

Policing Indigenous Land Reclamations from Ipperwash to Caledonia

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Abstract:

This paper analyzes the policing of settler colonialism in Canada through two specific land reclamations, Ipperwash (1995) and Caledonia (2006), and the Ipperwash Inquiry (2003-2007) that links them together. While these cases are often contrasted, Ipperwash as an instance of “escalated force” and Caledonia a progressive example of “measured response,” I argue that this dichotomy disguises the continuous and underlying function of the police. As an embodiment of Canada’s legal architecture, the police use violence to maintain social order and reproduce the geography of settlement. Processes of inquiry are limited by their inability to critique the constitutive violence of the law. By placing justice within Canada’s existing legal structures, the Ipperwash Inquiry naturalizes the spatial order that land reclamations intend to decolonize.

Introduction

The Canadian nation-state is implicated in processes of dispossessing Indigenous nations for the benefit of the settler population and their interests in the expropriation of Indigenous lands and resources. Indigenous peoples continuously resist these colonial processes and in certain cases actively reclaim territory. These acts of reclamation, however, are delegitimized by Canadian governments, criminalized, and met with police violence. The legal architecture of Canada and policing are co-constitutive processes in the maintenance of settler colonial social order, settler spatial configurations, and the reproduction of capitalist social relations. This paper situates the policing of Indigenous land reclamations within the broader context of settler colonialism in Canada. Bringing together the insights of

critical geographers and Indigenous scholars, this paper argues that Canadian law is an inherently spatial phenomenon that relies upon and enables the material practices of colonialism.

To illustrate the spatial aspects of Canadian law, I analyze two land reclamations, Ipperwash (1995) and Caledonia (2006), and the Ipperwash Inquiry (2003-2007) that links them together. Ipperwash is a particularly influential case of Indigenous reclamation because protest over the police murder of land defender Dudley George led to the Ipperwash Inquiry, which is often credited with initiating a shift in policing strategies from “hard” instances of escalated force to “soft” strategies of measured response and negotiation. It is important, however, to critique this dichotomy and to document the structural continuities of policing in the maintenance of the colonial landscape. Caledonia, as the next major instance of Indigenous reclamation in Ontario, provides an opportunity to measure this supposed shift in policing. This empirical focus on the Ipperwash Inquiry speaks to the limitations of legal discourse and processes of inquiry. The inquiry places justice within Canada’s existing legal structures without attending to the constitutive violence of the law itself. Rather than accept and legitimize the limitations of the inquiry, it is necessary to denaturalize the colonial structure that underlies Canada’s legal discourse, and to reveal the disciplinary violence that enables its spatial and territorial practices.

Settler Geographies, the Law, and Police Violence

According to Patrick Wolfe, settler colonialism is primarily concerned with the appropriation of and sovereign rule over land (2006: 388). It involves simultaneous processes: on the one hand seeking to dispossess Indigenous populations while on the other constructing and reproducing the settler collective. And it is precisely this reproductive aspect, of attempting to “naturalize” a new community on occupied territory, which distinguishes *settler* colonialism from other forms of imperialism. In other words, settlers are here to stay, making “invasion...a structure not an event” (Wolfe 1999: 163). Settlement and colonialism, then, are not merely

historical but are ongoing social formations continually reproduced by the Canadian nation-state and settlers in their exclusive sovereign claims over the territory.

In this sense, the space of Canada is not neutral or objective; it relies upon the erasure and dispossession of Indigenous peoples. As Sherene Razack explains, the naturalization of settlement operates symbolically through national mythologies of enterprising white settlers (2002: 3). These origin stories deploy Eurocentric notions of *terra nullius* (empty land) and civilizational narratives of progress to justify settler presence while codifying entitlement to the land in law (ibid.). Canada relies upon a historically specific spatiality, a way of interpreting the land as empty in order to claim it as exclusive sovereign territory. The space claimed is then organized according to a capitalist legal regime of private property, dependent in part on the sovereign use of force for its operation. According to Nicholas Blomley, “violence plays an integral role in the legitimation, foundation, and operation of a regime of private property,” which in turn produces an intrinsic and consequential geography (2003: 121). The law, upheld and enforced by institutions of policing, orders and maintains settler space and enables the constitution of the colonial landscape.

Extending Marx’s analysis of so-called primitive accumulation, Glen Coulthard writes that “formative acts of violent *dispossession* set the stage for the emergence of capitalist accumulation and the reproduction of capitalist relations of production by tearing Indigenous societies, peasants, and other small-scale, self-sufficient agricultural producers from the source of their livelihood – *the land*” (2014:11). The police are central to this development as embodiments of legal violence deployed against the frontier. The 1873 creation of North-West Mounted Police (NWMP) is a particularly revealing example of how policing reproduces landscapes of settlement. As Jeffery Monaghan explains, the NWMP were “agents of National Policy” that “exemplified the symbolic and material expansion of settler colonial authority into the North-West,” empowered as police,

magistrates, soldiers, and diplomats to establish the “rule of law” (2013: 125). Following the 1885 Northwest Rebellion, the reach and importance of the NWMP increased considerably. Although the rebellion itself consisted of a small number of militant groups, it was manipulated and embellished by Ottawa in order to solidify and expand control and authority over the territory more generally. Métis and Indigenous peoples became subject to harsher and more restrictive policies overseen by the Department of Indian Affairs and enforced by the NWMP.

In the post-rebellion period, the NWMP was central to the enforcement of pass laws, the containment strategies of the reserves, the dispersal (and nondispersal) of rations and equipment based on compliant behaviour (despite treaty obligations), and the frontline enforcement of law and order. As the frontier became increasingly conditioned for white settlement, criminal law became an important disciplinary tool to establish sovereign, settler authority. As Blomley explains, the creation of frontiers is central to the establishment of law and the legitimation of legal violence (2003: 124). Frontiers are coded ideologically with notions of violent nonlaw, chaos, and disorder, against which a western legal tradition justifies its existence. These constructions not only erase existent Indigenous legal traditions that governed the territory prior to European colonial expansion, but also externalize the state violence necessary to enable to reach of Canadian law. This underlying sovereign violence does not exist outside of western legal traditions, but is constitutive of them by colonizing the legal as well as material landscape. What I want to highlight, however, are the points of interaction and coordination between the police and the Department of Indian Affairs. That is, the NWMP and other police forces across Canada not only enforce law, but also enable much of the administrative reach of the Department of Indian Affairs.

Cole Harris explains that the implementation of the reserve system, its codification in the Indian Act, the paternalistic authority of the Indian Agent, and the use of pass laws to restrict Indigenous peoples’

movements on and off reserves constituted a “spatial strategy of dispossession and of population management” (2004: 174). This process was supported and enabled by the police and informed by racist assumptions about the “savage criminality” of Indigenous peoples, as well as civilizational discourse about what forms of land use constituted legitimate ownership. Bonita Lawrence explains that “[Indian Act] legislation, designed to reinforce the rights of settlers to the entire land base by restricting ‘Indians’ to specific territories within it, for the first time defined, albeit extremely loosely, who should be considered to be an ‘Indian’” (2003: 7). By deploying the racialized category “Indian,” the Canadian government attempted to control, police, and eliminate Native peoples, while the reserve system spatialized these assimilationist practices (Harris 2004: 176, 179; Razack 2002).

These processes of dispossession, relocation, and identity regulation continue to structure and influence contemporary Indigenous/settler relations in Canada. Many Indigenous scholars have argued that configurations of power within and in relation to Indigenous communities represent neocolonial forms of control, aimed at limiting anticolonial mobilization and the resurgence of Indigenous nationhood (Alfred 2009; Smith 2011; Coulthard 2014; Simpson 2014). Canadian authorities, for instance, often deploy anxieties about frontier lawlessness when responding to land reclamations. That is, by casting land defenders as beyond the law, the police attempt to justify their violent conduct in defending colonial property relations.

As points of rupture in the colonial landscape, land reclamations illustrate the material, territorial, and spatial aspects of Canadian legal discourse and reveal its constitutive violence embodied by the police. If settler colonialism is an ongoing structure then the police are its occupying force. In the following sections I will explore these themes through a reading of the Ipperwash Inquiry and its affect on police practices. While the inquiry is an important investigative document, it is nonetheless constrained by its inability to engage with the

constitutive violence of settler law. By placing justice within Canada's existing legal structure, the inquiry unconsciously naturalizes the spatial order that land reclamations intend to decolonize.

Policing Ipperwash and the Limits of Inquiry

During World War II the Department of National Defense (DND) and the Department of Indian Affairs made extensive plans to appropriate the Stoney Point Reserve land of the Aazhoodena First Nation in order to create an army training camp. Concerned Aazhoodena people petitioned the government and denounced the "lack of respect and failure of the government to consult with Stony Point [Aazhoodena] residents" (Linden 2007a: 50). Despite this dissent, and a decisive vote by band members against the surrender, Aazhoodena was appropriated in 1942 pursuant to the War Measures Act and renamed Camp Ipperwash.

The governmental process of relocating the Aazhoodena people to the neighbouring Wiiwkwedong reserve was materially and psychologically devastating. The appraisal of the land was markedly lower than market price, and Wiiwkwedong could not support the sudden influx of Aazhoodena "refugees," many of whom went from living on forty-acre parcels to a mere two acres. In this process, the Department of Indian Affairs collapsed the two nations into one band list, bureaucratically erasing the distinct status of Aazhoodena and undermining their autonomy to resolve issues directly affecting them as a distinct nation (Aazhoodena and George Family Group 2006: 17). Following the war, Aazhoodena soldiers who had fought for Canada returned to find their community had vanished while their burial grounds and cemetery had been desecrated; tombstones had been bulldozed or damaged by gunshots over the course of the cemetery's use as a military camp (Linden 2007a: 57). While the Aazhoodena people had expected the return of their land following the war, the DND refused to relinquish control for over half a century.

In May 1993, a group of Aazhoodena land defenders peacefully occupied the military ranges at Camp Ipperwash to rekindle negotiations with the Canadian government for return of the land. In February 1994, the DND finally announced that Camp Ipperwash would be closed and that the land would be returned to the “Kettle and Stony Point First Nation.” However, the military did not relinquish the land and retained occupancy through 1995 (Linden 2007c: 10). Frustrated with the DND’s inaction, the Aazhoodena land defenders asserted their sovereignty and reclaimed the army barracks at Camp Ipperwash on July 29, 1995, evicting the military. They demanded to be recognized negotiators for the Aazhoodena nation, as opposed to the Kettle and Stony Point Band Council that preferred to participate in time-consuming negotiations over immediate physical reclamation (Linden 2007a: 137). During these events the OPP, Canadian government bodies, and the media portrayed the Aazhoodena land defenders as a small “breakaway group” without political legitimacy. It is important to note, however, that prior to the appropriation of Camp Ipperwash the Aazhoodena people existed as an autonomous political band, and had a rightful claim to their homeland.

The OPP became more closely involved in the reclamation following the takeover of Camp Ipperwash and the subsequent reclamation of Ipperwash Provincial Park on September 4, 1995 (Linden 2007a: 175). By this time, Interministerial Committee meetings were being held at Queen’s Park to stay informed about the now escalating situation and to prepare a governmental response to the Aazhoodena people. While some within these meetings supported a “go-slow” approach that entertained the Aazhoodena peoples’ right of return, the ruling conservative Harris government took a firm law-and-order stance favouring escalated force (Linden 2007c: 22).

With political directives to evict the land defenders, and flawed intelligence about the increased “militancy” of the protestors, the OPP descended upon the reclamation in the evening of September 6, 1995. The confrontation escalated quickly as the OPP severely

battered Aazhoodena elder Cecil George behind police lines and opened fire on a vehicle. In the course of this confusion and escalated violence, Sergeant Ken Dean saw someone walk onto a proximate roadway. This “suspect” was 38-year-old Anthony “Dudley” George, one of the original land defenders at Ipperwash and celebrated nation builder of the Aazhoodena people. Claiming the figure shouldered a firearm, Dean fired three shots killing Dudley George. George was unarmed, and on April 28, 1997, Sergeant Dean was convicted of criminal negligence causing death (Linden 2007c: 71).

Dudley George is the first Indigenous land defender to be killed during a land dispute in Canada since the nineteenth century (Linden 2007b: 1). And although his death is inevitably bound up in broader socio-political conditions that surround his and other Indigenous peoples’ lives, the Harris government continuously refused calls by the George family for a public inquiry into the tragic events. It was not until 2003, after years of protest and a change in government, that an official Commission of Inquiry was established and conducted by Commissioner Sydney B. Linden.

In the inquiry Linden states, “If I could sum up this report in a single thought, it would be this: The provincial government and other institutions must redouble their efforts to build successful, peaceful relations with Aboriginal peoples in Ontario so that we can all live together peacefully and productively” (2007b: 2). Although the inquiry is well intended and proposes a series of important recommendations to limit state violence, it is also necessary to critique Linden’s institutional optimism because the types of solutions that emerge from a process of inquiry are always filtered through a “calculus of the practicable within a State” (Ashforth 1990: 13). The dominance and legitimacy of Canadian state sovereignty is assumed throughout the report, which limits what Commissioner Linden is able to see. For instance, violence is understood in narrow terms as those *moments* when police *respond* to reclamation. But when policing, governance, and settler colonialism are understood as simultaneous interlocking processes of dispossession, a markedly

different understanding of violence comes to light. Rather than interpret land reclamations as atypical “violent events,” they are better situated in relation to a broader structural history of violence, both physical and symbolic, that defines settler social order. Land reclamations are not disconnected from the everyday structural and lived violence of the settler colonial state and its claims to authority over the colonized landscape. Rather, reclamations are critical points of rupture whereby the power of Indigenous nations against and apart from settler Canadian society threatens the legitimacy of settlement and therefore draws the attention of police and state violence.

Although Commissioner Linden writes about violence, he does not consider the land claims process itself to be implicated in the structural violence that governs dispossession. Instead, his recommendations to avoid “violence in similar circumstances” only address a very narrow understanding of violence as confrontation. Rather than reinforce this dichotomy, however, it is important to centre the way that violence is a constitutive element of settled space. For instance, Shiri Pasternak, Sue Collis, and Tia Dafnos examine how twinned mechanisms of pacification (via specific claims) and criminalization (via policing Indigenous protest) continue “colonial processes of dispossession” in the twenty-first century (2013: 81). That is, the land claims process is posited by Canadian authorities as the only legal avenue for redress, while remaining silent on the fact that Indigenous nations negotiate from a position of lesser power. Then, when this land claims pacification is directly challenged by land defenders unwilling to bend to the institutional and hierarchical demands of ineffective yet official policy they are cast as community “outlaws,” “criminals,” “militants,” “extremists,” or “terrorists” (ibid.: 77). In fact, portraying the land defenders as criminal is necessary to legitimize the use of police force against a group of people otherwise justified in their claims against the Canadian government.

By analyzing land claims as a process of negotiating a naturalized settler landscape, the connections between policing and governance,

or “hard” physical violent policing and “soft” institutionalized accommodationist strategies, come to the fore. Land claims ensure a specific form of “legitimate” engagement and redress for Indigenous communities that limits the ways in which claims can be negotiated with the Canadian state. At the same time, this institutionally sanctioned process delegitimizes direct action tactics (including land reclamation), which is often a last resort for historically disadvantaged Indigenous communities struggling against Canadian policies of exclusion, assimilation, and dispossession. Direct actions are then criminalized, policed, and harassed, while official negotiations crawl along between settler politicians, official Band Councils, and their lawyers. It is precisely in this sense that land claims and policing reinforce and uphold each other in the maintenance of settler space.

Policing Caledonia and So-called “Best Practices”

On February 28, 2006, at the edge of the town of Caledonia, construction was halted on the Douglas Creek Estates housing development by Haudenosaunee land defenders. While it is often interpreted as an “unlawful” act carried out by a minority of troublemakers, this defiant reclamation of Haudenosaunee territory – supported by the Clan Mothers of the community – was preceded by decades of government inaction with regard to formal land claims (McCarthy 2016: 23). The land in question falls within the bounds of the Hamilton–Port Dover Plank Road claim filed by Six Nations of the Grand River in 1987. This claim maintains that the land – reserved for Six Nations by the British Crown as part of the 1784 Haldimand Tract Treaty – was never “surrendered” but leased, and that they have been deprived of the continual rental revenues owed to them (Six Nations Lands and Resources 2008: 12). Therefore, it is clear that the government’s sale of land to the developer Henco Homes in 1992 was carried out with full knowledge of its contested nature, an action that not only parallels but is directly related to legacies of assumed continual colonial expansion and disavowal of First Nations’ sovereignty. As one of the land defenders Ruby Montour explains,

We sat back while they built Canadian Tire and other plazas on our land. This is Six Nations land. We're not backing up anymore. They've pushed us into this position. They're encroaching on our land more and more. Where are our children going to live? That's not Douglas Creek Estates. That's Six Nations land. Six miles on either side of the Grand River is Six Nations territory and everybody's living on it except for us. (cited in DeVries 2011: 40)

Despite histories of dispossession, a formal land claim, and years of protest, Henco Homes obtained a court injunction on March 5, 2006, ordering protestors to leave the site, remove their barricades, and allow for further construction. The protestors ignored the order, and maintained that Six Nations has its own law, the *Kayaneren'kowa*¹, and is not subject to Canadian rulings. When presented with the injunction, land defender Dawn Smith asserted, "I am an ally to you, not a subject" before burning the papers in a campfire (cited in DeVries 2011: 22). Despite these clear indications that the protestors would remain, the OPP descended upon the site in the early morning hours of April 20, 2006, in an attempt to evict them with force, disrupting what had been a peaceful protest.

Under the auspices of a supposed "heightening risk to public safety," the OPP raid managed to arrest fifteen protestors declaring them in contempt of court (Johnson 2011: 123). However, within the hour hundreds of supporters from Six Nations of the Grand River took back the site and evicted the police. Land defenders then barricaded "Argyle Street, the Highway 6 bypass and the nearby Canadian National railway line, asserting their safety was at risk" (DeVries 2011: 10). However, this proper chronology –OPP raid *then* Haudenosaunee defence and blockade – was largely absent from media reports that emphasized Six Nations aggression. In fact, the

¹ The *Kayaneren'kowa*, or Great Law of Peace, forms the foundation of Haudenosaunee governance and is grounded in sovereign consensus-based decision-making. For an extended discussion see Alfred (2009) and Hill (2008).

OPP press release, directly following the confrontation, claims that the least amount of force was used in the operation and that “our officers showed tremendous restraint while confronted by the protestors with weapons which included axes, crowbars, rocks and a various assortment of make-shift batons” (cited in DeVries 2011: 9). Not only did the OPP have snipers positioned in the surrounding area and automatic rifles in their vehicles, but they themselves used batons, pepper spray, and tasers against the peaceful protestors. With this in mind, their later calls for the community to work with them in restoring peace were disingenuous, as their raid, a violent expression of state power, was the catalyst of the confrontation.

After these events the Canadian and Ontario governments attempted to negotiate with Six Nations while simultaneously maintaining restraint, careful not to provoke further violence; a decision that was influenced by the spectre of the Ipperwash Inquiry being conducted at that time (Hill 2009: 482; Sancton 2012: 365). Then, on June 16, 2006, the Ontario government agreed to purchase the Douglas Creek Estates land from Henco Homes to de-escalate the conflict. However, the land remains under the control of the provincial government, and the possibility of further development remains ever present. Though tensions have decreased over the years a small contingent of land defenders continues to live in and defend the site reclaimed as Kanonhstaton, or “the protected place.”

In the Ipperwash Inquiry, Commissioner Linden writes, “In my view the recommendations and analysis of this report apply to all major Aboriginal protests, but the Caledonia occupation shows the urgency and relevance of the issues before us” (2007b: 27). He continues to explain that a major contributing factor to the events at Caledonia was the failure of the land claims process to resolve the issue through official channels. That said, Linden’s recommendation to create a “neutral” Treaty Commission of Ontario has yet to be realized, and the Hamilton–Port Dover land claim remains unresolved. Further governmental attempts to develop on and control lands within the Haldimand Tract have not ceased since the events at Kanonhstaton.

Rather, the areas surrounding and including parts of Six Nations territory have been slated for intensified development through provincial legislation like the Places to Grow Act in 2005 and the 2006 Growth Plan for the Greater Golden Horseshoe (GGH).

On the official maps of the Places to Grow Act, the lands of Six Nations of the Grand River are left unrecorded, while colourful “designated growth plan areas” engulf its surroundings (Ontario Ministry of Infrastructure 2013: 65). This literal erasure of Indigenous presence, however, does not mean they will not be affected by the implementation of the plan. While on the one hand these proposals ignore the interests of Indigenous nations and the complex layers of relationality that oblige settlers to uphold a nation-to-nation framework, they also serve to fix Six Nations in a way that is presumptive and objectifying. Six Nations is defined by its absence as separate and growthless, while the territories directly surrounding it are dynamic, productive, and continually expanding. These notions mirror historical discourses of “laziness” and “stagnation” used to delegitimize Indigenous presence and rationalize settler expropriation of Indigenous lands and resources. Developmental assumptions about what constitutes “productive” and profitable land use have been historically utilized by settlers to justify otherwise illegal squats and encampments to the detriment of Indigenous nations. And yet, despite these settler-centric developmental acts, Six Nations is present, dynamic, and growing. As Laura DeVries explains, “Six Nations predicts that its on-reserve population of 11,300 in 2005 will increase to 19,000 by 2025 and to 41,600 by 2055 – growth that also needs a ‘place’” (2011: 31).

Like the Aazhoodena peoples’ claims in Ipperwash, Haudenosaunee land claims against the provincial and federal governments over the Haldimand Tract were of secondary importance to settler governments. Rather than uphold the settler governments’ fiduciary responsibilities to consult with Indigenous nations, in both cases land claims negotiations crawled along at a glacial pace while in Ipperwash the Aazhoodena nation was denied its homeland, and in

Caledonia the lands of the Haudenosaunee were being usurped and developed by settlers. In both cases the official land claims process did not ease tension nor help to rectify past injustice. Instead, what changed the governments' approach to negotiations and mobilized settler governments to actively take into account the interests of Indigenous nations were the direct actions of land defenders. At the same time, however, due to the extralegal and unofficial nature of these self-determined actions, land defenders inevitably fell into the gaze of the police and were criminalized.

Linden's inquiry characterizes the actions of the OPP in Caledonia as largely progressive and in conformity with police "best practices" (Linden 2007b: 202). While it is true that the OPP utilized nonviolent strategies that emerged out of the inquiry, I find it necessary to trouble Linden's optimism because it was only after attempting to disrupt the reclamation through violent means that the OPP adopted a more accommodationist approach. That is, armed with an injunction filed by Henco Industries to have the protestors removed from what was assumed to be private property, the OPP raided the reclamation and attempted to arrest a so-called "breakaway group" of troublemaking radicals. It is important not to underestimate the continued significance of the OPP and their direct use of force in maintaining settler space.

Focusing on the initial violence of the OPP in Caledonia is not to imply that the adoption of intelligence-led, negotiation-based, public order policing is necessarily better. Although these approaches do place greater emphasis on avoiding violence and fatalities, the function of police to reproduce settler spatiality has not disappeared. Rather, the tools, technique, scope, and extent of policing has shifted along with the current political climate. Tia Dafnos explains that juxtaposing "measured response" and "escalated force" positions current policing practices as desirable and in conformity with contemporary liberal democratic ideals while masking the "enduring coercive power underlying these techniques" (2013: 62). Instead of thinking dichotomously, then, Dafnos highlights how the increased

implementation of “negotiation”-based policing policies has occurred along with the enhancement of coercive capacities, evident in the normalized use of paramilitary tactical units (such as Emergency Response Teams or tactical teams), joint-training between law enforcement agencies and armed forces units, the proliferation of “less-than-lethal” weaponry, the adoption of command and control structures, as well as the prioritization of intelligence-led policing practices and surveillance. (ibid.: 63)

These strategies of so-called “hard” versus “soft” policing are not oppositional or contradictory but reflect “an intensification of the politics and techniques of security and liberal legalism” (ibid.). In her analysis of the OPP’s policies regarding Aboriginal “critical incidents,” Dafnos shows how the definition of what constitutes a “critical incident” has expanded radically. That is, any incident involving an Indigenous person or relating to treaty rights can be considered “high risk,” and thus fall under increased surveillance and potentially be subject to the deployment of highly coercive integrated response (ibid.). In current policing practices, then, not only are “critical incidents” the subject of on-the-ground policing, but the perceived *potential* for violence, the overall “riskiness” of an Indigenous protest, has increasingly brought Indigenous communities and persons under the gaze of the state.

Finally, it is especially important to note that this increased demand for intimate surveillance, masked by a discourse of intelligence-led policing “best practice,” is enabled and facilitated by resource sharing among a number of interests including the Royal Canadian Mounted Police, Canadian Security Intelligence Service, the Ministry of Natural Resources, private companies, and Indian and Northern Affairs Canada (INAC), among others (Dafnos 2013: 66). INAC is simultaneously involved in exchanging information with police forces on so-called “Aboriginal hot spots” while participating in the political-legal land claims process. Contemporary practices of resource sharing and coordinated action make it difficult to draw a

definitive line between what is or is not policing; rather, policing has come to embody a series of functions and has come to implicate a number of state actors – in partnership with the private sector (ibid.: 72). Rather than reduce the power of the police institution, the development of intelligence-led and negotiation-based “best practices” has expanded the gaze and reach of police, while Indigenous communities and their struggles for self-determination have fallen under increased surveillance.

Settler colonialism is a violent structure that claims legitimacy through the deployment of law. This practice is necessarily spatial in that sovereign authority colonizes the territory and reorganizes the landscape for capitalist development. In maintaining these structures, police embody the violence of law to secure the space of Canada. Processes of inquiry, as forms of law themselves, cannot see these constitutive violences, and instead mirror the social relations they claim to investigate (Razack 2015: 32). Unable to decipher Indigenous refusals as embodiments of a distinct, albeit strangulated sovereignty (Simpson 2014), the Ipperwash Inquiry overlooks issues of national self-determination to propose revisions to the land claims process. Not only have these proposals never been met, but the inquiry’s accordant optimism with regard to the police legitimizes its underlying violent function. Rather than challenge the uneven relationships between Indigenous land defenders and the Canadian state, inquiries serve to confirm them by explaining away conflict as an effect of bad policy. In this sense, inquiries place justice internal to existing legal structures, which naturalizes the space of Canada and defines the limits of acceptable dissent.

Conclusion

On April 14, 2016, in accordance with the recommendations of the Ipperwash Inquiry, the Canadian government formally transferred the lands of Camp Ipperwash to the Kettle and Stoney Point First Nation (Mehta 2016). That is, over twenty years since the death of Dudley George and seventy-four years since its original appropriation, the Canadian government finally recognized the lands of Aazhoodena as

Indigenous territory. Although a decisive victory for the Aazhoojena people in their continuous struggle against settler colonialism, this agreement is not precedent setting. The federal and provincial governments refuse to recognize reclamation as a legitimate avenue of redress. For instance, although the Government of Ontario has purchased the Haudenosaunee lands of Kanonhstaton from Henco Industries, there has been little talk of an official transfer back to Six Nations. And while conflict has significantly subsided, the power of the Canadian government in negotiations continues to haunt the fate of Kanonhstaton.

This paper explores the entwined, mutually reinforcing relationship between policing, legal violence, and settler colonialism through two Indigenous land reclamations, and the intermediary inquiry that links them. I have argued that settler colonialism in Canada depends upon the dispossession of Indigenous peoples and that the police enable these processes of expropriation. In the case of Ipperwash this is apparent through the use of overt and fatal police violence to quell the actions of the land defenders. This tragic event fell under heavy criticism and led to the commission of a public inquiry. However, the inquiry is limited by its inability to theorize the police as key actors in the reproduction of the colonial landscape. This is particularly apparent in the inquiry's brief evaluation of the events at Caledonia. While it is commonly held that policing in Caledonia reflects "best practice," I have shown how the notion of "softer," more accommodationist policing obscures the violent continuities that underlie the police and its role in maintaining uneven settler colonial relations. By way of conclusion, I want to briefly reiterate the importance of this critique as it relates to broader process of decolonization.

As I have argued, settler colonialism is an inherently material, place-based and spatial phenomenon. The objective of settler colonialism is access to and control over land. While this also implies a social aspect, as settler colonialism depends upon the reproduction of settlers to "do" settler colonialism, it is important to underscore the

significance of land, and land-based struggles, because decolonization necessitates the resurgence of Indigenous nationhood, the reclamation of Indigenous territory, and the protection of Indigenous territories from the covetous desires of the Canadian nation-state and the expansionary logics of capital. This is an inherently unsettling process and requires settlers to take seriously their responsibilities to Indigenous peoples and nations. Decolonization is not a process settlers can merely “negotiate” their way out of; it implies active divesture from the architecture of colonialism and the revitalization of equitable relationships between peoples and in relation to Turtle Island. Rather than metaphorize decolonization by merely focusing on its social or discursive aspects, true emancipatory change requires settlers to support the expressly material aspects of Indigenous struggles for self-determination including the reclamation of territory (Tuck and Yang 2012: 3).

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