

Securitizing “Critical Infrastructure” in So-Called Canada:

Petro-Colonialism, Land Defence, and Alberta’s Critical Infrastructure Defence Act

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Abstract

In June 2020, Alberta’s United Conservative government under Jason Kenney passed the Critical Infrastructure Defence Act (CIDA). This provincial act codifies penalties for trespassing or obstructing various forms of “critical infrastructure,” including infrastructure attributed to Alberta’s fossil fuel economy. However, unbeknownst to many, CIDA was passed in direct response to Wet’suwet’en land defenders blockading pipeline infrastructure on their lands in the central interior of British Columbia and the cross-country solidarity blockades which followed. This paper analyzes the securitization of pipeline infrastructure throughout Canada’s contemporary history, showcasing how fossil fuel infrastructure has been discursively lodged as “critical” for Canada’s socio-economic well-being since Stephen Harper’s reign as Prime Minister. As a consequence, Indigenous land defenders have been narrativized as extremist threats by actors within Canadian settler-state governance, including actors within the Alberta provincial government during the passing of CIDA, in an effort to maintain fossil fuel hegemony and uphold the present petro-colonial order. In doing so, the settler-state has inhibited Indigenous communities from protecting their own “critical infrastructures” – the lands, waters, and non-human others – without legal penalty, threatening the survival of Indigenous nations and the planet at large whilst compromising future exercises of peaceful civil disobedience in Alberta.

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“[I]ndustry and government always talk about critical infrastructure, and their critical infrastructure is [about] making money and using destructive projects to make that money.... For us, our critical infrastructure is the clean drinking water, and the very water that the salmon spawn in... That salmon is our food source; it’s our main staple food. That’s one of our critical infrastructures.”
– Freda Huson, activist and spokesperson for the Unist’ot’en camp, interviewed by Anne Spice (2018, 40)

Introduction

Over the last 20 years, various government departments, politicians, and private actors throughout the Canadian settler state have labelled Indigenous land defenders as extremists, radicals, and domestic terrorists, all in the name of “critical infrastructure protection.”¹ Whether it is a road, a railway, or a pipeline, proponents perceive any infrastructure deemed “critical” for the maintenance of Canada’s extractive economy to be “threatened” so long as any form of collective action, including land defence blockades,² impede a structure’s ability to produce economically. However, in framing “critical infrastructure” in this manner, the Canadian settler state has problematically considered any peaceful obstruction of fossil fuel infrastructure as an affront to Canada’s national security, for state actors have directly attributed the well-being of the Canadian economy to the well-being of fossil fuel extractivism. In so doing, the Canadian settler state has subjected Indigenous peoples to increased surveillance and policing

1 Jeffrey Monaghan and Kevin Walby, “Surveillance of Environmental Movements in Canada: Critical Infrastructure Protection and the Petro-Security Apparatus,” *Contemporary Justice Review* 20, no. 1 (2017): 51; Jenna Harb and Kathryn Henne, “Disinformation and Resistance in the Surveillance of Indigenous Protesters,” in *In Information, Technology and Control in a Changing World*, ed. Blayne Haggart, Kathryn Henne, and Natasha Tusikov (Cham: Springer International Publishing, 2019), 192; Jen Gobby and Lucy Everett, “Policing Indigenous Land Defense and Climate Activism: Learnings from the Frontlines of Pipeline Resistance in Canada,” in *Enforcing Ecocide*, ed. Alexander Dunlap and Andrea Brock (Cham: Springer International Publishing, 2022), 99-100. 2 Harb and Henne, “Disinformation and Resistance,” 192; Gobby and Everett, “Policing Indigenous Land Defense,” 99-100.

when attempting to protect their lands, waters, and ecosystems from the ecological harms attributed to various resource development endeavours, particularly pipeline development projects³. Though critical infrastructure policing regimes targeting Indigenous land defenders have remained relatively covert⁴, taking place in several provinces and involving a multitude of both private and public actors⁵, the Alberta government attempted to establish its own provincial policing regime by passing the Critical Infrastructure Defence Act (CIDA) in June 2020.

Within this paper, I argue that Alberta's Critical Infrastructure Defence Act, under the guise of 'critical infrastructure protection,' actively targets Indigenous land defenders and stymies Indigenous land defence initiatives to preserve the dominant oil and gas industry within Alberta. To do so, the Alberta government, through its elected representatives, has characterized Indigenous land defenders and their allies as extremists and domestic terrorists; a characterization which became popularized post-9/11, as supposed 'acts of terror' were expanded to include posing a 'threat' to pipeline infrastructure. By turning Indigenous land defence into an issue of economic security and public safety, the Alberta government, through CIDA, aims to undermine acts of land defence and land-based solidarity whilst subjecting Indigenous land defenders to further criminalization. As CIDA upholds colonial notions of what infrastructure is "critical" at the expense of Indigenous counter-discourses reframing "critical infrastructure" as their storied, sacred lands and their ability to maintain right relations with other creatures on said lands, CIDA is dually destructive to Indigenous communities and the environment at large. Thus, the Critical Infrastructure Defence Act appears as an act of petro-colonialism⁶ – a form of settler-colonial intrusion intermingled with oil and gas extraction, in which ecological preservation and Indigenous survival are sacrificed in order to maintain fossil fuel hegemony.

This paper is divided into three parts. Part I discusses the discursive construction of settler-colonial "critical infrastructure" within Canada's recent history, along with the construction of Indigenous land defenders as extremist, radical threats in the post-9/11 era. Part II discusses the Critical Infrastructure Defence Act, reviewing CIDA's provisions and delving into the legislative

3 Monaghan and Walby, "Surveillance of Environmental Movements," 66; Gobby and Everett, "Policing Indigenous Land Defense," 99.

4 Monaghan and Walby, "Surveillance of Environmental Movements," 62; Gobby and Everett, "Policing Indigenous Land Defense," 96; Harb and Henne, "Disinformation and Resistance," 197-202.

5 Monaghan and Walby, "Surveillance of Environmental Movements," 59.

6 Samuel J. Spiegel, "Fossil Fuel Violence and Visual Practices on Indigenous Land: Watching, Witnessing and Resisting Settler-Colonial Injustices," *Energy Research and Social Science* 79, (2017): 1.

records surrounding CIDA to illuminate how these securitized, post-9/11 characterizations of Indigenous land defenders have bled into this consequential piece of legislation. Lastly, Part III provides a counter-discourse to that of settler-colonial “critical infrastructure” – Wet’suwet’en “critical infrastructures” – in an attempt to explain why peaceful land defence initiatives are a crucial avenue for Indigenous communities to assert their governance whilst protecting their relations with non-human others. By criminalizing this form of Indigenous “critical infrastructure” protection, though, the Alberta government is “enforcing ecocide,”⁷ exacerbating climate change and targeting acts of peaceful civil disobedience in the name of economic preservation.

Part I: “Critical Infrastructure” in So-Called Canada: A Modern History

According to Public Safety Canada, the Canadian government defines “critical infrastructure” as “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.”⁸ According to the government, if someone or something were to disrupt critical infrastructure, this “could result in catastrophic loss of life, adverse economic effects and significant harm to public confidence”⁹ (emphasis added). However, what counts as ‘critical infrastructure,’ what a ‘disruption’ to critical infrastructure looks like, and what the stereotypical ‘disruptor’ of critical infrastructure looks like in the eyes of the federal government has shifted over the last 40 years. As will be discussed, the most recent characterization of the critical infrastructure ‘disruptor’ has been peaceful protestors targeting resource development projects – a signal that, perhaps, those posing the gravest threat to Canada’s national security in the eyes of the Canadian government are those willing to challenge the extractivist economic order.

The discourse of “critical infrastructure protection” – a narrative which justifies state surveillance against those who ‘threaten’ economically lucrative infrastructure in the name of national security – initially emerged within Canada during the Cold War era¹⁰. Within this period, the Canadian security apparatus actively monitored critical infrastructure sites for signs of sabotage or industrial espionage, worried that Canadian industries could be compromised by “suspected communist functionar-

7 Gobby and Everett, “Policing Indigenous Land Defense,” 98.

8 “Canada’s Critical Infrastructure.” Public Safety Canada, accessed December 4, 2023, <https://www.publicsafety.gc.ca/cnt/ntnl-scrtr/crtcl-nfrstrctr/ci-iec-en.aspx> (emphasis added).

9 Public Safety Canada, “Canada’s Critical Infrastructure” (emphasis added).

10 Monaghan and Walby, “Surveillance of Environmental Movements,” 51.

ies.”¹¹ However, in the early 1990s, many Western states, including Canada, began to configure new ways of describing threats that were different from those conceived during the Cold War¹². This process was inevitably sped up in 2001, for the events of 9/11 would fundamentally shift how countries worldwide – including Canada – would conceptualize threats to their national security¹³.

According to S. Harris Ali, “the discursive opportunity to define environmentalists as security threats and ‘enemies of the state’ arose, at least in part, because of the heightened concern about national security and nationalist concerns in the post-9/11 context.”¹⁴ Discourses painting environmentalists and Indigenous land defenders as “terrorists” and “extremists” did exist prior to 2001, with these descriptors first gaining normalcy in the 1990s.¹⁵ However, the reconfiguration of Canada’s security apparatus in the post-9/11 era allowed for these inflammatory characterizations to proliferate.¹⁶ For instance, critical infrastructure protection became managed by the same bodies in charge of facilitating counter-terrorism operations within Canada.¹⁷ Further, private actors, including energy corporations, became involved in surveillance and intelligence-gathering operations targeting peaceful protestors at critical infrastructure sites.¹⁸ Thus, “framing rituals of ‘Aboriginal extremism’”¹⁹ soon became well-utilized by Canadian law enforcement and security agencies. These framing rituals became more prevalent after Stephen Harper was elected Prime Minister in 2006.²⁰ After all, Harper desperately wanted Canada – an “emerging energy superpower” – to become a “global energy powerhouse” under his tenure.²¹

As Harper and his Conservative government aimed “to implement policies that would have natural resources and energy development serve

11 Monaghan and Walby, “Surveillance of Environmental Movements,” 51.

12 Monaghan and Walby, “Surveillance of Environmental Movements,” 51.

13 S. Harris Ali, “Neoliberal Governance of Environmentalism in the Post-9/11 Security Era: The Case of Pipeline Debates in Canada,” in *Handbook of Anti-Environmentalism*, ed. David Tindall, Mark C. J. Stoddart, and Riley E. Dunlap (Cheltenham: Edward Elgar Publishing Limited, 2022), 252; Monaghan and Walby, “Surveillance of Environmental Movements,” 55.

14 Harris Ali, “Neoliberal Governance of Environmentalism,” 260.

15 Monaghan and Walby, “Surveillance of Environmental Movements,” 55-6.

16 Harris Ali, “Neoliberal Governance of Environmentalism,” 252-3.

17 Monaghan and Walby, “Surveillance of Environmental Movements,” 62, 65.

18 Monaghan and Walby, “Surveillance of Environmental Movements,” 52; 59-65; Gobby and Everett, “Policing Indigenous Land Defense,” 107.

19 Monaghan and Walby, “Surveillance of Environmental Movements,” 66.

20 Harris Ali, “Neoliberal Governance of Environmentalism,”

21 Jane Taber, “PM brands Canada an ‘energy superpower,’” *Globe and Mail*, July 15, 2006, <https://www.theglobeandmail.com/news/world/pm-brands-canada-an-energy-superpower/article1105875/>.

as the chief driver of the national economy,”²² Harper would undertake many initiatives throughout his time in office to stifle the involvement of environmentalists and climate scientists in policymaking and energy-related discourse.²³ However, the most consequential piece of legislation put forth by the Harper administration concerning critical infrastructure was the Anti-Terrorism Act (Bill C-51) in 2015. Bill C-51 characterized all oil and gas infrastructure – including pipeline infrastructure – as “critical infrastructure” in hopes of entrenching the idea that pipelines were “critical” for all Canadians’ security and economic well-being.²⁴ However, as all “threats to pipeline projects...[were] cast as threats to national (economic) security,” due to any “interference with critical infrastructure” being deemed an “activity that undermines the security of Canada” under Section 2(f) of Bill C-51’s Security of Canada Information Sharing Act²⁵, any collective resistance taking place against pipeline infrastructure – no matter how peaceful – would fall under the same vein as “domestic terrorism.”²⁶ As a result, Bill C-51 opened up the door for severe punitive action to be taken against individuals who took part in non-violent and otherwise non-criminal forms of protest against the oil and gas industry,²⁷ for those ‘interfering’ with critical infrastructure could be prosecuted under various terrorism-related offences as per Part II.1 of the Criminal Code.²⁸ In turn, vocal opponents of the oil and gas industry – notably Indigenous land defenders – became the targets of increased surveillance and criminalization in relation to up-and-coming pipeline projects.²⁹ This targeting of Indigenous land defenders is unsurprising, for Indigenous peoples have historically faced differential treatment by law enforcement in many circumstances, including but not exclusive to surveillance and policing operations

22 Harris Ali, “Neoliberal Governance of Environmentalism,” 250.

23 Harris Ali, “Neoliberal Governance of Environmentalism,” 251; Nathan Young and Aline Coutinho, “Government, Anti-Reflexivity, and the Construction of Public Ignorance about Climate Change: Australia and Canada Compared.” *Global Environmental Politics* 13, no. 2 (2013): 95-102.

24 Gobby and Everett, “Policing Indigenous Land Defense,” 106.

25 Canada, Library of Parliament, Legislative Summary: Bill C-51: An Act to enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, to amend the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act and to make related and consequential amendments to other Acts (Ottawa, ON: Library of Parliament, 2015), <https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/LegislativeSummaries/PDF/41-2/c51-e.pdf>, 7.

26 Anne Spice, “Fighting Invasive Infrastructures: Indigenous Relations Against Pipelines,” *Environment and Society* 9, no. 1 (2018): 43.

27 Monaghan and Walby, “Surveillance of Environmental Movements,” 57; Spice, “Fighting Invasive Infrastructures,” 43.

28 Canada, Library of Parliament, Legislative Summary: Bill C-51: An Act to enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, to amend the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act and to make related and consequential amendments to other Acts, 14.

29 Monaghan and Walby, “Surveillance of Environmental Movements,” 66; Gobby and Everett, “Policing Indigenous Land Defense,” 106; Anne Spice, “Fighting Invasive Infrastructures,” 43.

attributed to critical infrastructure protection.³⁰ For instance, the Critical Infrastructure Intelligence Team (CIIT) established by the RCMP during the Northern Gateway pipeline inquiry became responsible for gathering intelligence and sharing it with the National Energy Board (NEB) in preparation for Northern Gateway's proposal hearings starting in 2012.³¹ However, in communication with the NEB's security chief, the intelligence team warned of "the possibility [for] activities associated with the 'All Native [B]asketball Tournament' being held in Prince Rupert" to potentially impede the hearings, insinuating that intelligence officials pigeonholed all Indigenous peoples – including unrelated basketball players – as potential threats towards pipeline infrastructure.³² Thus, through Bill C-51, "[f]raming rituals of 'Aboriginal extremism'" amongst law enforcement became evermore common, for similar framing rituals were prolific even before interference with critical infrastructure was deemed akin to terrorism in the eyes of the law, as was the case during the Northern Gateway pipeline inquiry.³³

In addition to criminalizing land defenders through Bill C-51, the Harper administration also used criminalizing language when referring to environmentalists and activists in public forums. For example, Joe Oliver, previous Minister of Natural Resources, stated in a 2012 open letter:

We know that increasing trade will help ensure the financial security of Canadians and their families. Unfortunately, there are environmental and other radical groups that would seek to block this opportunity to diversify our trade. Their goal is to stop any major project, no matter what the cost [is] to Canadian families in lost jobs and economic growth... These groups threaten to hijack our regulatory system to achieve their radical ideological agenda... [and] it is an urgent matter of Canada's national interest.³⁴

By describing protestors as radicals who oppose the financial security of Canadian families, the Harper government and its prominent figureheads aimed to lodge a campaign of "discursive obstruction" – an "oppositional campaign waged by networks of elite state and private actors," in which the government constructed a "derogatory frame" to "sway public

30 Monaghan and Walby, "Surveillance of Environmental Movements," 65; Gobby and Everett, "Policing Indigenous Land Defense," 94, 97.

31 Monaghan and Walby, "Surveillance of Environmental Movements," 59-63.

32 Monaghan and Walby, "Surveillance of Environmental Movements," 62.

33 Monaghan and Walby, "Surveillance of Environmental Movements," 66.

34 Quoted in Harris Ali, "Neoliberal Governance of Environmentalism," 251.

opinion against movements that challenge elite interests.”³⁵ This obstructive framing of peaceful protestors, including Indigenous land defenders, has proliferated ever since, with the consequences of the Harper regime’s “war on terror” narratives leading to severe outcomes for Indigenous land defenders engaging in blockades or long-term protest camps against pipeline infrastructure.³⁶ To quote Jen Gobby and Lucy Everett, “[t]his blurring of the very real lines between land defence, civil disobedience, and terrorism leads to an implicit equivalence between people defending their lands and communities against unwanted extractive development[,] and violent terrorism aimed at injuring and killing people.”³⁷ These criminalizing narratives have, in turn, justified an increased police presence in response to Indigenous land defenders impeding the construction or expansion of pipeline projects, leading to claims that, in certain instances, the “police are [actively] being employed to ensure and enforce the interests of extractive economics.”³⁸

In sum, the securitization of critical infrastructure post-9/11, when coupled with Harper’s extractivist motives, resulted in two key discursive constructions. First, through Bill C-51, “critical infrastructure,” a catch-all phrase originally meant to refer to infrastructure deemed essential for Canada’s economic prosperity and national security, suddenly included pipeline and oil and gas infrastructure. Consequently, fossil fuel extraction has been framed as being “critical” for Canada’s interests, most notably Canada’s economic interests, despite the contentious and ecologically destructive nature of various pipeline projects within Canadian contemporary history. Second, and as a result of critical infrastructure interference being deemed akin to domestic terrorism under Bill C-51, Indigenous land defenders have been repeatedly framed as threats to the Canadian state and the Canadian national interest for engaging in peaceful protest against fossil fuel extraction on their treated or unceded territories. Ever since, Indigenous land defenders have been dubbed “extremists,”³⁹ “domestic terrorists,”⁴⁰ “radicals,”⁴¹ and even “anti-Canadian”⁴² by various actors within the Canadian state. These two consequential discourses, deployed to bolster Canada’s fossil fuel economy despite dissenting opinions, can be seen in the

35 Harris Ali, “Neoliberal Governance of Environmentalism,” 249.

36 Gobby and Everett, “Policing Indigenous Land Defense,” 101, 97.

37 Gobby and Everett, “Policing Indigenous Land Defense,” 101.

38 Gobby and Everett, “Policing Indigenous Land Defense,” 98.

39 Monaghan and Walby, “Surveillance of Environmental Movements,” 66.

40 Gobby and Everett, “Policing Indigenous Land Defense,” 101; Harris Ali, “Neoliberal Governance of Environmentalism,” 255; Spice, “Fighting Invasive Infrastructures,” 43.

41 Harris Ali, “Neoliberal Governance of Environmentalism,” 251-2.

42 Ibid, 252.

language surrounding the formation of the Alberta Critical Infrastructure Defence Act. This act will now be explored in-depth.

Part II: Alberta's Critical Infrastructure Defence Act: Petro-Colonial Policymaking in Action

The Critical Infrastructure Defence Act (CIDA), otherwise known as Bill 1, was proposed and passed by Jason Kenney's United Conservative government in Alberta in 2020. The Alberta government's overt goal when passing CIDA was to "protec[t] essential infrastructure by creating offences for trespassing, interfering with operations or causing damage."⁴³ However, when defining "essential infrastructure" – an analogous term for critical infrastructure – section 1 makes a concerted effort to list several types of infrastructure owned and operated by the oil and gas industry, including pipelines, refineries, and other kinds of fossil fuel production facilities.⁴⁴ Additionally, CIDA explicitly mentions other forms of infrastructure that a peaceful demonstration or a solidarity blockade might block, such as highways, railways, and urban rail transit systems, as other kinds of 'essential infrastructure.' Thus, CIDA takes a page from Bill C-51, aiming to protect a particular kind of 'essential infrastructure'⁴⁵ – oil and gas infrastructure – along with any other forms of 'infrastructure' that could become breeding grounds for anti-industry protests.⁴⁶

When detailing the prohibitions surrounding access to essential infrastructure, section 3 of CIDA states that no individual "without lawful right, justification or excuse" can willfully enter, damage, destroy, or obstruct any essential infrastructure located within the province, including when it is undergoing construction or maintenance.⁴⁷ Most notably, the Alberta government aims to "protec[t] essential infrastructure from damage or interference caused by blockades, protests or similar activities" – all of which, in the eyes of the Alberta government, "can cause significant public safety, social, economic and environmental consequences."⁴⁸ Consequently, if land defenders were to gather peacefully near a pipeline, or if a

43 "Protecting critical infrastructure," Government of Alberta, accessed December 4, 2023, <https://www.alberta.ca/protecting-critical-infrastructure>.

44 Critical Infrastructure Defence Act, Statutes of Alberta 2020, C-32.7, 1-2. https://kings-printer.alberta.ca/1266.cfm?page=c32p7.cfm&leg_type=Acts&isbncln=9780779817672.

45 Critical Infrastructure Defence Act, 1-2.

46 James Lawson, "Mounting Turbulence in Neoliberal Globalization: Political Economy, Populist Discourse, and Policy in Alberta, Canada," *Social Sciences* 11, no. 5 (2022): 16.

47 Critical Infrastructure Defence Act, 3.

48 "Protecting critical infrastructure," Government of Alberta, accessed December 4, 2023, <https://www.alberta.ca/protecting-critical-infrastructure> (emphasis added).

collective decided to form a solidarity blockade on a railway or a high-traffic roadway, those who participated could be charged up to \$10,000 for their first offence, up to \$25,000 for concurrent offences, and could even face imprisonment for up to six months. Though these charges are already relatively steep, they seem even more severe when considering s. 3(3) of CIDA, as each new day of protest would be considered a separate offence.⁴⁹ Thus, offences and their corresponding charges can accumulate based on both elapsed time and the severity of the offence, as per the opinion of law enforcement.

When considering the penalties expressed within CIDA alone, it is easy to see how the Critical Infrastructure Defensive Act deters the exercise of land defence and solidarity blockades within Alberta unless individuals are prepared to face hefty fines or potential imprisonment. However, CIDA does not just stymie Indigenous land defence in Alberta in principle;⁵⁰ for CIDA arose as a direct reaction to the Wet'suwet'en land defence blockades established in response to the construction of the Coastal GasLink pipeline in the central interior of British Columbia and the cross-country solidarity blockades that followed.⁵¹ As a result, in subsequent legislative discussions about CIDA before the Act was officially passed, various members of the legislative assembly (MLAs) used much of the same securitized language regarding Indigenous land defenders as has been deployed by Canada's "petro-security apparatus" since 9/11.⁵² Thus, by utilizing the discursive framework initially deployed by the Harper administration, discussions within the Alberta Legislative Assembly further confirmed that the passing of CIDA ultimately attempted to maintain fossil fuel hegemony whilst curbing dissent from some Indigenous communities.

For instance, when first tabling CIDA to the Alberta Legislative Assembly in February 2020, former Premier Kenney stated, "We have seen lawlessness jeopardize the Canadian economy, leading to the loss of tens of thousands of jobs here in Alberta and across the Dominion."⁵³ By juxtaposing the interests of the Canadian economy and, by extension, the

49 Critical Infrastructure Defence Act, 4.

50 Alexandra Heine and Kelly Twa, "Bill 1: Criminalizing Protests and Encroaching on Aboriginal Rights," *AB-lawg*, June 17, 2020, http://ablawg.ca/wp-content/uploads/2020/06/Blog_AH_KT_Bill1.pdf.

51 Province of Alberta. Alberta Legislative Assembly Debates, 26 February 2020 (Mr. Ifran Sabir, NDP), 13. https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20200226_0900_01_han.pdf#page=15; Duane Bratt, "Alberta's Climate Policy: Public Kenney versus Private Kenney." In *Blue Storm: The Rise and Fall of Jason Kenney*, ed. Duane Bratt (Calgary: University of Calgary Press, 2023), 200.

52 Monaghan and Walby, "Surveillance of Environmental Movements," 63.

53 Province of Alberta. Alberta Legislative Assembly Debates, 25 February 2020 (Hon. Jason Kenney, UCP), 4. https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20200225_1500_01_han.pdf#page=8 (emphasis added).

Canadian people with the interests of ‘lawless’ Indigenous land defenders, Kenney aimed to assert that if ‘lawless’ land defenders attempted to disrupt the hegemonic role of oil and gas, there could be economic consequences for Albertans and the country at large. Therefore, according to Kenney, the provincial government should protect oil and gas infrastructure, even if that protection persists despite vocal opposition within certain Indigenous communities. This discursive obstruction being adopted by Kenney is unsurprising, given Kenney’s campaign slogan of “jobs, economy, and pipelines,”⁵⁴ along with his intimate love affair with the oil and gas industry throughout his premiership.⁵⁵ Despite this, Kenney’s rhetoric set the stage for future CIDA hearings, a precedent that would result in even more inflammatory language being used to describe Indigenous land defenders within the Alberta Legislative Assembly.

During CIDA’s second hearing, then-MLA for Brooks-Medicine Hat, Michaela Glasgo, would refer to Wet’suwet’en land defenders and their allies as “green zealots and eco radical thugs,” stating that they have “fundamentally disregarded the rule of law, jeopardized public safety, and continue to throw the national economy into chaos.”⁵⁶ The Minister of Infrastructure, Prasad Panda, echoed those sentiments later on when referencing a solidarity blockade on a CN rail line in Edmonton, proclaiming that “[o]ur railways have been illegally blockaded by thugs who have appropriated the noble goal of reconciliation with Canada’s native peoples and used that as an excuse to hold the country hostage.”⁵⁷ Minister Panda later stated that it was precisely because of these “illegal protestors,” “thugs,” and “green zealots” that “[w]e have an obligation as a government to act,”⁵⁸ a discursive ploy to justify the criminalization of Indigenous peoples in efforts to maintain Alberta’s fossil fuel economy.

In the third and final hearing on CIDA before the bill’s passing, two different MLAs went as far as to call Indigenous land defenders “eco-terrorists.”⁵⁹ To make the implicit explicit, then-Minister of Children’s Ser-

54 Chaseten Remillard and Tyler Nagel, “Kenney’s Ride: Albertan Neo-Liberal Myths and the Symbology of a Blue Dodge Ram,” in *Blue Storm: The Rise and Fall of Jason Kenney*, ed. Duane Bratt (Calgary: University of Calgary Press, 2023), 170.

55 Bratt, “Alberta’s Climate Policy,” 196, 198-200.

56 Province of Alberta. Alberta Legislative Assembly Debates, 26 February 2020 (Ms. Michaela Glasgo, UCP), 12. https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20200226_0900_01_han.pdf#page=15

57 Province of Alberta. Alberta Legislative Assembly Debates, 26 February 2020 (Hon. Prasad Panda, UCP), 15. https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20200226_0900_01_han.pdf#page=15

58 Province of Alberta. Alberta Legislative Assembly Debates, 26 February 2020 (Hon. Prasad Panda, UCP), 17. https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20200226_0900_01_han.pdf#page=15

59 Province of Alberta. Alberta Legislative Assembly Debates, 28 May 2020 (Mr. Lori Sigurdson, NDP; Hon.

vices Rebecca Schulz proclaimed that “some governments may be okay with allowing illegal protesters to co-opt the First Nations agenda, driving investment from our province, filming TikTok videos on vital infrastructure while violating court orders, but our response is: not in Alberta.”⁶⁰ Schulz’s commentary, in tandem with other remarks provided by Kenney, Glasgo, and Panda, illuminates that the Critical Infrastructure Defence Act ultimately aimed to insulate Alberta’s hegemonic oil and gas sector from dissenters, most notably Indigenous land defenders. To do so, the Alberta government borrowed from the playbook of the Harper administration post-9/11, deeming fossil fuel infrastructure as “essential” through law whilst painting Indigenous land defenders as unruly, unreasonable threats who actively compromise the public safety and economic well-being of Albertans. However, it is crucial to understand that “critical infrastructure protection” is important not just for federal or provincial actors but also for Indigenous peoples. So important, in fact, that land defenders, including the Wet’suwet’en land defenders which triggered the creation of CIDA, have appropriated the terms being used by settler-state actors in order to challenge both the legitimacy and the petro-colonial prerogative of the settler-state in exercising “critical infrastructure protection” on Indigenous lands.

Part III: Indigenous “Critical Infrastructure Protection” – The Case of the Wet’suwet’en Nation

Many Indigenous peoples throughout Canada who maintain strong relations with the land have unique perspectives regarding what underpins their economies in critical ways, perspectives which commonly differ from that of the settler-colonial state. Thus, as a counter-discourse to how ‘critical infrastructure protection’ (CIP) is framed by various Canadian governmental actors – frames that are imbued with extractivist rhetoric and have repeatedly targeted and criminalized Indigenous peoples – Indigenous land defenders have, at times, reframed the highly securitized language attributed to CIP in a manner concordant with their community values and knowledge systems.⁶¹ As explained by Anne Spice, a Tlingit scholar and member of the Kwanlin Dun First Nation, “[b]y performatively ‘seeing like an oil company,’” land defenders appropriate the language

Rebecca Schulz, UCP), 865-7. https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20200528_0900_01_han.pdf.

60 Province of Alberta. Alberta Legislative Assembly Debates, 28 May 2020 (Hon. Rebecca Schulz, UCP), 867. https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20200528_0900_01_han.pdf (emphasis added).

61 Spice, “Fighting Invasive Infrastructures,” 41, 47.

of infrastructure to question the terms of industrial invasion onto their territories.”⁶² In turn, land defenders can challenge the legitimacy of the extractivist, settler-colonial rationale underlying CIP whilst “challeng[ing] the destructive teleology of settler petro-futures” more generally by appropriating and reframing concepts attributed to CIP.⁶³ One case of this astute appropriation comes from Freda Huson, Chief Howilhkát of the Wet’suwet’en First Nation, for Huson cleverly reframed the concept of “critical infrastructure” in a manner which re-oriented CIP around the protection of resources deemed ‘critical’ to the community rather than the protection of resources deemed critical for extractivist economic interests. In doing so, Huson highlighted the stark contrast between Wet’suwet’en conceptions of the land as sacred and relational and settler-state valuations of the land as resource-rich and appropriable, an ontological difference that ultimately prompted land defence initiatives on Wet’suwet’en territory, such as the creation of the Unist’ot’en Camp in 2010, amidst “infrastructures of invasion” threatening the lands, waters, and creatures to whom the Wet’suwet’en nation lives in good relation.⁶⁴

In reconceptualizing “critical infrastructure” outside of the settler-colonial guise of CIP, Huson defines Wet’suwet’en “critical infrastructure” as “the interconnected networks of human and other-than-human beings that sustain Indigenous life in mutual relation.”⁶⁵ Though many Western conceptions of ‘infrastructure’ view ‘infrastructure’ as an inanimate object to be exploited or utilized for tangible benefit or economic gain, Huson’s reframing evidently showcases how the ‘infrastructure’ being defended by the Unist’ot’en Camp is both alive and relational, with these relations needing to be tended in perpetuity by Wet’suwet’en peoples, among others, in order for them to be maintained.⁶⁶ In explaining the relationality underlying this reconceptualization of ‘critical infrastructure,’ Huson states:

[F]or us, our critical infrastructure is the clean drinking water, and the very water that the salmon spawn in[.] ... The salmon is our food source; it’s our main staple food. That’s one of our critical infrastructures. And there’s berries that are our critical infrastructure, because the berries not only feed us, they also feed the bears, and the salmon also don’t just feed us, they feed the bears. And each and every one of

62 Spice, “Fighting Invasive Infrastructures,” 52; see also: Ferguson, James. “Seeing Like an Oil Company: Space, Security, and Global Capital in Neoliberal Africa.” *American Anthropologist* 107, no. 3 (2005): 377–382.

63 Spice, “Fighting Invasive Infrastructures,” 52.

64 Spice, “Fighting Invasive Infrastructures,” 45, 52.

65 Quoted in Spice, “Fighting Invasive Infrastructures,” 41.

66 Spice, “Fighting Invasive Infrastructures,” 42.

those are all connected, and without each other, we wouldn't survive on this planet.⁶⁷

Thus, Wet'suwet'en 'critical infrastructure,' based on the description provided by Huson, simultaneously "sustai[ns] the collective life" of the Wet'suwet'en peoples whilst preserving the local ecologies found on Wet'suwet'en lands;⁶⁸ a stark ontological difference from that of the "Canadian state, [for] oil and gas pipelines count as infrastructural, [whereas] the relations of rivers, glaciers, lakes, mountains, plants and animals[,] and Indigenous nations are [seen] as natural resources to be modernized as commodities or subjects" of the settler-state.⁶⁹

Given that these Wet'suwet'en critical infrastructures "are pointing to... the human and non-human networks that have supported Indigenous polities on this continent for tens of thousands of years,"⁷⁰ if said critical infrastructures⁷¹ are threatened by a form of settler-colonial "critical infrastructure,"⁷² such as a pipeline project, this threat can be seen as an affront to the lives of the Wet'suwet'en people, along with the lives of the non-human others to whom they live in good relation. Hence, when Wet'suwet'en peoples establish blockades against pipeline infrastructure, it is largely to protect the critical ecological system that Wet'suwet'en peoples have depended on since time immemorial. After all, to quote Freda Huson, "that whole cycle and system is our critical infrastructure," and if both "industry and government are [continuing to] pus[h]... projects that would destroy that critical infrastructure," an assertion of Indigenous jurisdiction in the form of a blockade allows for community members to continue "attending to and caring for the networks of relations that make Indigenous survival possible."⁷³

Before concluding, it is essential to note that when Huson refers to "our critical infrastructure," she does not just mean the humans and non-human others existing on Wet'suwet'en lands. Rather, she is stating that Wet'suwet'en's "critical infrastructures" are just one example of the types of interconnected ecosystems which we, as humankind, should strive to protect to sustain life for future generations and non-human others for

67 Spice, "Fighting Invasive Infrastructures," 40.

68 Spice, "Fighting Invasive Infrastructures," 52.

69 Spice, "Fighting Invasive Infrastructures," 48.

70 Spice, "Fighting Invasive Infrastructures," 52.

71 Spice, "Fighting Invasive Infrastructures," 41 (emphasis in original).

72 Spice, "Fighting Invasive Infrastructures," 41.

73 Spice, "Fighting Invasive Infrastructures," 52.

many years to come.⁷⁴ Thus, the protection of Wet'suwet'en 'critical infrastructure' is inherently tied to the greater mission of environmental preservation,⁷⁵ a mission which becomes inhibited rather than bolstered when policies such as the Critical Infrastructure Defence Act ultimately choose short-term economic gain over the long-term aspiration of creating a liveable planet.

Conclusion

As evidenced by the analysis of Hansard transcripts during the deliberation of Alberta's Critical Infrastructure Defence Act in 2020 in tandem with the provisions within the bill itself, it is evident that CIDA was passed in hopes of maintaining fossil fuel's hegemonic status within the Albertan economy. With this goal in mind, various elected representatives within the Alberta provincial government employed a discursive framing similar to that of the Harper government in the post-9/11 era, deeming oil and gas infrastructure "essential" for the body politic and simultaneously characterizing Indigenous land defenders as radical extremists. By attempting to delegitimize the motives of land defenders by discursively framing them as a threat to public safety and the local economy and by effectively entrenching said frames into provincial law, the Alberta government, under the premiership of Jason Kenney, believed that they could quell fossil fuel-derived protests for years to come. However, as demonstrated by Freda Huson, acts of land defence – including those of the Wet'suwet'en land defenders, which initially inspired Jason Kenney, among others, to craft and pass CIDA – are ultimately peaceful exercises of resistance, asserting Indigenous sovereignty and protecting relied-upon ecological networks in the face of settler-state actors attempting to transgress or supersede those objectives in hopes of furthering the petro-colonial order.

Therefore, given the Alberta government's discursive conflation of peaceful acts of civil disobedience – most notably that of Indigenous land defence – with acts of violent terrorism under CIDA, the implications attributed to the passing of CIDA may prove pernicious in the years to come. After all, by only allowing for peaceful protests to occur so long as they do not impact or stain the present extractivist order, CIDA could effectively ban a multitude of otherwise lawful protests throughout Alberta, including strikes, occupations, and other forms of direct action. Not only is this outcome unconstitutional as per the Canadian Charter of Rights

⁷⁴ Gobby and Everett, "Policing Indigenous Land Defense," 98.

⁷⁵ Gobby and Everett, "Policing Indigenous Land Defense," 98; Spice, "Fighting Invasive Infrastructures," 50.

and Freedoms – but it could operate in tandem with the overt targeting of Indigenous land defenders in particular, and Indigenous peoples more generally, for supposed criminal wrongdoing in relation to engaging in peaceful protest. Though the future will be the ultimate storyteller when it comes to CIDA, Indigenous land defenders in Alberta, in tandem with other peaceful protesters, will likely find it necessary one day to challenge the virulent, extractivist economic order. Thus, CIDA might be more of a petro-colonial stopgap than a panacea, for dissenters may believe that, in the words of Martin Luther King Jr., there exists a “moral responsibility to disobey unjust laws.”

References

- Alberta. Legislative Assembly. “Critical Infrastructure Defence Act.” Bill 1, 30th Legislature, 2nd Session, 2020, 1-5. [Edmonton, AB]: King’s Printer, Province of Alberta, 2020.
- Alberta, Legislative Assembly, *Hansard*, 30th Leg, 2nd Sess, No. 1 (25 February 2020). https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20200225_1500_01_han.pdf#page=8.
- Alberta, Legislative Assembly, *Hansard*, 30th Leg, 2nd Sess, No. 4 (26 February 2020). https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20200226_0900_01_han.pdf#page=15.
- Alberta, Legislative Assembly, *Hansard*, 30th Leg, 2nd Sess, No. 22 (28 May 2020). https://docs.assembly.ab.ca/LADDAR_files/docs/hansards/han/legislature_30/session_2/20200528_0900_01_han.pdf.
- Bratt, Duane. 2023. “Alberta’s Climate Policy: Public Kenney versus Private Kenney.” In *Blue Storm: The Rise and Fall of Jason Kenney*, edited by Duane Bratt, Richard Sutherland, and David Taras, 189-207. Calgary, AB: University of Calgary Press.
- Canada. Library of Parliament. Legislative Summary: Bill C-51: *An Act to enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, to amend the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act and to make related and consequential amendments to other Acts*. Ottawa, ON: Library of Parliament. 2015. <https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/LegislativeSummaries/PDF/41-2/c51-e.pdf>.
- Ferguson, James. 2005. “Seeing Like an Oil Company: Space, Security, and Global Capital in Neoliberal Africa.” *American Anthropologist* 107, no. 3: 377–382. <https://www.jstor.org/stable/3567023>.

- Gobby, Jen and Lucy Everett. 2022. "Policing Indigenous Land Defense and Climate Activism: Learnings from the Frontlines of Pipeline Resistance in Canada." In *Enforcing Ecocide*, edited by Alexander Dunlap and Andrea Brock, 89–121. Cham, Switzerland: Springer International Publishing.
- Government of Alberta. 2023. "Protecting critical infrastructure." Accessed December 4, 2023. <https://www.alberta.ca/protecting-critical-infrastructure>.
- Harb, Jenna, and Kathryn Henne. 2019. "Disinformation and Resistance in the Surveillance of Indigenous Protesters." In *Information, Technology and Control in a Changing World*, edited by Blayne Haggart, Kathryn Henne, and Natasha Tusikov, 187–211. Cham, Switzerland: Springer International Publishing.
- Harris Ali, S. 2022. "Neoliberal Governance of Environmentalism in the Post-9/11 Security Era: The Case of Pipeline Debates in Canada." In *Handbook of Anti-Environmentalism*, edited by David Tindall, Mark C. J. Stoddart, and Riley E. Dunlap. Cheltenham, United Kingdom: Edward Elgar Publishing Limited.
- Heine, Alexandra, and Kelly Twa, 2020. "Bill 1: Criminalizing Protests and Encroaching on Aboriginal Rights." *ABlawg*, June 17, 2020. http://ablawg.ca/wp-content/uploads/2020/06/Blog_AH_KT_Bill1.pdf.
- Lawson, James. 2022. "Mounting Turbulence in Neoliberal Globalization: Political Economy, Populist Discourse, and Policy in Alberta, Canada." *Social Sciences* 11, no. 5: 1-30. <https://doi.org/10.3390/socsci11050221>.
- Monaghan, Jeffrey, and Kevin Walby. 2017. "Surveillance of Environmental Movements in Canada: Critical Infrastructure Protection and the Petro-Security Apparatus." *Contemporary Justice Review* 20, no. 1: 51–70. <https://doi.org/10.1080/10282580.2016.1262770>.
- Public Safety Canada. 2022. "Canada's Critical Infrastructure." Accessed December 4, 2023. <https://www.publicsafety.gc.ca/cnt/ntnl-scrt/crt-cl-nfrstrctr/cci-iec-en.aspx>.

- Remillard, Chaseten, and Tyler Nagel. 2023. "Kenney's Ride: Albertan Neo-Liberal Myths and the Symbology of a Blue Dodge Ram." In *Blue Storm: The Rise and Fall of Jason Kenney*, edited by Duane Bratt, Richard Sutherland, and David Taras, 169-186. Calgary, AB: University of Calgary Press.
- Spice, Anne. 2018. "Fighting Invasive Infrastructures: Indigenous Relations Against Pipelines." *Environment and Society* 9, no. 1: 40–56. <https://doi.org/10.3167/ares.2018.090104>.
- Spiegel, Samuel J. 2021. "Fossil fuel violence and visual practices on Indigenous land: Watching, witnessing and resisting settler-colonial injustices." *Energy Research & Social Science* 79: 1-18. <https://doi.org/10.1016/j.erss.2021.102189>.
- Taber, Jane. 2006. "PM brands Canada an 'energy superpower.'" *The Globe and Mail*, July 15, 2006. <https://www.theglobeandmail.com/news/world/pm-brands-canada-an-energy-superpower/article1105875/>.
- Young, Nathan, and Aline Coutinho. 2013. "Government, Anti-Reflexivity, and the Construction of Public Ignorance about Climate Change: Australia and Canada Compared." *Global Environmental Politics* 13, no. 2: 89–108. https://doi.org/10.1162/GLEP_a_00168.