

Alberta to criminalize protests that threaten “critical infrastructure”

By Roger Jordan
28 February 2020

Alberta’s hard-right United Conservative Party (UCP) government introduced legislation Tuesday that would enable state authorities to declare virtually any demonstration, protest or picket line illegal and subject participants to punitive fines and even jail terms.

The Critical Infrastructure Defence Act, also known as Bill 1, would outlaw any attempt to trespass on, impede access to, or interfere with the normal functioning of any “essential infrastructure,” which it defines as all the province’s pipelines, refineries, mines, utilities, manufacturing plants, telecommunications networks, and highways, railways and light-rail public transit systems.

As justification for their draconian bill, Alberta Premier Jason Kenney and Justice Minister Doug Schweitzer pointed to the actions of “green left zealots” and the ongoing rail blockades in support of the Wet’suwet’en hereditary chiefs’ opposition to the Coastal Gas Link pipeline. In reality, Bill 1 is aimed at the entire working class and designed to criminalize the mounting opposition to the Kenney government’s vicious austerity program, as well as environmental and native-rights protests.

Police already have the power to arrest and charge railway blockaders as trespassers. But the proposed law has a far wider reach than blockades, involving any attempt to impede access to so-called “essential infrastructure,” and provides for much stiffer penalties.

The Critical Infrastructure Defence Act stipulates fines of \$1,000 to \$10,000 and/or a six-month jail term for a first offence. Each subsequent offence would be subject to fines of up to \$25,000 and six months imprisonment.

Corporations could be fined up to \$200,000 for supporting a protest that disrupted “critical infrastructure.” The government has not explicitly said so, but everything Kenney and Schweitzer have said about their Bill 1 indicates that its provisions would apply to workers acting within the context of a collective bargaining dispute.

A key purpose of the proposed bill is to eliminate the need for the government or a private company to obtain a court injunction ruling a specific protest illegal. Instead, protests

would be ipso facto illegal and participants subject to arrest and punitive sanctions the moment access to “critical infrastructure” was impeded.

The new law violates core rights protected under Canada’s Charter of Rights and Freedoms, including freedom of expression and freedom of assembly.

In a speech to the UCP caucus and invited guests Tuesday, Kenney railed against “the general atmosphere of lawlessness that we have seen take hold of parts of our country and much of our economic infrastructure in the past three weeks.” Like the federal Conservatives, Kenney has roundly criticized Prime Minister Justin Trudeau for not ordering an immediate violent state crackdown against the Wet’suwet’en “solidarity blockades.”

Only after the blockades had been in place for two weeks and with the demands from big business for state repression reaching fever pitch did Trudeau instruct police last Friday to forcibly take them down. This delay was motivated by Trudeau’s fear that a violent police crackdown would undermine his minority Liberal government by further discrediting the “progressive” posturing it uses as a smokescreen to advance the interests of big business and Canadian imperialism (see: “Behind promises of dialogue, Canadian government prepares state assault on native protests”).

Kenney also argued Bill 1 was a necessary response to Teck Resources’ announcement last Sunday that it is canceling its \$20 billion Frontier Mine oil sands project in northeastern Alberta. Teck has itself conceded that the project was economically unviable without a substantial rise in world oil prices. Yet Alberta’s UCP Premier blamed its decision on “regulatory uncertainty and endless delays caused by the national government,” as well as the Wet’suwet’en solidarity protests.

The shelving of the Frontier Mine project and the anti-pipeline protests have further exacerbated the deep regional tensions racking Canada’s ruling elite. In recent months, Kenney has repeatedly denounced the Liberals for ignoring “the West” and purportedly giving preferential

treatment to Quebec and eastern Canada.

Bill 1 proves for all to see that when the UCP and its allies bluster about “Western interests,” what they really mean is bolstering the drive of Big Oil and the entire corporate elite to boost profits and shareholder returns at the expense of the working class.

In effect, the Kenney government is declaring that no public opposition to the ruling elite’s prerogative to rake in billions of dollars in corporate profits through uncontrolled natural resource extraction and energy fuel production will be tolerated. As Justice Minister Schweitzer put it, “It’s important for us to maintain competency across our province. That we are going to remain open for business, that we’re going to make sure that we protect these important aspects of our infrastructure.”

Kenney has asserted that Bill 1 has been designed to cover as “many bases” as possible so as to strengthen the government’s hand in dealing with future protests. This is true. Under the proposed bill, the government has given itself the power to expand the definition of “critical infrastructure” at will.

Kenney’s authoritarian actions must be taken as a serious warning by working people. They come from a government that has initiated a devastating austerity drive that calls for real-term per capita public spending cuts of more than 10 percent over the next three years, and wage rollbacks of between 2.5 and 5 percent for the province’s 180,000 public sector workers. Moreover, the UCP government has indicated that more than 7,000 public sector jobs will be eliminated, including thousands of nursing, hospital and teaching positions.

The MacKinnon report, which has served as the blueprint for Kenney’s austerity measures, specifically raised the need for authoritarian measures to enforce them. The report and its lead author, former Saskatchewan New Democratic Party Finance Minister Janice MacKinnon, recommended the government legislate public sector pay cuts and consider temporarily outlawing public sector strikes. To prevent court challenges to these draconian measures, the report urged the Kenney government invoke the Canadian constitution’s “notwithstanding clause,” which permits governments to run roughshod over core democratic rights, like freedom of speech, peaceful assembly and expression. As the *World Socialist Web Site* warned at the time, “It is no exaggeration to call MacKinnon’s report a blueprint for dictatorial forms of rule to secure the profit margins and dividends of the super-rich corporate elite (see: “Alberta’s MacKinnon report provides blueprint for austerity and repression”).

The turn towards anti-democratic forms of rule is not confined to Alberta. Governments of all political stripes have criminalized workers strikes across Canada for years.

In Saskatchewan, the right-wing Moe government intervened from the outset of the ongoing lockout of 750 oil refinery workers in Regina to green-light Federated Cooperatives Ltd.’s massive scabbing operation, and later ordered a violent police crackdown on picketers. Together with FCL boss Scott Banda, Moe has encouraged the far-right thugs of “United We Roll,” who broke through a picket set up by workers at an FCL facility in Alberta.

There is no fundamental opposition to this dangerous shift to the right from the Liberals and NDP. Since being reelected last fall, Trudeau has embraced Kenney and Moe as the legitimate representatives of “western interests” and pledged to work closely with them in the name of “national unity.”

NDP Alberta leader Rachel Notley responded to Kenney’s authoritarian Bill 1 by presenting herself as a more reliable spokesperson for the profits and investments of big business. Commenting on the decision by Teck to pull out of the Frontier Mine project, she declared, “International investors are looking for a predictable regulatory framework of greenhouse gas emissions.” She sprang to the defence of international banking heads and fund managers, who she said were being unfairly characterized by Kenney as “urban green radicals.” “He is essentially promoting the continued investor uncertainty that created this problem in the first place,” said the NDP leader.

Notley’s open shilling for corporate interests should come as no surprise to Alberta workers, who lived through four years of continued austerity and low corporate taxes under her 2015–19 NDP government. This helped pave the way for Kenney’s coming to power at the head of the hard-right UCP, which as Bill 1 demonstrates, is now readying to use state repression and violence to suppress popular opposition to its reactionary pro-corporate policies.

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