C/Supt. Brewer's Silver Operational Plan for C-IRG, he mentions that:

Should a protestor unlawfully enter a construction site they could pose a risk to the crews and to their own safety. Even if that doesn't occur, the mere presence of a demonstration could attract the attention of non-participants, resulting in a need for traffic management and addition (*sic*) police to respond to issues arising. A more onerous public order issue could arise if there are persons, within the demonstration, who choose to engage in violent or destructive behaviour. (RCMP, A-2020-04198, p. 58)

First, note that in addition to posing a risk to the workers, protestors are represented as posing a risk to their own safety. This remark was widespread throughout the data, with the protestors frequently being described as a threat to themselves, thus necessitating the RCMP to protect everyone, including the protestors, from the risk caused by the protestors' demonstration.

Additionally, according to C/Supt. Brewer, the threat of protestors to CGL pipeline workers is complex and multifaceted. Protestors pose a risk to workers by entering the construction site, protesting and inadvertently attracting non-protestors, and including other, more violent protestors in their demonstration. Regardless of the actions of the protestors, C-IRG and other RCMP personnel preemptively attempt to predict their harmful behaviour and label their actions as risky throughout the data, even when those actions fall within expected protesting behaviour. Here, minor public disturbances or even actions that would not typically warrant police involvement outside of the context of an Indigenous protest are discussed by RCMP personnel as risky and suspicious, as exemplified by an email from C/Supt. Brewer where he directs other RCMP personnel to investigate complaints around the protest area on Wet'suwet'en territory:

[...] we need to articulate the reason for checking the camp(s) or groups in the area. This would include complaints made by the public such as lights being shone into traffic, new people and vehicles at the site, overt actions by persons towards other public r (*sic*) police such as signage, gestures or verbal interactions; as well as any online or other public statements that could be attributed to a given area or group indicting intent to stop or disrupt the project. (RCMP, AI-2023-05282, p. 5)

This excerpt demonstrates that the RCMP are already suspicious of the Indigenous protestors on Wet'suwet'en territory, particularly regarding their potential to disrupt the workers' construction of the pipeline. However, the RCMP also recognize the need to have a reason to justify their suspicion of and intervention in the protests. Complaints from the public, whether directly related to the protest, are used by the RCMP to justify their surveillance and policing of Indigenous protestors because they are a threat to CGL workers and pipeline construction. Any disturbance, no matter how minor and whether it occurs online or in person, serves as a justification for RCMP intervention. Ultimately, while the vast majority of the discussion surrounding Indigenous protestors as threats is related to them being threats to the wellbeing of CGL pipeline workers, the protestors are also portrayed, to a lesser extent, as a threat to infrastructure and property used in the construction of the pipeline.

***Indigenous protestors are a threat to pipeline infrastructure and property***

Throughout the ATIP documents, Indigenous protestors are occasionally discussed by RCMP personnel as posing a risk to the infrastructure and property necessary to build CGL's pipelines. Particularly, the protestors are described as threatening transportation infrastructure, such as roads and bridges, used by CGL to transport materials to build the pipeline. In the documents, RCMP personnel occasionally describe Indigenous protestors as purposefully damaging these pieces of infrastructure to halt pipeline construction or prevent workers and law enforcement from accessing the CGL worksite. In an email from Cpl. Uzelac, he describes one such incident, saying that:

CGL contractors inspected the Lamprey Creek bridge and determined that the I-beam had been cut making the bridge not only structurally unsound for transport of anything with

substantial weigh (*sic*), but even foot traffic was deemed a hazard. CGL made use of welding tools and removed the metal gate before the Lamprey Creek bridge. (RCMP, AI-2023-02700, p. 21)

In this excerpt, Cpl. Uzelac refers to the damage presumed to be caused by protestors to the Lamprey Creek bridge, naming the risk posed by the damaged I-beam to vehicular and human traffic as well as the metal gate added by the protestors to block industry and law enforcement access to the bridge. These descriptions of bridges, in particular, being targeted by Indigenous protestors are not uncommon in the data. In an email detailing a separate incident, C/Supt. Brewer describes another incident of protestors damaging a bridge which CGL uses during the construction of the pipeline:

There is considerable blockage and damage to the bridge. The bridge appears to have been dug out at both ends. The east side of the bridge has an overturned car covered in debris and concrete on top of it. The west side of the bridge has a trench dug out with a D-7 Bulldozer partially buried in the trench. Beyond the buried Bulldozer is an excavator (believed to be disabled) on the road. (RCMP, A-2023-02673, p. 21)

In C/Supt. Brewer's account of the protestor's interference with the bridge, he makes reference not only to damage to the bridge by discussing it being "dug out at both ends" (RCMP, A-2023-02673, p. 21), but he also discusses the protestors' presumed theft and use of CGL property (the bulldozer and excavator) to disturb industry and law enforcement access to the bridge. Once again, this idea of the protestors blockading can be seen in C/Supt. Brewer's reference to the protestors' blockage of the bridge using an overturned car, debris, concrete, and the two stolen CGL pieces of equipment.

This incident, which involves the protestors stealing and using CGL property, is not an isolated case. There are several other instances in the data where RCMP personnel note that the protestors posed a threat to pipeline construction by stealing and damaging CGL property. In the aforementioned email from Insp. Floyd recounts an incident in which “10-15 protestors had occupied a work area along the Marten Forest Service Road [...] RCMP responded later that morning and found a protestor operating a stolen industry backhoe and destroying the forest service road” (RCMP, A-2023-02673, p. 28). Once again, the previous idea of protestors illegally occupying Wet’suwet’en traditional territory, in this case at the location of the work area, is discussed by Insp. Floyd. In addition to this mention of an illegal occupation, Insp. Floyd also makes comments on other aspects of the protestors’ criminality, namely, illegally operating stolen heavy machinery and using it to destroy transportation infrastructure. Instances such as this one, where the RCMP refer to multiple intersecting forms of the protestors’ criminality — particularly when discussing the threats they pose to pipeline infrastructure and property — appear frequently in the data. Throughout the ATIP documents, incidents such as these, where protestors are destroying pipeline infrastructure and property, are sometimes interpreted as the protestors trying to disrupt not only industry work but also law enforcement operations by purposefully inciting conflict with police.

***Indigenous protestors purposefully incite conflict with law enforcement to halt pipeline construction***

Finally, throughout the data, there are a few instances in which RCMP personnel will either directly state or suggest that Indigenous protestors are purposefully inciting conflict with or disturbing the job of law enforcement officers to halt pipeline construction. Usually, these

accusations fall into one of two categories. First, RCMP personnel suggest that the Indigenous protestors exploit Indigenous practices to inconvenience or threaten the pipeline. Regarding this point, throughout the data, there are a few instances in which RCMP personnel question whether certain Indigenous practices are being used in a “legitimate” manner or as an excuse to halt pipeline construction or interfere with law enforcement procedures. To illustrate this finding, an incident was discussed in the ATIP documents where RCMP personnel were summoned to deal with traps being set on Wet’suwet’en land. CGL’s main complaints about these traps were that they were numerous and set close to the CGL worksite. In an email from C/Supt. Attfield, he questions:

Considering the large area under the trapline permit, it seems there are a great many traps set immediately around the work site. I have little knowledge of trapping practice, but could this be construed as a deliberate effort to create an artificial conflict? (RCMP, A-2019-04526, p. 208)

There are a couple of interesting points in this excerpt. First, C/Supt. Attfield acknowledges that he does not know much about the trapping practices of the Wet’suwet’en. Second, and despite this first point, C/Supt. Attfield questions whether or not the Wet’suwet’en protestors are deliberately using the traps to create a conflict with the RCMP. Note that in the ATIP documents, there was no indication that the person who set these traps was even a protestor nor that the traps were set to incite conflict. The documents show that the RCMP managed to locate the man who set the traps, who then claimed he was a licensed trapper. However, he could not produce his license, which the RCMP repeatedly stated in their emails, thereby questioning the man’s honesty, even without proof that he was a protestor.

Further, in that same email, C/Supt. Attfield goes on to state, “My other thought, without prejudice to how or why these traps are there, is that DLT should communicate the need for the UHC and CGL to ensure that trapping activities can safely co-exist with the work plan” (RCMP, A-2019-04526, p. 208). This second part of the excerpt represents another important theme in the data: Indigenous protestors, or even non-protesting members of the Wet’suwet’en, are demanded by the RCMP to alter their ways of living to cater to the pipeline. Instead of going about their trapping or other traditional practices as usual, members of the Wet’suwet’en nation are asked to adjust their lifestyle to accommodate the pipeline under the assumption that these practices threaten the pipeline workers and infrastructure, whether intentional or not.

The second category of accusations levelled against Indigenous protestors by the RCMP revolves around the protestors creating hazards and obstructions to disrupt police operations on Wet’suwet’en territory. Throughout the data, RCMP personnel refer to several obstructions created by the protestors and claim that these obstructions exist to disrupt their law enforcement operations in the area. In a Situation Report from Cpl. Allchin, he notes that:

Individuals in the area of the Morice FSR (and Huckleberry FSR) have since felled several dozen trees across the road and half-cut many other trees (known colloquially as "widow makers") so that environmental (wind) or mechanical (vibration from heavy equipment, say) forces might suddenly topple them. Further, individuals have slash piled caches of tires and kindling along the road and laced them with incendiary liquids for quick ignition. These, and other obstructions, have likely been prepared as an attempt to frustrate any police operations in the area. (RCMP, A-2020-00392, p. 44)

Again, through this excerpt, as with other instances in the data about similar incidents, RCMP personnel assume that the protestors' actions are meant to disrupt their law enforcement operations and CGL's pipeline construction. Note that, once again, they described the occurrences in more specific and aggravating terms, which follows the convention that RCMP personnel tend to use more specific language when describing incidents in which they perceive protestors as being anti-police or threatening the police. Here, Cpl. Allchin lays out in precise language the kinds of obstructions prepared by the protestors, claiming that these obstructions are meant to disrupt police operations and implicitly, endanger them, as can be seen through language such as "widow makers" and lacing kindling with "incendiary liquids for quick ignition" (RCMP, A-2020-00392, p. 44).

#### **Section 4.4: Indigenous protests are represented as internally disorganized**

Beyond illegally claiming ownership of and occupying Crown land, having strained relationships with law enforcement, and posing a threat to pipeline construction, RCMP personnel tend to discuss Indigenous protests and protestors as being internally disorganized. The empirical data collected throughout this research in the form of various emails, Briefing Notes, Progress Reports, and Situation Reports strongly supports the assertion that Indigenous protestors involved in opposition to the Coastal GasLink (CGL) pipeline are generally represented by RCMP personnel as having disorganized protests fraught with disagreement amongst Wet'suwet'en protestors and non-protestors as well as influences from outside the Wet'suwet'en nation negatively influencing the existing protestors.

*There is considerable disagreement within Indigenous protests*

One significant aspect of the RCMP's perceived internal disorganization of Indigenous protests and protestors results from somewhat frequent disagreements between Wet'suwet'en protestors and non-protestors, as well as between Wet'suwet'en protestors. For example, one particularly central issue in the data revolved around whether or not the Wet'suwet'en wanted police presence on their territory regarding CGL pipeline construction. Before discussing this point further, it is important to note that there was never a pro-pipeline or anti-pipeline consensus between Hereditary Chiefs and the Elected Chiefs and Council of the Wet'suwet'en nation. As a result, it was common to find references to disagreements between the parties throughout the ATIP documents. For example, C/Supt. Attfield remarks in a set of Progress Notes that:

The CO and C-IRG GSB then met with the Elected Chief and Council at Witsset, who expressed concern at the actions of the Hereditary Chiefs affiliated with the OW.

Although these leaders fully support the traditional clan system—indeed some of them are also Hereditary Chiefs—they were concerned that the OW had not consulted with them as required under traditional law and did not speak for much of the community.

(RCMP, A-2019-04526, p. 420)

Here, the tension between leaders of the Wet'suwet'en nation is apparent. While particular Hereditary Chiefs sided with anti-pipeline Wet'suwet'en protestors, other Hereditary Chiefs and the Elected Chief and Council disagreed with the protestors' actions. The RCMP frequently references situations like this throughout their exchanges, emphasizing the division within the Wet'suwet'en nation regarding CGL pipeline construction. Additionally, when discussing these divisions, RCMP personnel tended to speak more supportively and underline the position of pro-

pipeline and -police Wet'suwet'en members. For example, in a series of Progress Notes by C/Supt. Attfield notes that:

At the same time, the Elected Chiefs and Council, despite their disappointment with the protestors' actions, expressed concern for their safety, having relatives in the protest group, and recognizing that some of the protestors are fellow members of the Wet'suwet'en Nation. The group committed to working with the RCMP to make the outcome peaceful and safe. (RCMP, A-2019-04526, p. 420)

Note C/Supt. Attfield's emphasis on the pro-pipeline and -police Wet'suwet'en members' commitment to a "peaceful and safe" (RCMP, A-2019-04526, p. 420) protest in contrast to his aforementioned representations of anti-pipeline and -police Wet'suwet'en protestors as having illicit or criminal intentions and actions. While the RCMP discusses anti-pipeline Wet'suwet'en protestors as illegally claiming ownership of and occupying Crown land while threatening pipeline construction and having an uneasy relationship with law enforcement officials, pro-pipeline Wet'suwet'en members are represented throughout the data as lawful, peaceful, and safe.

In contrast, dissenting Hereditary Chiefs and Wet'suwet'en protestors are represented by RCMP personnel as deviating from the wishes of the other Wet'suwet'en representatives and members. In the ATIP documents, the RCMP tends to emphasize the separation between pro- and anti-pipeline Wet'suwet'en members by quoting or paraphrasing the positions of opposing Hereditary Chiefs. For example, in an email from A/Commr. Eric Stubbs, he mentions that:

The Hereditary Chief has stated publicly that they alone are responsible for activities in their territory, and do not seek assistance from other Wet'su'weten (*sic*) Chiefs. The

steady escalation in tactics and activity in the one territory, while NOT blocking the Morice FSR directly, indicates that they likely intend to keep the rest of the Wet'suwet'en (sic) Chiefs out of this current protest. (RCMP, A-2023-02655, p. 24)

Here, it is apparent that A/Commr. Stubbs highlights the separation between, in this case, the Hereditary Chiefs. While the anti-pipeline Chief is mentioned concerning escalating tactics and protestor activity, the wishes of the other Chiefs are discussed as being neglected or ignored by the anti-pipeline Chief, as demonstrated in the final part of the excerpt. Overall, when RCMP personnel discuss the perceived disorganization of Indigenous, particularly Wet'suwet'en protest, concerning disagreements between the Indigenous protestors about what actions to take, they tended to emphasize the rift between both sides by representing the anti-pipeline Wet'suwet'en protestors as aggravating and criminal while representing the pro-pipeline Wet'suwet'en as law-abiding and peaceful.

***Protestors from outside the Wet'suwet'en nation are negatively influencing the existing protestors***

While the RCMP have acknowledged that “[the] main opposition to CGL is related to the Office of the Wet'suwet'en Nation, and Unist'ot'en Camp” (RCMP, A-2020-04198, p. 57), the data reveals that RCMP personnel are cognizant of protestors from outside of the Wet'suwet'en nation participating in and undertaking non-peaceful protest strategies. To begin, RCMP personnel are concerned about other Indigenous and non-Indigenous protestors from nearby demonstrations joining the Wet'suwet'en protest. Given that other protests surrounding the Trans-Mountain Pipeline and old-growth logging in Fairy Creek occurred during a similar timeframe as protests about CGL on Wet'suwet'en territory, RCMP personnel were concerned

about the merging of these protests and the impact that outside protestors would potentially have on Wet'suwet'en demonstrators. In an email, Insp. Floyd raises concerns that the "[protest] group has grown, and individuals from Fairy Creek protest have moved into the area in recent weeks" (RCMP, A-2023-02673, p. 58). This merging of protestors from across demonstrations amplifies already existing tensions between the RCMP and Indigenous protestors from the Wet'suwet'en territory, as the RCMP are fearful that existing protestor tactics, such as blockades, may increase in frequency and severity due to the participation of other Indigenous protestors from nearby demonstrations.

In particular, the RCMP expressed great concern about the presence of protestors from outside the local area who travel from protest to protest to participate in anti-extractive industry demonstrations, as exemplified by a Situation Report which states that:

Over the past few years, there have been demonstrations in B.C opposing pipeline expansion projects. There are some individuals who travel around the province to demonstrate against the pipeline expansion; consequently, demonstrations can be populated by persons from across the province, and sometimes by persons from outside the province. (RCMP, A-2020-00392, p. 79)

This excerpt demonstrates that RCMP personnel are cautious about protestors from outside the Wet'suwet'en nation travelling to the territory to protest CGL's pipeline construction.

Throughout the data, the RCMP frequently references individuals who travel to and partake in numerous protests and raises significant concerns about individuals who engage in such behaviour to commit public disturbances or acts of violence. While policing and surveilling protests on the Wet'suwet'en territory, RCMP personnel identified numerous individuals from

other influential protests, such as Standing Rock, and voiced concern that those protestors would join the Wet'suwet'en demonstrates to cause violence against the police and pipeline workers. An excerpt from a Situation Report detailing one such concern reads:

[redacted] were present in 2016 at the Standing Rock protest camp in Standing Rock, North Dakota in opposition to the Dakota Access Pipe Line (DAPL). [...] [redacted] has since advocated for bringing the Standing Rock styled violent measures to Canada in protesting against pipelines and other environmental issues to support FN rights and titles. (RCMP, A-2020-00392, p. 80)

This excerpt demonstrates that the RCMP believe that other Indigenous protestors from outside of the Wet'suwet'en nation are travelling to BC with the intent to use their previous violent protest tactics in this protest. The data strongly suggests that while RCMP personnel discuss Wet'suwet'en protestors using language that represents them as disruptive and criminal, they also perceive other Indigenous protestors as being just as, if not more, violent than the Wet'suwet'en protestors.

However, the RCMP's concern about protestors from outside the Wet'suwet'en nation joining the protest to promote violence goes beyond Indigenous protestors from other nations. The data also demonstrates that RCMP personnel are aware of and alarmed at other destructive groups' potential to infiltrate and influence the Wet'suwet'en demonstrations. Throughout the ATIP documents, the RCMP list local and non-local Indigenous protestors (RCMP, A-2019-04658), environmental activists (RCMP, 2020-00392), anarchists (RCMP, 2020-00392), and a slew of other non-governmental organizations as entities of concern who may join the protests and use violent tactics.

Another important note here is that the RCMP emphasize the idea of the “unknown” violent protestor who infiltrates the Wet’suwet’en protests to inspire and enact violence amongst other protestors. In a Situation Report from Sgt. Uzelac discusses the participation of these groups, claiming that “[though] the bulk of supporters of the Unist’ot’en Camp are committed to non-violent direct action, there are some radical persons and groups espousing violence as a justifiable response to any police enforcement” (RCMP, AI-2023-02700, p. 4). Despite the frequent accusations of violence on the part of the Unist’ot’en Camp and other Wet’suwet’en protestors, RCMP personnel still occasionally minimize the significance of these accusations to emphasize the criminality and violence of different Indigenous and non-Indigenous protestors, who they claim join the existing Wet’suwet’en demonstrations to use violent protest tactics against RCMP officers and CGL workers. Throughout the data, RCMP personnel discuss amongst themselves how this inclusion of protestors from outside the Wet’suwet’en nation complicates the existing protest by distorting Wet’suwet’en protestors’ demands and inciting violent protest tactics, thereby resulting in the further disorganization of the initial Wet’suwet’en protestors’ goals.

#### **Section 4.5: Conclusion**

In conclusion, the RCMP predictably sides with the SCC’s ruling that the Wet’suwet’en’s land ownership and sovereignty claims are legally unfounded under Canadian law and, more generally, settler colonial legality. In supporting this ruling, the RCMP also effectively denounced the legitimacy of traditional Wet’suwet’en law. As such, the RCMP takes the position that Indigenous protestors are illegally occupying Crown land and evicting CGL workers and law

enforcement personnel in a threatening, militaristic manner that disrupts extractive industry operations.

Given that the RCMP see this protest as an illegal, militaristic occupation, it is not surprising that they represent Indigenous protestors as having a strained relationship with law enforcement. Throughout the data, the RCMP insinuate that Indigenous protestors are frequently uncooperative with and disrespectful towards law enforcement personnel. In strong contrast, the RCMP represent themselves as patient, professional, respectful and considerate — essentially the polar opposite of the Indigenous protestors. The RCMP also highlights anti-police sentiments and actions as particularly egregious. Interestingly, some examples of RCMP personnel emphasize the protestors' entitlement to a peaceful protest in defiance of TC Energy's requests for injunction enforcement. Despite this, the data reveals that the reason for this support is not only out of respect for the protestors' Charter rights but also because RCMP leadership hope that, eventually, a negotiated settlement will result in an end to all Indigenous anti-extractive industry protests in the area.

Their support, however, is minimal. More commonly, the RCMP represent Indigenous protestors as a threat to pipeline projects, particularly the workers, pipeline infrastructure and CGL property. The data reveals that the RCMP are incredibly wary of the impact of Indigenous protestors' blockades on CGL workers, even though the majority of blockades allow essential materials and emergency services to pass through unencumbered. Instead, the RCMP frame their injunction enforcement as a rescue mission of CGL workers trapped behind blockades created by the occupying force of Indigenous protestors. In addition to threatening the workers, Indigenous protestors are also represented as a threat to infrastructure and property, which they damage and

steal in an attempt to halt pipeline construction in the area. According to the RCMP, Indigenous protestors also attempt to stop pipeline construction by purposefully inciting conflict with law enforcement. To accomplish this, the RCMP claims that Indigenous people (not just protestors) illegitimately use their traditional practices to frustrate law enforcement operations while also purposefully creating hazards and obstructions in the area.

Additionally, the RCMP represents Indigenous protests as internally disorganized, primarily due to disagreements between Wet'suwet'en protestors and non-protestors, as well as between Wet'suwet'en protestors. As a result, the RCMP positively discuss pro-pipeline Wet'suwet'en, describing them as lawful, peaceful, and safe. In contrast, anti-pipeline Wet'suwet'en are represented as threats to law enforcement, CGL workers, and pipeline construction. These negative representations are bolstered by the RCMP's assertion that protestors outside the Wet'suwet'en nation negatively influence the existing protestors and cause unrest. In particular, they accuse non-local Indigenous protestors, environmental activists, anarchists, and non-governmental organizations of infiltrating the protest and encouraging violence. In the following chapter, I will provide an interpretation of these findings and answer my research questions using settler colonial theory.

## Chapter 5: Discussion

Now that I have presenting the empirical findings drawn from the data, I will now interpret those findings. To reiterate, this thesis aims to explore *how the RCMP (and more specifically, C-IRG) represented Indigenous land defenders during the Wet'suwet'en opposition to the Coastal GasLink pipeline*. To accomplish this, I will address the following research questions:

1. *To what extent do the legal foundations of settler colonialism manifest in the RCMP and C-IRG's representations of Indigenous land defenders?*
2. *What representations do the RCMP and C-IRG use to justify their actions against Wet'suwet'en and other Indigenous land defenders?*
3. *How are the RCMP and C-IRG's representations of Indigenous land defenders informed by settler colonial interests in land and capital accumulation?*
4. *In what ways do settler colonial hierarchies and structures manifest in the RCMP and C-IRG's representations of Indigenous land defenders?*

First, the data suggests that the RCMP and C-IRG's representations of Indigenous protestors are informed by settler colonial legality to a significant extent. Under this legal framework, the RCMP consistently dismisses Wet'suwet'en traditional laws and the Wet'suwet'en's claim of land ownership and sovereignty as legally unfounded. Second, the data suggests that the RCMP has a strained relationship with the Indigenous protestors, which manifests in the RCMP representing the protestors as uncooperative, disrespectful, and physically threatening towards law enforcement officers. These representations are thusly used to justify RCMP and C-IRG enforcement actions against the protestors, because the RCMP insinuates that because of these

characteristics, there is no way to reason with the protestors and instead they must undertake law enforcement actions against them. Third, the data suggests that the RCMP and C-IRG represents Indigenous protestors as posing a threat to land and capital accumulation because they pose a threat to CGL pipeline workers, infrastructure, and property. Finally, the data suggests that settler colonial hierarchies and structures manifest in the RCMP and C-IRG's representations of Indigenous land defenders because the RCMP represents Indigenous protests as internally disorganized. Here, they project settler colonial power structures onto the protestors by emphasizing the disagreement within Indigenous protests and suggesting that outside influences are corrupting the Wet'suwet'en protestors.

### **Section 5.1: Settler colonial legalism and representations of Indigenous land defenders**

To begin, the terra nullius-style logics of early settler colonial legalism are still used today to frame the representations of Indigenous land defenders and justify the policing and surveillance of their resistance. Recall that under terra nullius, the doctrine initially used to claim Indigenous land, settler colonizers argued that since Indigenous people did not 'own' the land, they could legally claim it for themselves (Burow et al., 2018). This "unowned" land, claimed by the Canadian state, still largely exists today in the form of "Crown" land. The existing literature points to the goal of settler colonialism as dispossessing, eliminating, and replacing the Indigenous population of territory to claim the land for themselves for land and capital accumulation — terra nullius historically provided the legal justification for this elimination of Indigenous people (LeFevre, 2015). However, these fragile settler colonial legal claims to the land have become more complicated in recent years due to the very public clash of Indigenous versus Crown land claims.

As demonstrated by my findings, the doctrine of terra nullius continues today through its legacy of Crown lands. This privileging of Canadian law over Indigenous laws, as manifested through the valuation of “Crown land” over “traditional Indigenous territories,” is used by the RCMP as their legal justification for policing Indigenous resistance on Wet’suwet’en territory. I argue that while the RCMP has historically and forcefully removed Indigenous people from their land to reserves and residential schools, this forceful removal continues to this day in the form of arrests and detention, and both occur with the intent of freeing up the land for settlers.

To expand on this point, Indigenous people were historically represented as threatening to the settler population’s way of living (Coulthard, 2014; Simpson et al., 2018). This representation, in turn, served as the justification for forcefully relocating them to reserves and residential schools. The doctrine of terra nullius facilitated this process by providing the legal justification that settler colonizers were protecting the land they claimed. Today, the RCMP and C-IRG represent Indigenous land defenders as threatening to different facets of the Canadian state and its citizens’ access to materials gained from the extractive industries. This representation, in turn, serves as a justification for arresting Indigenous land defenders and forcefully removing them to jails and prisons. The modern Criminal Code facilitates this process by providing the legal justification for arresting land defenders under accusations of mischief, amongst other crimes. In both of these cases, the ultimate goal of using settler colonial legalism (in the form of terra nullius and the modern Criminal Code) is to justify the removal of Indigenous people from their territories to reserves, residential schools, jails, and prisons. However, the data demonstrates that the RCMP go well beyond legal language in their

representations of Indigenous land defenders by contradictorily labelling them as occupiers of Wet'suwet'en territory.

*Wet'suwet'en land defenders: occupying their own territory? A legal Janus*

Strikingly, my findings indicate that the RCMP and C-IRG extremely frequently represent Indigenous land defenders as occupying Wet'suwet'en territory. This finding points to a significant contradiction in the RCMP's perception of land ownership: How can the Wet'suwet'en be deemed to have traditional territories while simultaneously being represented as occupying those territories? The answer to this conundrum lies in the privileging of certain forms of legalism over others. While the RCMP acknowledges Anuc'nu'at'en (traditional Wet'suwet'en laws) throughout the data (RCMP, A-2020-00392, p. 43), their purpose is to uphold Canadian law.

In this case, Wet'suwet'en sovereignty and land rights can be understood as a legal Janus: one face of the Canadian state and its policing apparatus acknowledges the various Indigenous laws, sovereignty and land claims symbolically, while the other upholds Canadian settler colonial law in actuality. While the data demonstrates that the RCMP acknowledges Anuc'nu'at'en (RCMP, A-2020-00392, p. 43) and celebrates their respect for Indigenous cultural and religious items (RCMP, A-2020-04198, p. 26), they nevertheless enforce an injunction which removes the Wet'suwet'en from their traditional territories. Using this metaphor, one face of Janus represents the RCMP's symbolic acknowledgement of Indigenous laws. In contrast, the other represents their actual denial of Indigenous laws (in favour of enforcing settler colonial legality). This insight explains why the RCMP and C-IRG emphasize the Indigenous land defenders' occupation of the land and scorn their evictions of law enforcement and extractive industry

workers. If the Canadian state and the RCMP were to acknowledge the sovereignty of the Wet'suwet'en over their territory, the RCMP would have to admit they were attempting to enforce a legal system illegitimately on land they do not own. Doing so would effectively expose the fragile legal claims that founded the Canadian state (Simpson et al., 2018).

In this way, RCMP representations of Indigenous land defenders take a similar, Janus-like approach: one face professes its respect for the Wet'suwet'en territory. In contrast, the other face denounces the Wet'suwet'en's claims to the land. It is this latter face which represents Indigenous land defenders as militaristic criminals, occupying Crown land and threatening police and industry workers. These negative representations, which the RCMP claims are aligned with Canadian criminal law, actually go well beyond the bounds of typical protest policing. While the RCMP attempt to portray themselves as respectful and neutral, their representations of Indigenous land defenders suggest that they view them as beyond the typical protestor. To the RCMP, Indigenous land defenders are a militaristic occupying force, posing a threat to the Canadian state and its citizens. No amount of acknowledging Indigenous claims to the territory or citing Canadian law compensates for these frequent, overwhelmingly negative representations. But if the data suggests that the RCMP view Indigenous land defenders in such a negative manner, why should they go through the trouble of feigning respect for Indigenous people at all?

Drawing on Van Rythoven (2021), we can identify a growing sense of unease from public figures when it comes to using language such as “dangerous” and “terrorist” to describe Indigenous people due to the recent controversy surrounding these claims. Here, public figures distance themselves from language using tactics such as denying the securitization of Indigenous dissent, apologizing for controversial claims, and using euphemisms. However, I partially

disagree with Van Rythoven (2021) in his claim that “public officials and security agencies can still make these claims in private conversations or internal documents” (p. 265). While I do not dismiss the possibility that this stronger, more controversial language still happens in private conversations, my findings demonstrate that it does not happen in internal documents. As explained in *Chapter 3: Methodology*, I attribute this occurrence to the belief that law enforcement officials in Canada know their internal communications may be made accessible to the public through ATIP requests; thus, they may limit their use of controversial language to account for the potential publication of their claims and to minimize potential backlash. One way that members of the RCMP and C-IRG represent Indigenous land defenders to account for this “feeling of unease” is by portraying them as opponents of Canadian law.

### **Section 5.2: Indigenous land defenders are represented as opponents of the law**

The RCMP and C-IRG relied heavily on representations of Indigenous protestors as uncooperative, disrespectful and threatening to justify their law enforcement actions on Wet’suwet’en territory. This insight is consistent with the existing literature on the policing of Indigenous anti-extractive industry action (Balfour, 2014; Proulx, 2014; Van Rythoven, 2021), albeit using different language. Similarly to my findings, the existing literature points to Indigenous protestors (and people, more generally) being represented as in a predominantly negative manner. Descriptors such as dangerous, insecure, eco-terrorists, and insurgents are not uncommon in these texts (Balfour, 2014; Burdon, 2020; Proulx, 2014; Van Rythoven, 2021). However, unlike the existing literature, I did not identify these direct, contemptuous descriptors in my data. Rather, my observations of the RCMP’s negative representations of Indigenous protestors were much more subtle in nature. Interestingly, there was a notable absence of gender

in the RCMP's ATIP documents. When describing the protestors, the RCMP avoided specifying the gender of the protestors, even going so far as to avoid using pronouns and instead referring to protestors in gender-neutral ways.

According to my findings, the language used by the RCMP to identify Indigenous protestors included phrasing such as verbally abusive (RCMP, A-2020-04198), endangering police officers' lives (RCMP, A-2023-02673), occupying the land (RCMP, AI-2023-02700), or by listing out their literal alleged criminal infractions. For example, as opposed to directly labelling Indigenous protestors as dangerous, as common in the existing literature, my data suggests that RCMP personnel will allude to their perceptions of Indigenous protestors as dangerous by through their aforementioned indirect phrasing as opposed to using harsh descriptors. The purpose of the RCMP's indirect approach to negatively representing Indigenous protestors may be an effort for law enforcement personnel to appear neutral in their judgements while policing the protestors. However, given the frequency and types of representations (particularly their use of militaristic descriptors), I argue that RCMP personnel are not nearly as neutral as they attempt to portray. I will expand on this point first by exploring why the RCMP police Indigenous protestors in this manner and then by providing a brief discussion about how this manifests in policing practices.

### ***Uncooperative with the law or uncooperative with settler colonialism?***

Most significantly, the RCMP and C-IRG used their representations of Indigenous protestors as uncooperative and dangerous to justify their policing of the protest on Wet'suwet'en territory. Here, the RCMP and C-IRG pained a strong contrast between themselves and Indigenous land defenders. While they represented Indigenous land defenders as unwilling to

participate in negotiations or maintain their side of agreements, RCMP personnel represented their law enforcement officers as patient, professional, respectful, and considerate. Here, we can see a strong division between “us” versus “them” emerging in RCMP discourse: the RCMP represent themselves as patient officers attempting to negotiate an agreement with uncooperative, untrustworthy, and criminal Indigenous land defenders. While the RCMP represent Indigenous land defenders as uncooperative insofar as they refuse to provide keys to the gate, move their guardhouse, or occasionally renege on their agreements, I argue that the RCMP and C-IRG's representation of Indigenous protestors as uncooperative is used to justify their law enforcement actions because by being uncooperative, Indigenous protestors are threatening the construction of the pipeline, land and capital accumulation, and thus the process of settler colonialism.

This perceived uncooperative nature of the Indigenous land defenders could be used to justify law enforcement action from the perspective of the RCMP for two reasons. First, by being uncooperative with law enforcement personnel in this instance, the Indigenous land defenders are challenging the idea that Wet'suwet'en territory is the property of the Crown. By continuously refusing to leave the land or engage in agreements which primarily benefit TC Energy and the Canadian state, the Wet'suwet'en reinforce their sovereignty over their traditional territory. Second, by being uncooperative with a process meant to dispossess them of their land for capital gain, the Wet'suwet'en are challenging the very process of settler colonialism and the fragile legal claims used to justify the appropriation of their land. There are many actors who would stand to gain significant amounts of capital — monetary, social, and political — if they can establish consistent access to Wet'suwet'en land. But by actively living on and resisting industry and law enforcement's incursion onto their land, the Wet'suwet'en are averting the

outright takeover of their territory, which is the goal of settler colonialism. Thus, the Indigenous land defenders' uncooperative nature, while represented by the RCMP as uncooperative towards the Canadian legal system and law enforcement, can be otherwise interpreted as being uncooperative towards the process of settler colonization.

As discussed above, the RCMP tended not to use strong language when describing their intentions, presumably because this language is now more commonly seen as controversial and unacceptable (Van Rythoven, 2021). By representing Indigenous land defenders as uncooperative with the law and law enforcement, the RCMP effectively circumvent the socially unacceptable representation of Indigenous land defenders (and people) as uncooperative with colonization. If the subject of a law enforcement operation is uncooperative, it becomes (questionably) justifiable to respond with aggression to achieve the desired outcome. Due to growing awareness about Canada's devastating history of colonization, the same cannot be said about subjects of colonization, thus explaining RCMP and C-IRG representations of Indigenous land defenders as uncooperative with Canadian law. In this way, historical representations of Indigenous people as dangerous and threatening to the Canadian state and settler colonialism manifest through the RCMP and C-IRG's representations of Indigenous protestors today.

### ***Protecting Charter rights or attempting pacification?***

As explained in *Section 4.2*, the RCMP have demonstrated that they believe that Indigenous protestors are (occasionally) entitled to peaceful protest. Recall that in the example I presented, TC Energy requested that the RCMP enforce the injunction against the Indigenous protestors, to which the C/Supt. Brewer refused, writing that:

With our experience over the past few years, the RCMP has focused on engaging all stakeholders, and levels of government, in an effort to have meaningful engagement/ negotiations with the Wet'suwet'en Hereditary Chiefs with a goal of resolving this extended conflict in the region. Should these efforts lead to a positive outcome that forms a negotiated settlement that avoids enforcement, it could allow your company to continue working in the area peacefully for years to come. (RCMP, A-2023-02655, p. 10)

Here, C/Supt. Brewer demonstrates that while the RCMP and C-IRG occasionally uphold the Charter rights of Indigenous land defenders, it is not necessarily out of concern for those rights. Instead, the RCMP and C-IRG occasionally allow Indigenous land defenders to protest peacefully because they hope it will result in a negotiated settlement, thus limiting the chances of another protest occurring in the future. This tactic is consistent with other forms of pacification identified in the literature (Boyle & Dafnos, 2019; Coulthard, 2007; Dafnos, 2013). Here, while the RCMP and C-IRG facilitate Indigenous protest to a certain extent, the intent is not necessarily to protect their Charter rights in a neutral manner. Similar to my previous discussion of RCMP personnel attempting to appear neutral by avoiding direct, contemptuous and controversial language, the RCMP also attempted to appear neutral by suggesting they are protecting the rights of Indigenous land defenders to protest peacefully. However, this statement from C/Supt. Brewer suggests that this attempt at neutrality using the guise of the Charter and political correctness is simply a cover for attempts at pacification, with the ultimate goal of achieving the settler colonial goal of land and capital accumulation.

### **Section 5.3: Indigenous land defenders are represented as threats to accumulation**

Settler colonial interests in land and capital accumulation played a significant role in defining how the RCMP and C-IRG represented Indigenous protestors on Wet'suwet'en territory. This insight is consistent with the extant literature on the policing of Indigenous anti-extractive industry action (Monaghan & Walby, 2017). However, unlike the majority of the literature, I found that the RCMP did not discuss the perceived threat posed by Indigenous protestors to land and capital accumulation in such obvious language. While the existing literature claims that Indigenous people and protestors are represented as eco-terrorists (Burdon, 2020) and insurgents (Proulx, 2014), my findings suggest that law enforcement personnel use much more subtle language, including dog whistles, to convey their representations of Indigenous protestors (and even non-protestors) as a threat to land and capital accumulation.

***Injunction enforcement: rescuing workers or rescuing capital?***

First, one of the most significant ways this finding manifested in the data was the RCMP and C-IRG's emphasis on the threat of Indigenous land defenders to extractive industry workers. While the existing literature points to Indigenous people being represented as a threat to land and capital accumulation in the form of extractive industry companies (Monaghan & Walby, 2017) and infrastructure (Boyle & Dafnos, 2019; Crosby, 2021), my findings suggest that the perceived threat of Indigenous land defenders towards extractive industry workers served as a dog whistle for the perceived threat of Indigenous land defenders towards land and capital accumulation.

Throughout the data I examined, there was no mention of Indigenous land defenders posing a threat to TC Energy and their expected capital gains after the completion of the pipeline. Additionally, there was no mention of Indigenous protestors posing a threat to the Canadian state's expected natural resources and capital gains. However, there was no shortage of instances

where the RCMP and C-IRG represented Indigenous land defenders as a threat to TC Energy's extractive industry workers. Throughout the data, the RCMP and C-IRG claimed that Indigenous land defenders occupied Wet'suwet'en territory, trapped TC Energy's workers behind blockades, and limited their access to essential materials and emergency services. This perceived threat of Indigenous land defenders towards TC Energy's workers essentially served as the RCMP's primary justification for enforcing the injunction to "rescue" the workers from the Indigenous land defenders.

While it may appear at the surface level that the RCMP was primarily and legitimately concerned for the wellbeing of the TC Energy workers, I argue that this apparent concern for the workers served as a dog whistle for concerns about land and capital accumulation. If the RCMP and TC Energy were as concerned for the workers as they claimed to be, I would expect to see them attempt to extract the workers away from the worksites behind the blockades, at least temporarily. This solution should have been feasible as even in their own documents, the RCMP referred to Indigenous protestors saying that they would let workers and machinery leave the worksite freely.

However, instead of the "rescue" missions aiming to remove the workers from the worksite, the RCMP and C-IRG instead aimed to re-open the blockades to restore access to essential materials and emergency services. In other words, the RCMP aimed to restore access to the materials and services the workers would need to keep building the pipeline, suggesting that the pipeline's construction, not the workers' safety and wellbeing, was the primary concern of this enforcement action. If the RCMP and TC Energy were genuinely concerned for the workers' safety, it was primarily because they needed the workers to keep building the pipeline. Thus,

while the RCMP did not outright represent Indigenous land defenders as a threat to land and capital accumulation (or more concretely, to TC Energy and their potential capital gain from the pipeline), they represented Indigenous land defenders as a threat to extractive industry workers (without whom the pipeline, and thus the capital gains, would be nonexistent). Without facilitating the workers' construction of the pipeline, there is no capital accumulation, and without representing Indigenous land defenders as a threat to the workers, there is little moral justification for injunction enforcement action.

*Centring law enforcement personnel in the policing of infrastructure threats*

Second, Indigenous land defenders are represented by the RCMP and C-IRG as threats to extractive industry property and infrastructure and, in turn, a threat to land and capital accumulation. While not as prevalent in the data, this finding aligns significantly with existing literature on this topic, particularly regarding critical infrastructure protection (Monaghan & Walby, 2017). My findings suggest that law enforcement personnel represented Indigenous land defenders as a threat to extractive industry property and infrastructure insofar as they were deemed to be purposefully damaging roads, bridges, and construction property in an attempt to halt the pipeline's construction. Unlike the above observation of the workers serving as a dog whistle for the pipeline, and thus capital accumulation, the RCMP were more forthcoming about their representations of Indigenous protestors posing a threat to the pipeline's construction itself through the damaging of infrastructure and property.

Tangentially, and on a more interesting note, my findings also suggested that while the RCMP were more forthcoming about their representations of Indigenous land defenders as a threat to pipeline infrastructure and property, they also significantly centred the danger to law

enforcement in these scenarios. Many of these threats towards pipeline construction, property, and infrastructure were also represented as a purposeful threat or antagonistic action towards RCMP officers. Instead of assuming that the obstacles were meant to deter pipeline construction, as per the Indigenous land defenders' original goal, the RCMP assumed that the obstacles were meant to deter law enforcement action or harm law enforcement officers. In some instances, the RCMP neglected even to mention the potential impact of the obstacles on pipeline construction, instead focusing on the perceived threat to law enforcement officers.

Here, the RCMP represented Indigenous land defenders as purposefully attempting to incite conflict with the RCMP to halt the construction of the pipeline. Take again, for example, this excerpt from C/Supt. Attfield's email:

Considering the large area under the trapline permit, it seems there are a great many traps set immediately around the work site. I have little knowledge of trapping practice, but could this be construed as a deliberate effort to create an artificial conflict? (RCMP, A-2019-04526, p. 208)

Interestingly, as I pointed out in the previous chapter, there was no indication in the ATIP documents that the man who set the traps was even a protestor. Despite that, and in line with my previous observations, he was still perceived as a threat due to the C/Supt. Attfield's assumption is that the then-unknown Indigenous person was purposefully trying to incite a conflict with law enforcement to stop the construction of the pipeline (and thus, the potential capital accumulation). Had this person set the traps on almost any other Indigenous territory, the RCMP and C-IRG most likely would not have even been aware of their existence. However, due to the proximity of the pipeline, everyday actions on the part of Indigenous people are met with

skepticism and represented as a “risky” threat to law enforcement personnel and the extractive industry.

***Policing the “risky” land defender: pretextual civic mechanism surveillance***

Finally, Indigenous land defenders are represented by the RCMP and C-IRG as threats to land and capital accumulation due to their risky protesting practices. Similarly to the existing literature, I also found that Indigenous land defenders (and people) were represented as “risky” individuals who needed to be managed using amplified levels of policing and surveillance (Howe & Monaghan, 2018). Take again, for example, this excerpt from C/Supt. Brewer’s email:

[...] we need to articulate the reason for checking the camp(s) or groups in the area. This would include complaints made by the public such as lights being shone into traffic, new people and vehicles at the site, overt actions by persons towards other public r (*sic*) police such as signage, gestures or verbal interactions; as well as any online or other public statements that could be attributed to a given area or group indicting intent to stop or disrupt the project. (RCMP, AI-2023-05282, p. 1)

Here, minor disturbances, such as lights and the presence of vehicles, are framed as major public order issues, not because they are significantly disruptive but because they are associated with a group of Indigenous people attempting to stop the construction of a pipeline. If any other detachment were alerted to “lights being shone into traffic,” it probably would not be perceived as a major incident requiring immediate and significant police attention. But because this incident is associated with an Indigenous anti-extractive industry protest, it suddenly becomes a justification for enhanced levels of policing and surveillance.

This form of surveillance can be understood as pretextual civic mechanism surveillance whereby law enforcement uses civic mechanisms (such as 911 calls about lights shone into traffic) as a pretext to police and surveil an event site such as this protest. In this way, a minor complaint from the public is used as a justification for major policing and surveillance action towards a larger political aim. What is particularly insidious about this form of anti-protest surveillance is that the seemingly neutral 911 system, which civilians are supposed to trust, is weaponized to surveil political activism. Unbeknownst to the caller, their unrelated complaint is disproportionately co-opted by the wider security apparatus to police and surveil political dissent, which, in this instance, takes the form of an Indigenous anti-extractive industry protest. Thus, the 911 caller becomes an unwitting agent of surveillance for the Canadian state and its policing apparatus. Ultimately, in the case of the Wet'suwet'en land defenders, they are seen as such a significant threat to the pipeline's construction, and thus capital accumulation, that they require enhanced levels of policing and surveillance, supplemented by pretextual civic mechanism surveillance.

#### **Section 5.4: The impact of settler colonial power structures on Wet'suwet'en land defence**

Settler colonial power structures manifested in the RCMP and C-IRG's representations of Indigenous land defenders in two ways. First, the RCMP effectively delegitimized Wet'suwet'en land defenders' resistance through a conspiratorial framework, which ultimately represented them as lacking agency. Second, the RCMP emphasized pipeline disagreements within the Wet'suwet'en community, legitimizing pro-pipeline Wet'suwet'en by showing a strong preference toward state-approved modes of governance while delegitimizing traditional modes of

governance. These representations, which stemmed from settler colonial power structures, effectively resulted in divide-and-conquer tactics.

***Delegitimizing and demonizing land defence through conspiracy***

Networks of solidarity play a key role in Indigenous land defence, particularly regarding blockades. My findings are consistent with the literature here insofar that my data revealed that complex networks of solidarity formed between Indigenous and non-Indigenous protestors around the blockades. Interestingly, I found that the way the RCMP represented blockade solidarity networks went beyond common findings in the literature. While the literature indicated that these networks of solidarity formed as a way of sharing information and resources (Issac, 2020), reaching a larger audience (Hanna et al., 2016), and forming alliances (Gobby, 2020), my findings suggested that the RCMP and C-IRG view these networks of solidarity in an almost conspiratorial manner.

As mentioned in my findings, the RCMP and C-IRG feared the participation of local and non-local Indigenous protestors (RCMP, A-2019-04658), environmental activists (RCMP, 2020-00392), anarchists (RCMP, 2020-00392), and various non-governmental organizations in the protests and blockades. They especially feared Indigenous land defenders from other protests, such as Standing Rock, who they worried would bring violent tactics to the land defence actions on Wet'suwet'en territory (RCMP, A-2020-00392, p. 80). In this way, it appears that the RCMP represented non-Wet'suwet'en land defenders and other protestors as intruders whom they feared would infiltrate the Wet'suwet'en land defenders and inspire violent measures to halt pipeline construction. In other words, the RCMP and C-IRG seemed to represent these unknown others as

part of an underground web of violent, professional protestors with the sole purpose of stirring up trouble amongst the Wet'suwet'en.

This observation is significant for two reasons. First, by representing non-Wet'suwet'en land defenders and protestors as negatively influencing and inspiring violence amongst the Wet'suwet'en, the RCMP and C-IRG effectively remove the agency of the Wet'suwet'en land defenders. According to the representations from the RCMP and C-IRG, Wet'suwet'en land defenders are susceptible to outside influence and alter their land defence demands and actions due to pressure from other groups. This representation, in turn, delegitimizes the Wet'suwet'en's concerns and demands, framing them as deviously concocted by dangerous, outside actors. Second, these representations of Wet'suwet'en land defenders as easily and negatively influenced by outside forces are somewhat contradictory. On the one hand, the RCMP and C-IRG represent Wet'suwet'en land defenders as dangerous and threatening to extractive industry workers, law enforcement officials, and the pipeline project. On the other hand, the RCMP also represent Wet'suwet'en land defenders as peaceful protestors who are corrupted by an underground web of violent, professional protestors, many of whom join the Wet'suwet'en from other Indigenous defence actions across North America. In this way, the RCMP and C-IRG simultaneously represent Wet'suwet'en land defenders as individuals who are peaceful but corruptible while also portraying them as threats to individuals and infrastructure projects alike. One way in which the RCMP and C-IRG attempt to manage these purportedly chaotic protest structures and solidarities is through divide and conquer techniques.

*Divide and conquer*

As mentioned in the literature, under a settler colonial framework, the Canadian state views Indigenous resistance as violent and Indigenous land defenders as criminals because this resistance threatens the fragile security and sovereignty of the settler colonial state (Van Rythoven, 2021). As it follows, it is unsurprising that the RCMP and C-IRG employed divide-and-conquer tactics in an attempt to sever bonds of solidarity amongst Indigenous land defenders, particularly within the Wet'suwet'en nation itself. Recall that in *Section 4.4: Indigenous protests are internally disorganized*, I outlined how the RCMP represented pro-pipeline and anti-pipeline Wet'suwet'en in strikingly different ways. On the one hand, anti-pipeline Wet'suwet'en, consisting primarily of Hereditary Chiefs and land defenders, were represented as threatening, deviant occupiers. On the other hand, pro-pipeline Wet'suwet'en, consisting primarily of elected Chiefs and council members, were represented as lawful, peaceful, and safe.

Through these representations, it is clear that the RCMP and C-IRG have a strong preference towards pro-pipeline Wet'suwet'en members. While unsurprising, it is nevertheless worth noting that the RCMP gives more legitimacy and support to state-approved modes of governance (specifically, the elected Chiefs and council) as opposed to traditional Wet'suwet'en governance structures (the Hereditary Chiefs). By emphasizing these very natural differences in opinions within the Wet'suwet'en (Indigenous people, after all, are not a monolith) and showing a strong preference towards pro-pipeline Wet'suwet'en, the RCMP and C-IRG effectively use divide and conquer tactics to reduce the effectiveness of Wet'suwet'en land defence action by sowing contempt and undermining the legitimacy of anti-pipeline Wet'suwet'en opposition.

## **Section 5.5: Conclusion**

To begin, the legal foundations of settler colonialism manifested in the RCMP and C-IRG's representations of Indigenous land defenders as occupying their own territory. This legal Janus, where one face of the Canadian state symbolically acknowledges Indigenous laws while the other face upholds settler colonial legality, effectively results in the RCMP and C-IRG attempting to appear neutral while policing Wet'suwet'en protest, when in actuality they protest Indigenous land defenders in an unreasonably harsh manner.

Second, to justify their actions against Wet'suwet'en and other Indigenous land defenders, the RCMP and C-IRG represent Indigenous land defenders as opponents of Canadian law and law enforcement. This representation, however, serves to disguise the true representation of Indigenous land defenders as uncooperative with settler colonialism. And even when the RCMP occasionally upholds the Charter rights of Indigenous land defenders, they do so in an attempt to pacify their resistance against the settler colonial Canadian state.

Third, the RCMP and C-IRG's representations of Indigenous land defenders are informed by settler colonial interests in land and capital accumulation in subtle ways. For example, due to fears of backlash, the RCMP and C-IRG rely on dog whistles (such as representing Indigenous land defenders as threats to extractive industry workers) instead of relying on harsh, controversial language. To justify the policing of Indigenous resistance, RCMP personnel represent Indigenous land defenders as "risky" threats to workers, law enforcement, and infrastructure, thus necessitating enhanced policing and surveillance strategies.

Finally, settler colonial hierarchies and structures manifest in the RCMP and C-IRG's representations of Indigenous land defenders insofar as they are represented in ways which delegitimize Wet'suwet'en land defence due to law conspiracies which demonize the land

defenders' networks of solidarity. Additionally, the RCMP and C-IRG support and legitimize pro-pipeline state-approved modes of governance as opposed to traditional Wet'suwet'en governance structures, which tend to be anti-pipeline. This manufactured division effectively functions as a divide and control tactic to limit the potentiality of Wet'suwet'en land defence.

## Chapter 6: Conclusion

In this concluding chapter, I will begin by answering my overall research aim, which is to explore *how the RCMP (and more specifically, C-IRG) represented Indigenous land defenders during the Wet'suwet'en opposition to the Coastal GasLink pipeline*. Next, I will outline this study's contribution to the literature on policing and surveillance, particularly in the context of Indigenous political dissent. Finally, I will explore the limitations of this study and present suggestions for future research in this area that address these limitations.

### Section 6.1: Summary of the research findings

As informed by my research findings, I have demonstrated that the RCMP (and more specifically, C-IRG) represented Indigenous land defenders during the Wet'suwet'en opposition to the Coastal GasLink pipeline in highly nuanced ways. On the one hand, there is some evidence to suggest that the RCMP and C-IRG occasionally attempt to represent Indigenous land defenders neutrally and in line with how they should be policing protests. On the other hand, the overwhelming majority of findings point to the RCMP and C-IRG representing Indigenous land defenders in ways significantly beyond the scope of their policing duties, particularly across four categories.

First, the RCMP and C-IRG represent Indigenous land defenders as militaristic occupiers of Wet'suwet'en territory. Here, there is a significant emphasis on the Wet'suwet'en's claims of land ownership and sovereignty as legally unfounded, which the RCMP, in turn, uses to represent this population as illegally evicting law enforcement and extractive industry workers from the territory. Second, the RCMP and C-IRG represent Indigenous land defenders as uncooperative and disrespectful towards Canadian law and law enforcement. Here, the RCMP portrays

Indigenous land defenders as completely disregarding and disrespecting Canadian law and governance, even to the extent that the land defenders are represented as threatening the physical safety of law enforcement officers. Third, the RCMP and C-IRG represent Indigenous land defenders as “risky” threats, particularly to extractive industry workers, but also to law enforcement officials and pipeline infrastructure. Additionally, the RCMP represent Indigenous land defenders as purposefully attempting to incite conflict with law enforcement officials to halt pipeline construction, even in ways which endanger the land defenders’ lives and those around them. Finally, the RCMP and C-IRG represent Indigenous land defenders as an internally disorganized group, comprised of legitimate pro-pipeline Wet’suwet’en and illegitimate anti-pipeline Wet’suwet’en, the latter of whom are represented as easily influenced by negative, violent outside protestors.

## **Section 6.2: Contributions to the literature**

This study has contributed to the literature on policing and surveillance in three distinct ways. First, this study presents a more nuanced perspective on law enforcement’s policing of political dissent, particularly Indigenous political dissent. My findings demonstrate that while law enforcement personnel, such as the RCMP and C-IRG, overwhelmingly portray Indigenous land defenders in negative ways which go beyond the scope of their duties, they nevertheless occasionally attempt to facilitate the land defenders’ peaceful protest. However, it should still be noted that some instances of this peaceful protest facilitation are not due to respect for the land defenders’ Charter rights but rather for the purpose of pacification. This observation is interesting because the existing literature tends to use more charged language, such as insurgents and eco-terrorists when identifying representations of Indigenous land defenders. However, in line with

Van Rythoven's (2021) findings, I suggest that there has been a shift away from overtly representing Indigenous people in obviously negative and exaggerated ways due to fears of public backlash.

Second, this study identifies that when law enforcement officials police protest against extractive industry activities, they may turn to dog whistles to obscure the actual intent behind their policing actions. In the case of the RCMP's policing of Wet'suwet'en land defence, this manifested in the form of Indigenous land defenders being represented as threats to extractive industry workers. However, as discussed in *Chapter 5: Discussion*, there is evidence to suggest that the supposed threat to extractive industry workers is, in fact, a dog whistle for the threat that the Indigenous land defenders pose to the extractive industry. This observation builds on Van Rythoven's (2021) findings that public officials are increasingly concerned about using controversial language to describe instances of Indigenous political dissent due to growing unease around colonization. While Van Rythoven (2021) suggests that public officials distance themselves from these controversial claims using tactics such as denying the securitization of Indigenous dissent, apologizing for publicly indefensible claims, and resorting to euphemisms, I add that the claims persist, however, they are transformed into a dog whistle. Here, law enforcement personnel invoke threats to imagined "innocent civilian" populations, such as extractive industry workers, to justify their excessive policing in lieu of more controversial claims.

Finally, this study contributes to the literature by identifying a role that civilians may unknowingly play in the policing of Indigenous land defence through pretextual civic mechanism surveillance. As demonstrated by my findings, law enforcement officials utilize preexisting,

presumably neutral civic mechanisms (such as unrelated 911 calls) as a form of surveillance against extractive industry protests. This observation is particularly interesting because civilians may be unwittingly participating in the surveillance of political activism, raising concerns about Charter rights and civilian participation in the wider security apparatus.

### **Section 6.3: Limitations of the study and future research recommendations**

Despite these contributions to the literature, there were nevertheless a couple of limitations associated with this study. First, and as briefly mentioned in Chapter 3: Methodology, the use of RCMP ATIP documents to determine how the RCMP and C-IRG represented Indigenous land defenders likely had an impact on the findings of this thesis. Workers in the public sector, including the RCMP, are aware that their internal communications may be publicized due to ATIP requests. As such, it is probable that these findings do not fully represent how the RCMP and C-IRG represent Indigenous land defenders. Instead, these findings should be understood as a possibly sanitized version of the RCMP's representation of Indigenous land defenders, with their actual representations (in the form of conversations, for example) containing more controversial material. Given these limitations, it is important for future research to consider using different datasets that are not comprised solely of RCMP ATIP documents. Data sources that can be anonymized, such as surveys, may more accurately capture law enforcement representations of Indigenous land defenders by limiting law enforcement concerns about controversial representations being linked to them personally.

Second, in terms of generalizability, these findings may not be representative of broader trends of law enforcement's representations of Indigenous political dissent against the extractive industry for a couple of reasons. First, C-IRG itself is a very controversial RCMP policing unit.

As mentioned previously, C-IRG is actively under investigation by the Civilian Review and Complaints Commission for the RCMP, with allegations including neglect of duty, oppressive conduct, mishandling of property, improper attitude, improper use of force, and irregularity of procedure (Civilian Review and Complaints Commission, 2024). Given that excerpts from the communications of this already controversial policing unit made up a great deal of my data, it is possible that these law enforcement representations of Indigenous land defenders are not generalizable to other policing units who lack C-IRG's contentious track record. Given these limitations, future research might benefit from exploring the representations of Indigenous land defenders by law enforcement agencies other than the RCMP or C-IRG. Future studies in this area might also benefit from exploring these representations across multiple law enforcement agencies to improve the generalizability of the findings. By analyzing the representations of Indigenous land defenders from law enforcement units without an alleged track record of misconduct, future studies may be able to determine the general representations used by law enforcement agencies across Canada.

#### **Section 6.4: Conclusion**

In conclusion, this chapter answered the overall research aim of this thesis, which aimed to explore *how the RCMP (and more specifically, C-IRG) represented Indigenous land defenders during the Wet'suwet'en opposition to the Coastal GasLink pipeline*. Next, I discussed contributions to the policing and surveillance literature across three areas: nuanced discussions of law enforcement representations of Indigenous land defenders, law enforcement use of dog whistles to minimize controversial representations, and the role of unwitting civilian surveillance in the policing of Indigenous political dissent. Finally, I discussed the limitations of this study

and offered suggestions for future research, particularly related to the potential limitations of RCMP ATIP documents as the data source, which may lead to sanitized representations, and the impact of studying C-IRG and already contentious policing unit, on the generalizability of the findings.

## Appendix A: ATIP Documents

Reference #	pp.	Request Description
<b>A-2019-04526</b>	42 5	E Division - Logs, notes, and incoming/outgoing messages kept by the Gold and Silver commanders regarding the RCMP's enforcement of the court ordered injunction against indigenous protesters blockading access roads near Houston, BC
<b>A-2019-04658</b>	17	E Division Criminal Operations Branch (CROPS). Copy of the tactical operational plan submitted to the critical incident commander for the RCMP enforcement action against indigenous protesters on the territories and lands of the Wet'suwet'en First Nation.
<b>A-2019-06505</b>	29	Any records, memos or briefing notes, explaining C-ISO's mandate, purpose, or creation. Financial records related to the operation of the Community Industry Safety Office (C-ISO) near Houston British Columbia. Total costs of operating C-ISO; monthly budge
<b>A-2020-00392</b>	13 2	All records including briefing notes and emails and attachments received and sent by Deputy Commissioner Strachan E Division commander from Dec. 20, 2019 to Jan 17, 2020 about pipeline blockade
<b>A-2020-01020</b>	56	Original text: Documents that were produced from December 2019 to the present as a result of the Guardian allegations on December 20, 2019 pertaining the use of lethal over watch.
<b>A-2020-01021</b>	29	original text:All documents concerning the November 6, 2019 arrests at the Unist'ot'en camp in BC by the Community — Industry Response Group.
<b>A-2020-01183</b>	17	I would like to obtain records regarding media at the Gidimt'en checkpoint. More specifically, the decisions made to stop/alter media presence in the previous and most current RCMP raid of the camp
<b>A-2020-02126</b>	1	RCMP resources deployed in the Houston, Telkwa and Smithers regions of British Columbia, including along the Morice West Forest Service Road between December 1, 2019 and February 29, 2020. Please include the number of additional officers deployed
<b>A-2020-04198</b>	82	Copy of the RCMP after-action review completed after the January 2019 of the B.C. Supreme Court's injunction re: Coastal Gaslink near Houston, B.C.

<b>Reference #</b>	<b>pp.</b>	<b>Request Description</b>
<b>A-2021-09899</b>	14	Requesting correspondence between BC RCMP commanding officer and BC gov representatives, and financial information, related to enforcement activities of Coastal GasLink court injunction. From Nov 1 to Dec.23, 2021
<b>A-2023-02655</b>	36	Copy of all email correspondence between RCMP (both E Division and National HQ) and Coastal Gaslink, and/or TC Energy from August 1, 2021, to February 1, 2022, regarding C-IRG (Community-Industry Response Group) and the injunction enforcement for the CGP
<b>A-2023-02673</b>	11 1	Copy of all weekly briefings for both RCMP E Division and National HQ from August 1, 2021, to February 1, 2022, regarding C-IRG (Community-Industry Response Group) and the injunction enforcement for the Coastal Gaslink Pipeline (CGL pipeline).
<b>A-2023-02675</b>	4	Copy of all email correspondence between RCMP (both E Division and National HQ) and Coastal Gaslink, and/or TC Energy from November 1, 2019, to May 1, 2020, regarding C-IRG (Community-Industry Response Group) and the injunction enforcements for the CGL.
<b>AI-2023-02700</b>	26	Copy of all weekly briefing reports regarding C-IRG (Community-Industry Response Group) and the injunction enforcements for the Coastal Gaslink Pipeline (CGL pipeline) from February 5 -10, 2020 in and around the Morice River Bridge or by Morice Forest Ser
<b>A-2023-02704</b>	48	Copy of all weekly briefing reports for both RCMP E Division and National HQ from October 1, 2018, to April 1, 2019, regarding C-IRG (Community-Industry Response Group) and the injunction enforcement for the Coastal Gaslink Pipeline on Jan.7 2019
<b>AI-2023-05282</b>	6	Provide all documents pertaining to the C-IRG daily policing strategy for the Morice Forest Service Road / Coastal GasLink Pipeline area that was developed by Ken Floyd at the request of Warren Brown in February 2022.
<b>A-2023-10616</b>	2	Provide all briefing notes or updates on the RCMP's investigation into the Feb. 17, 2022, vandalism incident at a worksite for the Coastal GasLink Pipeline. E Division, C-IRG 2022-11-01 To 2023-09-19

## Appendix B: Codebook

Code Name	Description	Occurrences
<b>Round One</b>		
Agreement	Instances where the RCMP reference meeting an agreement or being in agreement with Indigenous protestors	10
Hereditary chiefs	General references which the RCMP make about the Wet'suwet'en Hereditary Chiefs	51
Injunction	Any context in which the RCMP mention the injunction	51
Land ownership	Instances where a party is referenced as owning the land, or believing they own the land (including the Wet'suwet'en, Canadian state, etc.)	29
Police_Arrest	References to the RCMP arresting Indigenous protestors	41
Police_Harmed	Instances in which the RCMP depict themselves as being harmed, including being physically harmed or made to feel uncomfortable by the protestors	19
Police_Purpose	Discussions in which the RCMP describe their purpose (in the context of policing protest on Wet'suwet'en territory)	28
Police_Uninformed	Instances in which the RCMP admit to being uninformed about an Indigenous practice	4
Protest_Cascade	Discussions about the Wet'suwet'en protest influencing or being influenced by other protests	24
Protestors_Blockade	General references to the protestors blockading	60
Protestors_Disagreement	Instances in which the RCMP describe Indigenous protestors as disagreeing with each other	12
Protestors_Lying	Instances in which the RCMP depict Indigenous protestors as lying	5

<b>Code Name</b>	<b>Description</b>	<b>Occurrence</b>
Protestors_Peaceful	References to Indigenous protestors engaging in peaceful protest	6
Protestors_Restrictions	General discussion of instances where Indigenous protestors are depicted as restricting CGL pipeline construction	16
Protestors_Terrorism	References made about Indigenous protestors engaging in terrorism, eco-terrorism, or insurgency	0
Protestors_Threats	General references to Indigenous protestors being threats (to police, the pipeline, etc.)	92
Protestors_Uncooperative	References to Indigenous protesters being uncooperative with the RCMP/law enforcement goals	24
Protestors_Unknown	Instances in which the RCMP reference “unknown” protestors (protestors from outside the Wet’suwet’en whose identities they are unsure of)	10
Reconciliation	General references to reconciliation	11
<b>Round Two</b>		
Disagreement	References instances in which the RCMP and Indigenous land defenders disagree with one another	19
Indigenous_Practices	Instances in which the RCMP reference Indigenous practices (particularly those of the Wet’suwet’en)	13
Land ownership_Indigenous	General references to Indigenous (particularly Wet’suwet’en) land ownership	28
Land ownership_State	General references to the Canadian state owning Indigenous territory (including references to Crown land)	14
Legal_Injunctions	Substantial references to the injunction granted to CGL	26

<b>Code Name</b>	<b>Description</b>	<b>Occurrence</b>
Legal_Other	References to any other legal processes (not including the criminalization of Indigenous land defenders)	7
Police_Arrest	Substantial references to the police arresting Indigenous land defenders	18
Police_Optics	Instances in which the RCMP discuss the optics, or public perception, of their actions	5
Police_Purpose	Instances in which the RCMP discuss the purpose of their enforcement actions	23
Police_Respectful	Instances in which the RCMP portray themselves as respectful of Indigenous land defenders or Indigenous practices	4
Protestors_Blockade	Substantial references to the Indigenous land defenders' blockade(s)	37
Protestors_Criminalization	Instances in which Indigenous land defenders are criminalized (specifically, when they are accused of specific criminal offences)	25
Protestors_Disagreement	Instances in which the RCMP discuss disagreements (perceived or otherwise) amongst Indigenous land defenders	19
Protestors_Lying	Instances in which the RCMP discuss Indigenous land defenders' lying (perceived or otherwise)	10
Protestors_Peaceful	References RCMP mentions of Indigenous land defenders engaging in peaceful protest OR their right to peacefully protest	19
Protestors_Violent	Instances in which the RCMP refer to Indigenous land defenders as behaving violently or engaging in violent activities	33
Protests_Merge	Discussions about the Wet'suwet'en protest influencing or being influenced by other protests or other Indigenous protests merging with the Wet'suwet'en	34

<b>Code Name</b>	<b>Description</b>	<b>Occurrence</b>
Threat_Accumulation	General discussion of Indigenous land defenders as threats to capital accumulation (in any form)	17
Threat_CGL	General discussion of Indigenous land defenders as threats to CGL	0
Threat_Police	General discussion of Indigenous land defenders as threats to RCMP officers	26
Threat_State	General discussion of Indigenous land defenders as threats to the Canadian state and its objectives	3
Threat_Workers	General discussion of Indigenous land defenders as threats to CGL workers	38
<b>Round Three</b>		
Land ownership_Indigenous	Specific references to Indigenous (particularly Wet'suwet'en) land ownership, including references to the role of Indigenous law regarding ownership	7
Land ownership_State	Specific references to the Canadian state owning Indigenous territory (including references to Crown land), including references to the role of Canadian law regarding ownership	3
Protestors_Disorganized	Instances in which the RCMP discuss Indigenous land defenders or the Wet'suwet'en as disorganized (in terms of the protest itself)	12
Protestors_Disrespectful	Instances in which Indigenous land defenders are portrayed as disrespectful to RCMP personnel	5
Protestors_Eviction	Instances in which Indigenous land defenders evict industry workers and police from Wet'suwet'en territory	11
Protestors_Occupation	References instances in which the RCMP discuss Indigenous land defenders occupying Wet'suwet'en territory. Does not include references to blockades.	6
Protestors_Outsiders	Instances in which protestors and land defenders from outside the Wet'suwet'en join the protest	26

<b>Code Name</b>	<b>Description</b>	<b>Occurrence</b>
Threat_Infrastructure	Specific discussion of Indigenous land defenders as threats to infrastructure, including infrastructure used to build the pipeline	12
Threat_Police	Specific discussion of Indigenous land defenders as threats to RCMP personnel	22
Threat_Property	Specific discussion of Indigenous land defenders as threats to CGL property	5
Threat_Workers	Specific discussion of Indigenous land defenders as threats to CGL workers	36

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