

### First Nations, LNG Canada, and the Politics of Anti-Pipeline Protests

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### LNG SERIES

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n October 2018, LNG Canada – a C\$40 billion joint venture supported by some of the largest multinational corporations in the world, including Shell, Petronas, PetroChina, Mitsubishi and the Korean Gas Corporation - was approved by its investors, and a new chapter in Canadian political economy began. The project consists of a coastal liquefied natural gas terminal at Kitimat, British Columbia, which is fed by a 670-kilometre pipeline from the shale gas-producing region in the province's northeast interior. It is the largest private-sector and natural resource investment in Canadian history, in a country where resource extraction still contributes more than 17 per cent of GDP. Moreover, LNG Canada is the cornerstone of the B.C. NDP government's economic policy, promising to provide 10,000 jobs during construction and up to 950 permanent jobs once the project is fully operational. It will also create \$5 billion in additional provincial GDP per year and \$23 billion in new revenues over the project's life, while spurring the growth of a new natural resource industry, Predicted economic benefits in the rest of Canada will total \$2 billion per year and approximately \$500 million in new federal revenues. These benefits will be in addition to an increase in the value of all Canadian liquefied natural gas exports of between \$519 million and \$5.8 billion per year, depending on market prices.<sup>2</sup> Thus, it is not surprising that the federal government is also strongly supportive, and that Prime Minister Justin Trudeau was seated next to B.C. Premier John Horgan when the agreement was signed.

For all the enthusiasm, LNG Canada raises a series of crucial questions about principles and political trade-offs, ultimately touching on issues central to Canada's current divisive public policy debates and its strained constitutional fabric. Notwithstanding the shared insistence of the B.C. and federal governments that an LNG industry can be established without compromising Canada's or British Columbia's greenhouse gas emissions targets, environmentalists and other actors have criticized the project. Critics note Canada's poor performance in reducing its GHG emissions, and the apparent inconsistency between building a new LNG sector and the province's desire to position itself as "CleanBC".3 Indeed, the provincial government's eponymous economic and environmental policy statement goes to considerable lengths to allay environmental concerns.4 But for many critics, a government that has provoked backlash elsewhere in Canada by opposing construction of new diluted bitumen pipelines from Alberta to the Pacific coast is a hypocrite for supporting its own fossil fuel pipeline and export terminal mega-project. The project comes alongside B.C.'s opposition to the expansion of the Trans Mountain pipeline, and federal

<sup>&</sup>lt;sup>1</sup> "LNG Canada," Government of British Columbia (n.d.). Available at <a href="https://www2.gov.bc.ca/gov/content/industry/natural-gas-oil/lng/lng-projects/lng-canada">https://www2.gov.bc.ca/gov/content/industry/natural-gas-oil/lng/lng-projects/lng-canada</a>; Len Coad, Daniel Munro, Prince Owusu and Allison Robins, *A Changing Tide: British Columbia's Emerging Liquefied Natural Gas Industry*, Conference Board of Canada, 2016. Available at <a href="https://www.conferenceboard.ca/press/newsrelease/16-02-29/b.c.s.future-liquefied-natural-gas-industry-could-fuel-economic-and-job-growth-in-the-province-and-canada-for-decades.aspx?AspxAutoDetectCookieSupport=1.">https://www.conferenceboard.ca/press/newsrelease/16-02-29/b.c.s-future-liquefied-natural-gas-industry-could-fuel-economic-and-job-growth-in-the-province-and-canada-for-decades.aspx?AspxAutoDetectCookieSupport=1.</a>

<sup>&</sup>lt;sup>2</sup> Coad et al., 2016; Philip Cross, "LNG: Measuring its Impact on the British Columbia Economy," howestreet.com, Nov. 14, 2018. Available at <a href="https://www.howestreet.com/2018/11/14/lng-measuring-its-impact-on-the-british-columbia-economy/">https://www.howestreet.com/2018/11/14/lng-measuring-its-impact-on-the-british-columbia-economy/</a>.

<sup>&</sup>lt;sup>3</sup> David Hughes, "A Clear Look at BC LNG: Energy Security, Environmental Implications and Economic Potential," Centre for Policy Alternatives, 2015. Available at <a href="https://www.policyalternatives.ca/publications/reports/clear-look-bc-lng">https://www.policyalternatives.ca/publications/reports/clear-look-bc-lng</a>; Karen Wu, "LNG Canada's Announcement Presents Big Challenges to B.C.'s Clean Growth," Pembina Institute, Oct. 2, 2018. Available at <a href="https://www.pembina.org/media-release/lng-canada-fid">https://www.pembina.org/media-release/lng-canada-fid</a>.

<sup>&</sup>lt;sup>4</sup> CleanBC: Our Nature, Our Power, Our Future, Government of British Columbia, 2019. Available at https://cleanbc.gov.bc.ca/.

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rejection of the Northern Gateway pipeline that would also have built a fossil fuel export facility at Kitimat. The perception that British Columbians will support their own fossil fuel sector while obstructing Alberta's has fuelled the interprovincial acrimony that resulted in a brief trade war last year, even though both provinces were, until very recently, governed by provincial wings of the New Democratic Party.

Government support for LNG also further undermines the already delicate political landscape of reconciliation between Indigenous peoples and non-Indigenous Canadians. Shortly after the LNG Canada project launch, the Wet'suwet'en nation – through whose lands the LNG pipeline is supposed to pass – reinvigorated a campaign of civil disobedience and territorial occupation. As discussed below, for weeks in late 2018 and early 2019, the Unist'ot'en protest encampment blocked access to representatives of Coastal GasLink seeking to begin construction on the pipeline route. Many local people and their supporters claimed a lack of Canadian jurisdiction to interfere in the traditional decision-making processes of the Wet'suwet'en. The RCMP's subsequent enforcement of a court order supporting Coastal GasLink's right to enter the territory did little to resolve underlying conflicts between legislated and hereditary traditional governance structures among First Nations in B.C. and elsewhere in Canada. Nor did it inspire much hope that the federal reconciliation agenda, a centrepiece of the post-2015 Trudeau government, offered much different to Indigenous peoples than the Harper government that preceded it.

At least three aspects of the LNG Canada project raise unresolved questions critical to British Columbia's and, indeed, Canada's future. First, what is the balance between climate change policy and non-renewable natural resource extraction, particularly fossil fuels? Second, how should Canada decide which resource projects to approve, and by extension, which provinces will stand to benefit most from their natural resources? Beyond its implications for regional economies and Canada's contributions to combating climate change, this question also strikes at the heart of Canadian national unity. It stirs the volatile mix of Western Canadian grievance against Ottawa, cultural and economic differences between Alberta and B.C., and the contentious debate over perpetuating Canada's petro-economy during a federal election year. Finally – and the main focus of this paper – the Unist'ot'en dispute vividly captures the complexity and uncertainty of ongoing debates over settler-Indigenous reconciliation, Indigenous governance structures and their varied degrees of legitimacy, state-sanctioned violence in the interests of private capital, and the possibility of decolonizing Canada's Indigenous political landscape. As the most recent episode of contentious natural resource extraction in Canada, LNG Canada is high stakes to multiple potentially incompatible interests, and thus is also high politics for elected leaders, local communities, First Nations, and affected constituencies from coast to coast to coast.

#### **Indigenous Politics, Infrastructure Projects and Direct Action**

Observations from previous cases of Indigenous direct action might indicate what we can expect in the current LNG case. Certainly, the threat of blockades and (re)occupations of land remains a powerful political tool for opponents of projects that cross Indigenous traditional territories – and

particularly those lands which Indigenous groups consider to be unceded. In 2010, Queen's University professor Douglas Bland noted: "The Canadian economy is very vulnerable [...] especially oil, natural gas and electricity to the United States. It's undefended and undefendable infrastructure [... that] run[s] through aboriginal territories. It would take a very small number of people very little time to bring [it] down." Past cases demonstrate that some Indigenous groups seek "to grind the country's economic lifelines to a halt through strategically placed blockades on the major highways and rail lines" as a tactic to leverage broader political concessions from Canadian governments.<sup>6</sup> In response, the federal government has increasingly surveilled and criminalized environmental and Indigenous activism against fossil fuel extraction, particularly that related to the Alberta bitumen sands. Canada's 2012 Counter-Terrorism Strategy identifies the potential threat of violence associated with four areas of "domestic issue-based extremism," including animal rights activists, environmentalists and anti-capitalists (in addition to white supremacists).8 As environmentalism and anti-capitalism overlap significantly with the political goals of Indigenous self-determination and authority over land use, Canadian law enforcement has specifically monitored Indigenous groups, including the Idle No More movement, for their anti-extractive activism and political organizing activities.9

On a conceptual level, Indigenous direct action is both instrumental and symbolic. It is a means to reshape power and authority, and "to inspire individual and collective ethnic pride and to raise ethnic consciousness." Accordingly, terms such as "activism" and "protest" can lead to inaccurate interpretations of Indigenous actions as token acts of political defiance rather than as deliberate strategies. Legal scholar John Borrows highlights that these tools should be considered within an ongoing tradition of diplomacy used by Indigenous groups seeking to retain the "occupation of areas to which they maintain or claim rights." Blockades might be better understood as nationalist tactics predicated on competing sovereignty claims with the state rather than "protest" or "activism." As geographer Nicholas Blomley observes, "to be able to assert some claim to, and control over, space (albeit temporarily) through a blockade both relies upon, and further sustains, First Nations claims to unabrogated sovereignty over specific territory." <sup>12</sup>

<sup>&</sup>lt;sup>5</sup> Douglas Bland, quoted in Jon Elmer, "Canada's Brewing Insurgency," *Al Jazeera*, June 26, 2010. Available at http://english.aljazeera.net/focus/2010/06/20106238405246236.html.

<sup>&</sup>lt;sup>6</sup> Ibid. See also Douglas L. Bland, Time Bomb: Canada and the First Nations (Toronto: Dundurn, 2014).

<sup>&</sup>lt;sup>7</sup> Philippe Le Billon and Angela Carter, "Securing Alberta's Tar Sands: Resistance and Criminalization on a New Energy Frontier," in *Natural Resources and Social Conflict: Towards Critical Environmental Security*, eds. Mathew A. Schnurr and Larry A. Swatuk, 170-192 (New York: Palgrave Macmillan, 2012); Wilfrid Greaves, "Risking Rupture: Integral Accidents and In/Security in Canada's Bitumen Sands," *Journal of Canadian Studies* 47, no. 3, 2013: 169-199.

<sup>&</sup>lt;sup>8</sup> Public Safety Canada, *Building Resilience Against Terrorism: Canada's Counter-Terrorism Strategy*. Available at <a href="http://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/rslnc-gnst-trrrsm/index-eng.aspx">http://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/rslnc-gnst-trrrsm/index-eng.aspx</a>.

<sup>&</sup>lt;sup>9</sup> Craig Proulx, "Colonizing Surveillance: Canada Constructs an Indigenous Terror Threat," *Anthropologica* 56, no. 1, 2014: 83-100; Andrew Crosby and Jeffrey Monaghan, "Settler Colonialism and the Policing of Idle No More," *Social Justice* 43, no. 2, 2016: 37-58; Shiri Pasternak and Tia Dafnos, "How Does a Settler State Secure the Circuitry of Capital?" *Environment and Planning D: Society and Space* 36, no. 4, 2018: 739-757.

<sup>&</sup>lt;sup>10</sup> Joanne Nagel, "American Indian Ethnic Renewal: Politics and the Resurgence of Identity," *American Sociological Review* 60, no. 6, 1995: 947-965 at 957-958.

<sup>&</sup>lt;sup>11</sup> John Borrows, "An Analysis of and Dialogue on Indigenous and Crown Blockades," in *Philosophy and Aboriginal Rights: Critical Dialogues*, eds. Sandra Tomsons and Lorraine Mayer, 101-123 (Toronto: Oxford University Press, 2013) at 104.

<sup>12</sup> Nicholas Blomley, "Shut the Province Down': First Nations Blockades in British Columbia, 1984-1995," BC Studies 111, Autumn 1996: 24.

Although media coverage and scholars often adopt binary frames that treat the state and First Nations as monolithic actors, factionalism is a reality of political life in Indigenous communities as it is in Canadian politics. Internal dynamics and competing agendas inherently complicate political action on local, regional and national levels. This reality influences strategic signalling between political actors because the audience for blockades and other direct-action tactics is not only the settler state, but also other internal factions of Indigenous nations.

In theory, the degree of cohesiveness in an Indigenous community should affect its ability to project a strong message and achieve desired outcomes. The more unified a community appears, the harder it is for non-Indigenous governments to pursue policy preferences that run contrary to those expressed by local leaders. By contrast, a nation or group beset with internal division and strife that fails to present a united front will undermine the credibility of those taking direct action. Accordingly, contests for legitimacy and efforts to discredit activists or to justify direct actions occur within Indigenous communities as well as between external actors.

There is no consensus, however, on the effectiveness of blockades and other direct actions as tactics for asserting Indigenous self-determination. One recent study suggests that there is no clear verdict about whether blockades and (re)occupations of land represent an effective way for Indigenous groups to break an unfavourable status quo and bring about positive outcomes from their perspective.<sup>13</sup> Some blockades and occupations have been more successful than others, measured according to stated Indigenous political, social, economic, environmental and spiritual outcomes. Gauging success depends upon which faction or group of Indigenous people one chooses to prioritize. Some actions are well planned, whereas others are ad hoc and poorly led. Some fulfilled their organizers' desired outcomes and bridged political divides, whereas others failed miserably and exacerbated internal divisions. Furthermore, when conflicts turn violent, the achievements must be measured against the loss of life, injury and damage to property/territory. Assessing the efficacy of Indigenous protest thus requires specific assessment of individual cases.

#### The Wet'suwet'en Nation and Coastal GasLink: Sovereignty and Dissent

Internal battles for legitimacy within Indigenous communities often expose deep-seated divisions between elected First Nations leadership (recognized by the federal and provincial governments) and hereditary chiefs. In many cases, these groups question each other's motives and their claims to speak on behalf of their First Nations. A clear example is the January 2019 move by the Unist'ot'en hereditary chiefs and their supporters to build a checkpoint on a remote logging road near Houston, B.C., – defying a B.C. Supreme Court injunction ordering them to move so that TransCanada Pipelines could build the Coastal GasLink project through Wet'suwet'en traditional territory. The elected chief and band council of the Wet'suwet'en First Nation have voted to

<sup>&</sup>lt;sup>13</sup> Yale Belanger and P. Whitney Lackenbauer, eds., *Blockades or Breakthroughs? Aboriginal Peoples Confront the Canadian State* (Montreal & Kingston: McGill-Queen's University Press, 2015). On how direct action has influenced future generations' self-esteem and approaches to community-based advocacy, see Leanne Simpson and Kiera L. Ladner, eds., *This Is an Honour Song: Twenty Years since the Blockades* (Winnipeg: Arbeiter Ring, 2010).

<sup>14</sup> Available online at http://www.coastalgaslink.com/wp-content/uploads/2019/01/2019-01-04-filed-order-re-interim-injunction-revised.pdf.

support Coastal GasLink. Indeed, TransCanada (recently renamed TC Energy), Coastal GasLink's parent company, signed agreements with all of the First Nations along the proposed route, who are reportedly seeking at least 22.5 per cent ownership in the pipeline project. Hereditary leaders from all five Wet'suwet'en clans asserted, however, that the band councils did not have jurisdiction over their nation's traditional territory under Wet'suwet'en law. The Unist'ot'en blockade and encampment thus claim to derive their legitimacy from the Wet'suwet'en hereditary leadership: "What we're here for ... is to protect the 22,000 square kilometres and this section of the territory for our grandchildren and our great-grandchildren that aren't even born yet so they can enjoy what we enjoy today out on the territory," hereditary chief Madeek of the Gidimt'en clan told reporters.

Disagreement within the hereditary leadership of the Wet'suwet'en further complicates the situation. Three female leaders who support the construction of the Coastal GasLink pipeline allege that their hereditary titles and traditional roles were removed by other hereditary chiefs as punishment for their views.<sup>17</sup> The women claim that their authority has been usurped and that the Office of the Wet'suwet'en Nation - the non-profit entity that co-ordinates and represents the hereditary governance system – has violated traditional protocols and decision-making processes. This dispute over hereditary authority within the Wet's uwet'en nation has significant implications for LNG Canada. For instance, one of the five hereditary chiefs who has led the opposition to the project only assumed his hereditary title after it was stripped from his predecessor, Gloria George, for her support of Coastal GasLink. While critics contend that the Wet'suwet'en Matrilineal Coalition established by these female leaders has been funded by the B.C. government and TC Energy to sow dissent among the Wet'suwet'en, the three women claim to represent not just a valid constituency, but the majority of people within their community. 18 Such disputes complicate both the processes of representing the Wet'suwet'en externally and the B.C. and federal governments' abilities to perform their consultative responsibilities towards affected First Nations under section 35 of the Constitution Act 1982. And compared to instances where First Nations and other Indigenous communities speak with a single voice, the dispute over traditional authority increases the likelihood of the state achieving its desired outcome, as governments can claim that Wet'suwet'en leaders do not all oppose the project, and that substantial segments of the community support it.

That members of a First Nation community articulate competing ideas about LNG should come as no surprise, given that Indigenous peoples hold a range of perspectives on the role of resource

<sup>&</sup>lt;sup>15</sup> Brent Jang, "NEB Considers Examining B.C. Pipeline Plans Amid Standoff over Jurisdiction," *The Globe and Mail*, April 18, 2019. Available at <a href="http://v1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="http://v1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="http://v1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="http://v1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://v1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://v1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://v1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://v1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://v1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://v1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://v1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://v1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://v1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://w1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://w1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://w1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://w1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://w1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://w1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate?current\_row="https://w1.theglobeandmail.com/servlet/GIS.Servlets.HTMLTemplate.HTMLTempl

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<sup>&</sup>lt;sup>16</sup> Chantelle Bellrichard, "Hereditary Chiefs in B.C. Stand Opposed to Coastal GasLink Pipeline Despite Injunction," CBC News, Jan. 7, 2019.
Available at <a href="https://www.cbc.ca/news/indigenous/hereditary-chiefs-in-b-c-stand-opposed-to-coastal-gaslink-pipeline-despite-injunction-1.4968169">https://www.cbc.ca/news/indigenous/hereditary-chiefs-in-b-c-stand-opposed-to-coastal-gaslink-pipeline-despite-injunction-1.4968169</a>

<sup>&</sup>lt;sup>17</sup> Brent Jang, "Wet'suwet'en Chiefs Remove Hereditary Titles of Three Women who Support Coastal GasLink Pipeline," *The Globe and Mail*, Feb. 26, 2019. Available at <a href="https://www.theglobeandmail.com/business/article-wetsuweten-chiefs-remove-hereditary-titles-of-three-women-who/">https://www.theglobeandmail.com/business/article-wetsuweten-chiefs-remove-hereditary-titles-of-three-women-who/</a>.

<sup>&</sup>lt;sup>18</sup> Brent Jang, "Indigenous Supporters of Coastal GasLink Say Majority of Wet'suwet'en Members Back Project," *The Globe and Mail*, June 9, 2019. Available at https://www.theglobeandmail.com/business/article-indigenous-supporters-of-coastal-gaslink-say-majority-of-wetsuweten/.

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development in their desired economic and political futures. Instead, understanding how power and authority actually play out encourages observers to pay specific attention to discerning those who are establishing themselves as the leaders or spokespersons for each position and their rationale(s) for pursuing it – both within the community and to the outside media. It also begs the question of whether a blockade or occupation enjoys widespread support among local and regional First Nations, and what the respective responsibilities of legislated and hereditary Indigenous governance structures are in practice. As former chief of the Wet'suwet'en First Nation and current CEO of the First Nations LNG Alliance Karen Ogen-Toews has stated: "There is no doubt that the hereditary leadership has some responsibility for land and natural resources within our territory. At the same time, the elected leadership has responsibility for our people and the external affairs of their First Nation." Clarifying these areas of jurisdiction will be a critical aspect of natural resource governance in Canada.

In most cases, government officials and corporate actors prefer to negotiate with elected band councils and avoid conferring political legitimacy on dissident groups that may act without clear community support. This fits with the state's position as a status quo political actor seeking to protect its sovereignty, territory, political authority and legal integrity. The challenge to Canadian sovereignty, in which protesters identify and assert what is Indigenous space and confront state authority to protect it, marks blockades and occupations as legal and political crises from the perspective of the settler state and broader society.

By extension, some proponents of a state-defined law-and-order framework portray blockades and (re)occupations as illegal forms of dissent, and cast Indigenous participants in such direct actions as Canadian citizens subject to state laws. According to this line of argument, societies operate efficiently only when one law applies equally to everyone. Conversely, one can also make the claim, as Borrows does, that blockades are also about bringing law and order as logical and appropriate responses to settler society's illegal occupation of traditional Indigenous homelands. In this context, Indigenous participants in direct action often invoke "colour of right" arguments that assert the Indigenous lawfulness of their actions, and reject the jurisdiction of settler legal system and colonial political processes.

At their core, these confrontations are essentially strategic messaging contests between different Indigenous groups with competing interests as well as with the private sector and/or state authorities. Political scientist C. Radha Jhappan suggests that Indigenous people participating in direct actions "use symbols which appeal to society's general sense of justice and fairness" when publicizing their grievances. This underscores the perceived importance of securing public support for addressing alleged injustices, securing space for groups and issues on the political agenda, attracting allies and creating a sense of urgency.<sup>20</sup> In the LNG case, this involves securing the support of the national and international environmental and Indigenous rights movements.

<sup>&</sup>lt;sup>19</sup> Blair McBride, "Most First Nations in Northern B.C. Support LNG Pipeline, Group Says," *Kelowna Capital News*, Jan. 8, 2019. Available at <a href="https://www.kelownacapnews.com/news/most-first-nations-in-northern-b-c-support-lng-pipeline-group-says/">https://www.kelownacapnews.com/news/most-first-nations-in-northern-b-c-support-lng-pipeline-group-says/</a>.

<sup>&</sup>lt;sup>20</sup> C. Radha Jhappan, "Indian Symbolic Politics: The Double-Edged Sword of Publicity," Canadian Ethnic Studies 22, no. 3, 1990: 19-39 at 35.



#### Narrative Frames and the Power of Media

Academic studies typically criticize the news media for racist coverage of Indigenous people's issues, depicting mainstream journalists as colonial "agents and handmaidens" of governments and corporate Canada who perpetuate misperceptions of Indigenous violence. Although complex histories and competing claims to legitimacy are often distilled into binary law-and-order narratives that pitch state authorities against Indigenous protesters, it is erroneous to claim that all journalists side with government, succumb to sensationalism or adhere to a single frame or opinion. News coverage reflects different perspectives, with reporters also highlighting in a sympathetic light Indigenous opponents to resource development who fit tropes of Indigenous peoples as protectors of the land. Indeed, Indigenous groups vying for popular legitimacy recognize that the media can convey broader critiques of state power that mobilize support beyond their local group and geographical area, validate their claims and influence power relationships. Given that direct-action tactics are used to draw attention to a cause that has failed to gain traction through official legal and political channels, the media are a strategic tool.

Because blockades and occupations are predicated on Indigenous accusations of injustice, state actors must gauge the thresholds of potential violence that Canadian society will tolerate in response. Direct actions that provoke military or police action have a tendency to raise the protesting group's profile and attract national support. In the case of LNG, the RCMP took action when anti-pipeline protesters at the Unist'ot'en camp indicated that they would not comply with a court order to remove their blockade preventing Coastal GasLink from accessing its pipeline right-of-way. When the RCMP took 14 people into custody in early January 2019, Assembly of First Nations (AFN) National Chief Perry Bellegarde proclaimed that the use of force against peaceful protesters violated their human and constitutional rights. "If this was really about the 'rule of law' then governments would be honouring the rights and title of First Nations in their traditional territories, which are recognized by Canada's own courts," he added. "The AFN supports the governance and decision-making process of the Wet'suwet'en leaders. Canada and B.C. should do the same. There is no reconciliation in the actions that unfolded yesterday." What Bellegarde did not specify is which Wet'suwet'en leaders should ultimately be empowered to represent their people and make vital decisions such as those over land use and natural resources.

This situation also revealed the tendency for direct action by First Nations groups to slide from issue-specific protests (e.g., over an LNG pipeline and environmental protection) to broader issues of Indigenous land title, colonial oppression and sovereignty. Bellegarde and other regional and national Indigenous leaders connected the Wet'suwet'en protest to the United Nations Declaration on the Rights of Indigenous Peoples, insisting that this reflected the problematic

<sup>&</sup>lt;sup>21</sup> W.A. Gamson and G. Wolfsfeld, "Movements and Media as Interacting Systems," *Annals of the American Academy of Political and Social Science* 528, 1993: 114-125 at 119. See also Sandra Lambertus, *Wartime Images, Peacetime Wounds: The Media and the Gustafsen Lake Standoff* (Toronto: University of Toronto Press, 2004), 5.

<sup>&</sup>lt;sup>22</sup> Canadian Press, "AFN Chief Critical of RCMP Pipeline Intervention," Jan. 8, 2019. Available at <a href="https://www.pipelinemagazine.ca/energy/afn-chief-critical-rcmp-pipeline-intervention-calls-canada-b-c/1003280838/">https://www.pipelinemagazine.ca/energy/afn-chief-critical-rcmp-pipeline-intervention-calls-canada-b-c/1003280838/</a> For its part, the RCMP stated on its website that: "The conflict between the oil and gas industries, Indigenous communities, and governments all across the province has been ongoing for a number of years. This has never been a police issue. In fact, the B.C. RCMP is impartial and we respect the rights of individuals to peaceful, lawful and safe protest."

Quoted in Canadian Press, "Five Things to Know about the LNG Pipeline Protest in Northern B.C.," Jan. 8, 2019. Available at <a href="https://toronto.citynews.ca/2019/01/08/five-things-to-know-about-the-lng-pipeline-protest-in-northern-b-c/">https://toronto.citynews.ca/2019/01/08/five-things-to-know-about-the-lng-pipeline-protest-in-northern-b-c/</a>



imposition of state laws on Wet'suwet'en. However, they sidestepped any acknowledgment that all elected First Nation band councils along the pipeline route support the project.<sup>23</sup> As such, even national organizations such as the AFN – whose own legitimacy is subject to similar disagreements among Indigenous peoples – find themselves trapped within the competing claims and sources of authority of different actors representing Indigenous peoples.

#### Conclusion

The natural resource sector's reliance on critical infrastructure that crosses both First Nations reserve lands and unceded traditional territories to transport commodities to markets poses a series of challenges for British Columbian, Canadian, and Indigenous politics and governance structures. In addition to the local and global environmental consequences of fossil fuel-intensive or -producing economic activities, the construction of a new project throws into sharp relief many of the unresolved tensions that exist within Canadian society and constitutional architecture. LNG Canada and the construction of the Coastal GasLink pipeline is the most recent episode of a resource mega-project receiving strong support from state and private actors, only to encounter uncertainty and grassroots opposition on the basis of fundamental underlying questions of Indigenous rights and title and the appropriate source of Indigenous political authority.

At the heart of the dispute over LNG in British Columbia is the central question of politics: who governs? But any answer is complicated by the fact that multiple governance fault lines intersect in Wet'suwe'ten territory in the B.C. interior. While all orders of settler government support LNG Canada and Coastal GasLink – unlike even more heavily disputed bitumen pipelines further south – the same is not true of Indigenous authorities within the Wet'suwe'ten nation. Within that single Indigenous nation, multiple voices claim to speak on behalf of the people and their interests, and invoke both legislated and hereditary forms of legitimacy as the basis for their political authority. This dispute thus reflects uncertainties and ambiguities within Indigenous nations over the appropriate source of political decision-making.

<sup>&</sup>lt;sup>23</sup> See, for example, Canadian Press, "AFN Chief Critical of RCMP Pipeline Intervention." Available at <a href="https://www.pipelinemagazine.ca/energy/afn-chief-critical-rcmp-pipeline-intervention-calls-canada-b-c/1003280838/">https://www.pipelinemagazine.ca/energy/afn-chief-critical-rcmp-pipeline-intervention-calls-canada-b-c/1003280838/</a> and Canadian Press, "Five Things to Know about the LNG Pipeline Protest." Available at <a href="https://toronto.citynews.ca/2019/01/08/five-things-to-know-about-the-lng-pipeline-protest-in-northern-b-c/">https://toronto.citynews.ca/2019/01/08/five-things-to-know-about-the-lng-pipeline-protest-in-northern-b-c/</a>

### **▶** About the Author

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