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1 **"To see things in an objective light": the Dakota Access Pipeline and the**
2 **Ongoing Construction of Settler Colonial Landscapes**

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19 **"To see things in an objective light": the Dakota Access Pipeline and the**
20 **Ongoing Construction of Settler Colonial Landscapes**

21

22 Abstract:

23 This paper examines the discourses used by proponents of the Dakota Access Pipeline
24 (DAPL) as claims of universality in relation to which the Standing Rock Sioux tribe and
25 allied activists mounted a movement of opposition in 2014–2017, in the historical context
26 of Lakota and Dakota resistance to settler colonialism, which has endured since the
27 nineteenth century. From publicly available texts circulated by key actors in the conflict
28 over the construction of this pipeline project, we identify themes that proponents of this
29 project drew upon to articulate their representations of the land as universal. We suggest
30 that claims like these, when naturalized in practice, have historically materialized in settler
31 colonial landscapes. With the concept of settler colonial landscapes, we focus on ways of
32 seeing and representing places that have facilitated the dispossession of Indigenous people
33 from their territory as well as the construction of a settler-dominated community. In this
34 way, we develop a cultural geographical understanding of the ongoing construction of
35 settler colonial landscapes as a process dependent on claims to neutrality and objectivity.

36

37 Keywords: contingency, landscape, settler colonialism, settler colonial landscapes,
38 universality, Dakota Access Pipeline

39

40 **Introduction**

41 Violent conflicts between Indigenous communities and multinational corporations aligned
42 with governments that facilitate national development projects have long shaped the landscapes
43 of the Americas (Galeano 1981; Quijano 2007). Demands for Indigenous sovereignty and respect
44 for traditional treaties suffuse ongoing resistance throughout the hemisphere to settler colonialism
45 as a process of permanently occupying territory and displacing Indigenous people for the
46 “express purpose of building an ethnically distinct national community” (Bonds and
47 Inwood 2016, p. 716; see also Veracini 2011; Wolfe 2006). This paper asks 1) how the endurance
48 of settler colonialism might be contingent on ways of seeing and representing places, as well as
49 on the production of tangible landscapes for extraction, and 2) what the case of the Dakota
50 Access Pipeline (DAPL) might suggest about how organizers and activists can challenge these
51 constructions of landscape as part of resistance to settler colonial dispossession.

52 The construction of DAPL by Energy Transfer Partners (ETP) generated a highly
53 publicized conflict from the summer of 2014 to the winter of 2017, centered in the Lake Oahe
54 area near Standing Rock Sioux reserved land in North Dakota, in the United States. The pipeline
55 project, which would connect the Bakken oil fields in North Dakota to refineries in central
56 Illinois, began with the approval process in 2014 and was completed in 2017. The opposition to
57 DAPL by Standing Rock Sioux activists would inform nationwide solidarity actions. It took its
58 most intense and visible form at the Oceti Sakowin protest camp in North Dakota. Established in
59 April 2016, the camp provided material necessities for social reproduction (food, shelter, medical
60 supplies, sanitation services), political education, and outreach for Indigenous activists and non-
61 Indigenous allies from all over North America. The protest camp was located in a contested area
62 to the north of Cannonball River, which sits outside of Standing Rock reserved land but inside a

63 territory known as the Great Sioux Reservation, asserted by the 1851 Treaty of Fort Laramie
64 (figure 1). The camp can retrospectively be understood as part of the larger-scale construction of
65 landscapes of anti-DAPL protest, alongside other assemblages of bodies and infrastructure that
66 coincided with or preceded it (e.g., solidarity actions across the US, the short-lived “Winter
67 Camp” of October 2016, and 2014 protests against the pipeline initiative in public forums by
68 Indigenous activists). The National Guard and other law enforcement bodies forcibly evicted the
69 Oceti Sakowin protest campers on February 23, 2017. With DAPL now completed, hundreds of
70 protesters are negotiating the court system, alongside representatives of agencies that prematurely
71 approved the project and failed to realize standards of environmental and tribal land protection.

72 Our case study suggests that discourses about the meaning and claims to ancestral land
73 *materialize*—actively transform places—through a process of hegemonic struggle around the
74 construction of what we name *settler colonial landscapes*. In referring to the materialization of
75 discourse, we draw upon the conceptualization of landscape offered by Richard Schein (1997),
76 which we clarify below. With settler colonial landscapes, we name ways of seeing and
77 representing places that facilitate the dispossession of Indigenous people from their territory, as
78 well as the tangible forms given to places by agents of Indigenous displacement and
79 extermination to facilitate the construction of a settler-dominated society. Concrete practices of
80 displacement and extermination are described later in this paper, when we situate this conflict in
81 the context of a long history of dispossession of Lakota and Dakota people driven by extractive
82 activities. Our interpretation throughout the paper draws on the work of cultural geographer and
83 other scholars of settler colonialism.

84 In this paper, we develop a conceptual framework based on a particular understanding of
85 landscape, hegemony and settler colonialism. We first employ a critical materialist conception of

86 the landscape as *discourse materialized* for making sense of settler colonial landscapes
87 (Jackson 2003; Mitchell 1995; Schein 1997). This literature suggests that the realization in
88 practice of particular discourses as if they are universal and inevitable, or “natural,” will reflect
89 and reproduce power relations and will be constitutive of cultural landscapes. Richard Schein
90 explains this relationship between discourse and landscape by writing that “as a material
91 component of a particular discourse or set of intersecting discourses, ‘the cultural landscape’ at
92 once captures the intent and ideology of the discourse as a whole and is a constitutive part of its
93 ongoing development and reinforcement” (Schein 1997, p. 663). Landscapes serve to legitimize
94 and contest power relations, “as both a disciplinary mechanism and a potentially liberating
95 medium for social change” (Schein 1997, p. 664). In this paper, we examine how the discourses
96 around DAPL might, following Meinig (1979, p. 34), be undergirded by some “coherent body of
97 ideas” that have precedent in the histories of settler colonialism in this region and elsewhere. We
98 focus on what we describe below as “hegemonic” ideas that are constitutive of settler colonial
99 landscapes. Our analysis also suggests the possibility of future work that might systematically
100 describe the tangible elements of such landscapes (something we do not do here). In a different
101 context (Algerian resistance to French occupation), Franz Fanon observed that the emerging
102 national bourgeoisie proposed “to see things in an objective light” (Fanon 1991, p. 63). That is,
103 they presented the settler colonial project as if it is inevitable and embraced a perspective that had
104 been constructed by the settler elite as neutral and reasonable. In this paper, we accordingly
105 examine how the construction of settler colonial landscapes may be contingent upon the relative
106 success of efforts to make particular claims appear as if they objectively represent the universal
107 claims of a larger community.

108 Our understanding of conflict around the construction of the pipeline is informed by a
109 Gramscian conception of hegemony. We interpret discourses around this project as articulations
110 of ideological constructs by individuals who are entangled in ongoing struggles over power. In
111 such struggles “the hegemony of a *particular* social sector depends for its success on presenting
112 its own aims as those realizing the *universal* claims of the community” (Laclau 2000, p. 50). This
113 politicized conception of discourses suggests that the construction of settler colonial landscapes
114 relies upon a *universalization* of the interests of a particular social sector, that is, the articulation
115 of a coherent set of ideologies that ostensibly represents the aims shared by the entire community
116 to which it refers. As we suggest in our title, hegemonic ideas can accordingly appear to represent
117 a situation as objective.

118 The formation of settler nations has long depended on the elimination of Indigenous
119 populations, which has historically been accompanied by narratives that invisibilize Indigenous
120 ways of representing and valuing places. In this paper, we examine the production of such
121 narratives in a contemporary pipeline project to explore if they participate in the materialization
122 of settler colonial landscapes. Our analysis suggests, as others have, that settler colonialism is
123 more than “an event” (Wolfe 2006, p. 388), but it also emphasizes that the endurance of settler
124 colonialism is contingent upon the hegemony of particular ways of seeing the ancestral land of
125 Indigenous people. Our emphasis on contingency underscores the potential for resistance to these
126 narratives and affirms that these landscapes could be transformed. At a time when research on
127 settler colonialism tends to present it as a totalizing structure, this paper reconceives settler
128 colonialism as an ongoing process emerging from discourses that facilitate a long-term pattern of
129 dispossession and extermination. Doing so refigures colonial violence in settler societies not as
130 inevitable but instead as vulnerable to contestation and disruption by alternative narratives

131 (Jafri 2017). This is significant in the context of settler colonial studies, when scholars who often
132 are explicitly committed to social justice nonetheless tend to conceptualize settler colonialism as
133 inevitable in its endurance, “unable to transcend itself,” or otherwise insurmountably dominant
134 (Snelgrove *et al.* 2014, p. 9). An analysis of settler colonialism as contingent and unfinished is
135 important because it provides an avenue for solidarity formation and resistance. Our goal in this
136 paper is to highlight mechanics of US settler society, specifically the presentation of a particular
137 way of seeing the ancestral land of Indigenous people as if its exploitation would realize the
138 universal aims of people residing in national territory, in a move that relies on the apparent
139 neutrality of concepts that have long materialized in settler colonial landscapes. We hope our
140 work can accordingly identify cracks through which decolonial politics could squeeze.

141 The methodology of this paper relies on publicly available texts circulated by key actors
142 in the conflict around the construction of DAPL. We examine statements on ETP’s website,
143 *Dakota Access Pipeline Facts*, and the Standing Rock Sioux website, *Stand With Standing Rock*,
144 alongside statements from public officials and media reports from the *Bismarck Tribune* between
145 2014 and 2017. Our arguments are based on a discourse analysis for which we read across the
146 aforementioned texts to identify tendencies and patterns in their conceptual settlements. We then
147 explore the significance of the arguments made by the proponents of the DAPL project insofar as
148 they reflect a particular way of seeing the land. We deconstruct these arguments, which is to say
149 we reveal assumptions that make pro-DAPL discourse possible, and we situate the discourse in a
150 regional historical background and in relation to public statements made by the Standing Rock
151 Sioux representatives around the contestation of this project. The conclusions we draw from this
152 study, about the materialization of discourse in settler colonial landscapes, complement those
153 produced by cultural geographers and cultural studies scholars who have similarly deconstructed

154 popular and official claims that particular forms of governance are “natural,” or an inevitable and
155 necessary response to political opposition or social tension (Hall *et al.* 2013; Dikeç 2013). Our
156 approach also examines the historical roots of this conflict between government, industry, and the
157 Lakotas and Dakotas using secondary historical literature from Lakota author Edward Lazarus’
158 *Black Hills/White Justice* (1991).

159 This paper is organized in two sections and a conclusion about the implications of the
160 analysis. In the first section, we provide a history of relations between the United States and the
161 “Sioux” people (a name adopted by the US nation-state to collectively refer to the Lakota,
162 Western Dakota, and Eastern Dakota peoples), as the background against which ETP and some
163 public officials argue in favor of DAPL. In the second section, we examine these statements in
164 the light of our conceptual framework and public statements made by Standing Rock Sioux
165 representatives over the project. In the conclusion, we present the conceptual implications of this
166 analysis for cultural geographers interested in settler colonialism, particularly for understanding
167 the cultural geographical processes through which settler colonialism endures and the potential to
168 interrupt the construction of settler colonial landscapes.

169

170 **The Dakota Access Pipeline**

171 The construction of DAPL is part of a long history of dispossession of Lakota and Dakota
172 people driven by extractive activities. In the case of DAPL, as before, appeals to the sovereignty
173 of the US nation-state accompanied a rhetorical transformation of the physical properties of
174 ancestral land into natural resources that, when commodified, would meet the needs of industry.
175 Notable continuities between this longer history and the DAPL conflict are found in recurrent
176 rhetorical justifications for dispossessing Lakota and Dakota people of their land. The themes

177 currently used by proponents of DAPL reveal similar attempts to obscure the particularity of
178 settlers' interests by representing these as if they are universal. In this section, we describe some
179 important events that have characterized the relation of the United States with Sioux territory
180 before unfolding the main characteristics of pro-DAPL discourse.

181

182 *A history of power relations on Sioux land*

183 US westward expansion did not reach Sioux Country until the middle of the nineteenth
184 century. After meeting with early European traders and the Lewis and Clark expedition, Lakota
185 and Dakota people did not feel the effects of the US acquisition of their land until after the
186 Louisiana Purchase of 1803. The first conflicts over land came with the flow of settlers following
187 the Oregon Trail. Travelers sometimes clashed with Indigenous people, mostly over buffalo
188 hunting. This motivated the US government to negotiate a treaty with the Sioux to delimit their
189 territory according to the Northwest Ordinance of 1787, to declare that the “land and property [of
190 Indigenous tribes] shall never be taken from them without their consent” (Lazarus 1991, p. 11).
191 The 1851 Treaty of Fort Laramie, renegotiated in 1868, created the Great Sioux Reservation on
192 which the Sioux could live “permanently”. The areal extent of the reserved land included most of
193 contemporary South Dakota and parts of North Dakota, Montana, Wyoming, Nebraska, and
194 Colorado.

195 In 1874, a US Army expedition discovered gold in the Black Hills, a sacred area to
196 Lakotas in South Dakota. Indigenous people were then forcibly displaced from their reservation
197 since the US settler state saw this land as a source of potential wealth. In 1877, Congress
198 excluded the Black Hills from the Great Sioux Reservation without consent of the tribes and
199 denied all Lakota and Dakota claims outside of the reservation. In 1889, Congress further

200 reduced the Great Sioux Reservation and split it into six separate reservations. This land grab
201 facilitated the work of land speculators and settlers who sought the expansion of agricultural and
202 extractive industries. Most of the resistance or potential resistance to this process was violently
203 suppressed by the US Army, as in the case of Wounded Knee Creek in 1890, where 300 Lakotas
204 were massacred.

205 Since then, the Sioux filed suits to challenge Congress' unilateral decisions over their
206 ancestral land, asking for compensation and justice. The vast majority of these cases were
207 decided in favor of the settler government following recommendations by the Indian Claims
208 Commission, a permanent court created by Congress to interpret and redraw disputed treaty lands
209 (Lazarus, 1991). Even if the Supreme Court recognized in 1980 the unilateral annexation of the
210 Black Hills by the US and ruled for \$100 million in compensation for the Sioux, more than a
211 century of legal interpretations of the 1851 Treaty facilitated the commodification and
212 privatization of Dakota and Lakota ancestral lands. The current DAPL route traverses the 1851
213 Treaty territory but not the present-day reserved lands, following the erosion of
214 the Great Sioux Reservation over time. By situating the DAPL conflict against this historical
215 background, we can see that, even as the US government evolved from a policy of direct
216 extermination to one of partial recognition, "the ends have always remained the same: to shore up
217 continued access to Indigenous peoples' territories for the purposes of state formation, settlement,
218 and capitalist development" (Coulthard 2014, p. 125).

219

220 *Voices supporting the Dakota Access Pipeline*

221 In Lakota and Dakota land, as elsewhere, the commodification and privatization of the
222 land has been dependent on natural resources' exploitation projects that enforced particular ways

223 of seeing and representing places and participated in the long-term processes of dispossession and
224 extermination of Indigenous territories and bodies. Discourses promoting these projects as
225 universally beneficial rely upon reference to supposedly value-neutral or objectively good
226 outcomes in order to invisibilize or silence Indigenous claims about the land from which they are
227 or could be displaced and the consequences of national development projects for their lives and
228 identities. In the specific case of DAPL, the themes of private property rights, economic growth,
229 environmental efficiency, and national interest suffuse statements by public officials and Energy
230 Transfer Partners, who present their claims as plain “facts.” In the case of ETP, publicly available
231 statements—for example, on the website *Dakota Access Pipeline Facts*—note the company’s
232 adherence to a “legal and proper” process of approval. Claims to legitimacy lean on approval of
233 the company’s project by all responsible agencies: the South Dakota Public Utilities
234 Commission, the North Dakota Public Service Commission, the Iowa Utilities Board, the Illinois
235 Commerce Commission, and the US Army Corps of Engineers. These approvals required two
236 main procedures from the company: obtaining easement agreements with private landowners and
237 organizing public consultations about the project in the form of information sessions for local
238 communities (Bismarck Tribune 2017). ETP prominently announced on its website that “99.98%
239 of the pipeline is installed on privately owned property in North Dakota, South Dakota, Iowa, and
240 Illinois” (Dakota Access Pipeline Facts 2017). The remainder is on federal land for which access
241 needed to be acquired through the aforementioned approval. As part of its claim to legitimacy,
242 the company also sought to demonstrate that the pipeline does not pass through Sioux reserved
243 land, as shown in figure 2.

244 As for public officials, they approved the project before ETP had fully navigated the
245 easement process. In so doing, they simultaneously demonstrated little tolerance for what they

246 characterized as violations of private property during the Standing Rock protests against the
247 pipeline in 2016; during the protests North Dakota State officials approved \$33 million in police
248 operations in the area, and asked for help from police agencies in nearby states
249 (MacPherson 2017). This investment in policing was consistent with the company’s challenge of
250 the legitimacy of groups that convened to contest their project. Twinned with its characterization
251 of the approval process as “legal and proper” is ETP’s work to delegitimize resistance to the
252 project by characterizing its opponents as “extremist anti-fossil fuel outsiders” who invaded
253 privately leased land, damaged private property, violently confronted authorities, and ultimately
254 “diverted the cause [sic] of the Sioux” (Dakota Access Pipeline Facts 2017).

255 The company and public representatives both presented the pipeline project as an engine
256 to drive economic growth and did so with claims that it will be beneficial for both the local
257 community and the nation. These claims were echoed in news articles that cite the length of the
258 pipeline (1,172 miles) and the money put into the project (\$3.54 billion) as indications of the
259 project’s importance (Bismarck Tribune 2017). North Dakota officials also promoted the
260 numbers from the Dakota Access website in their justification for the approval, and
261 complemented their public statements with action by lowering taxes on barrels of crude oil “to
262 stay competitive” with states closer to major oil transportation routes (MacPherson 2017). We
263 witness a complementary convergence of company rhetoric and statements by public officials
264 around the meaning of the project for would-be employees. The company argued—perhaps very
265 coarsely—that the pipeline has created 12,000 temporary construction jobs, and claims that it
266 supported more than 80,000 jobs in North Dakota, along with the hundreds of millions of dollars
267 invested in heavy equipment and construction materials (Dakota Access Pipeline Facts 2017). In
268 statements from DAPL proponents, the size of the investment, the temporary jobs created and the

269 pipeline itself are presented as self-evident proof of the economic benefits the project would
270 create.

271 Claims to work in the universal interest of the social whole are also evident in pro-DAPL
272 characterizations of the project as a form of environmental stewardship. The company and public
273 officials argued that pipelines like DAPL are the least dangerous mode of crude oil
274 transportation. According to ETP,

275 From the beginning of development, the Dakota Access Pipeline has been built to be one
276 of the safest, most technologically advanced pipelines in the world. Dakota Access was
277 designed with tremendous safety factors and state of the art construction techniques and
278 redundancies, including construction and engineering technology that meet or exceed all
279 safety and environmental regulations [...] Underground pipelines are the safest mode of
280 transporting crude oil. Monitored 24/7/365, federal statistics [sic] show that underground
281 pipelines transport crude oil more safely than rail (3.4-4.5x safer), or trucks (34x safer)
282 (Dakota Access Pipeline Facts 2017).

283 Here, the company's claim to environmental stewardship leans on reference to its approval by
284 environmental regulators. It is important to revisit this history. The Army Corps of Engineers did
285 indeed conduct a study early in 2016 on the few federally owned lands through which the
286 pipeline extended, and it approved the project and its final route. However, after months of
287 protests by environmental justice and Indigenous rights activists near the Cannonball River, the
288 Department of the Army, the Department of Justice, and the Department of Interior published a
289 joint statement to halt construction pending further discussion and studies. This September 9
290 statement recognizes that "important issues raised by the Standing Rock Sioux Tribe and other
291 tribal nations and their members regarding the Dakota Access pipeline specifically, and pipeline-
292 related decision-making generally, remain" (United States 2016). With this, the Federal

293 Government recommended further investigation in consultation with the Sioux and a
294 reconsideration of previous decisions. Relevant agencies ultimately proposed policy changes to
295 ensure “meaningful tribal input into infrastructure-related reviews and decisions and the
296 protection of tribal lands, resources, and treaty rights” (United States 2016). This statement was
297 published near the end of a presidential cycle and was subject to approval by the new
298 administration before January 23, 2017, if it was to remain effective. On January 24, incoming
299 President Trump re-approved the project in an executive order and recommended construction.

300 Energy Transfer Partners needed to set aside these complications in the approval process
301 in order to legitimate its identity as an environmental steward. Figure 3 represents the potential
302 impact of the project in a horizontal cut. It is purposefully constructed to relieve concerns about
303 environmental stewardship, which is consistent with a resolution of the approval process. The
304 figure shows that the pipeline is not the only one passing under Lake Oahe, the main field of
305 litigation with the Sioux, and it suggests, in comparison to other pipelines passing through the
306 area, that DAPL is the safest.

307 Finally, according to the company and public officials at state and federal scales,
308 completion of this pipeline project is in the national interest. In support of the company’s
309 initiative on January 24, 2017, for example, President Trump explicitly stated that he “believe[s]
310 that construction and operation of lawfully permitted pipeline infrastructure serve[s] the national
311 interest” (Trump 2017). Here again, legality is presented as a neutral concept to legitimize the
312 proposed land use. For the company, the claim to represent the national interest is substantiated
313 by way of reference to two other indicators. First, they quantify this in terms of tax revenues, “in
314 an estimated \$156 million in sales and income taxes during construction, and \$55 million in
315 property taxes annually” (Dakota Access Pipeline Facts 2017). This argument is also promoted

316 by state representatives when they estimate a “flow of taxes” to be added to state budgets
317 (MacPherson 2017). The representatives’ numbers are, again, identical to those circulated by the
318 company. As North Dakota tax commissioner Ryan Rauschenberger said, “every dollar [ETP] get
319 extra [sic] is good for the state as well” (MacPherson 2017). Second, the company claimed to
320 work in the national interest insofar as it is defending the rule of law. Their commitment to
321 defend laws that, when enforced, secure their capacity to build a pipeline is also to be understood
322 as a commitment to defend “the rights of Americans to reduce foreign dependence on fossil fuels
323 to power our economy and warm our homes” (MacPherson 2017).

324

325 **Contingent universality and settler colonial landscapes**

326 One can re-read the set of statements we have presented in favor of the pipeline project as
327 a political attempt to articulate a particular way of seeing land as if it is universal and also to
328 foreclose the possibility of legitimate contestation. In this section, we accordingly examine how
329 this body of ideas could, by way of its apparent objectivity, or by way of its historically and
330 geographically specific capacity to appear neutral, undergird the construction of settler colonial
331 landscapes. First, we revisit statements from Energy Transfer Partners and public officials in
332 terms of how they promote the interests of particular social groups as if these statements advance
333 the claims of the whole community and we challenge them using claims made by the Standing
334 Rock Sioux representatives, opposed to the pipeline project as a threat to ecological integrity and
335 to tribal sovereignty. In the second part, we discuss the significance of those claims to
336 universality, articulated as neutral and objective, in the context of their historical materialization
337 in settler colonial landscapes.

338

339 *Claims of universality*

340 Arguments in favor of DAPL are based on assumptions that private property,
341 environmental efficiency, and economic growth benefit the whole community. For example, we
342 previously identified proponents' reference to the oil transportation company's compliance with a
343 "legal and proper" process of approval. This is consistent with the company's claim that the
344 contestation during the period of the Oceti Sakowin camp is illegitimate because of illegal
345 behavior by "outsiders." The company's performance of commitment to the inviolability of
346 private property is arguably consistent with an understanding of law as objective and
347 transcendental (see Correia 2013). The aforementioned characterization of Indigenous activists
348 and their allies as "extremist anti-fossil fuel outsiders" that "divert the cause [sic] of the Sioux" is
349 part of a more general effort to undermine the legitimacy of pipeline opponents. Since completion
350 of the minimum standard of a consultation process with Indigenous communities (through
351 informational meetings), any concern expressed by people "outside" of this process can—by the
352 company's definition of a "legal and proper" process of approval—be seen as illegitimate.
353 Moreover, because the Oceti Sakowin protest campers occupied private land and resisted assaults
354 by armed police, they would appear to have violated the rule of law.

355 Careful readers should note that the members of the Standing Rock Sioux tribe who
356 initiated the protests were not heard in the consultation process, and therefore took action
357 "outside" of the informational meetings in order to have their position taken into account. In its
358 public statements, the Standing Rock Sioux tribe emphasizes its sovereign authority on land they
359 identify as ancestral territory. In the face of the company's effort to delegitimize their protest by
360 reference to their violation of private property and the rule of law, claiming sovereignty is part of
361 an attempt to legitimize direct intervention to protect cultural resources and patrimony that
362 remain with the land. On their website, we read that, since "time immemorial, [Lakota and

363 Dakota people] have lived and governed a vast territory throughout North and South Dakota, and
364 parts of Montana, Wyoming, Minnesota, Iowa and Nebraska” (Stand With Standing Rock 2017).
365 According to the Tribe, the settler government has a legal obligation to conduct meaningful
366 consultation with the Sioux on the protection of ancestral and sacred places, which it has failed to
367 do. Instead, the government approved the infrastructure project only on the basis of the
368 company’s information meetings. In response, the Tribe filed lawsuits against the US Army
369 Corps of Engineers for multiple violations of federal policies (the Clean Water Act, the National
370 Historic Protection Act, and the National Environmental Policy Act) to protect sites of religious
371 and cultural significance along the pipeline route. On December 17, 2017, Judge James Boasberg
372 of the US District Court for the District of Columbia ruled in favor of some demands from the
373 Standing Rock Sioux tribe, citing a recent Keystone pipeline spill in South Dakota and
374 shortcomings in that approval process. With this Court decision, the Army Corps of Engineers
375 and ETP were obligated to complete oil spill response plans in consultation with the tribe, and
376 forced to accept an independent audit of DAPL’s compliance with the approval process (Earth
377 Justice 2017). ETP were also obligated to regularly report any repairs to the pipeline (Earth
378 Justice 2017).

379 Rereading statements around legality as part of a political strategy through which DAPL
380 proponents appear to speak for the interests of everyone allows us to reveal the interests of
381 pipeline promoters and shed light on their antagonistic position vis-à-vis other social groups. It is
382 clear from the investments made in policing and security forces, for example, that public
383 authorities were careful to enforce private property rights when they were challenged by the
384 protest camp but were less consistent in enforcing legal norms that were threatened and indeed
385 violated by ETP, such as obligations of consultation and consent of local populations for the

386 project (Bismarck Tribune 2017). The latter were unchecked by federal and state enforcement
387 bodies until they were challenged in court by the Standing Rock Sioux representatives. Here, as
388 elsewhere, public officials performed sovereignty in their suspension of legal norms and by
389 promoting the discretionary power of police. Throughout the conflict, they articulated their
390 position while leaning heavily on the rhetoric and claims of the company. In those statements,
391 officials naturalized a particular understanding of private property as objective and neutral to the
392 exclusion of other place-based norms of access and value of the land. As a counterpoint, public
393 statements made by the Standing Rock Sioux representatives to oppose the project refer to
394 Lakotas' spiritual and material relation to the land. They articulate their opposition to the project
395 by referring to DAPL as a potential threat to sacred waters and to the health and safety of people
396 living downstream of the pipeline.

397 The same argument could be made by rereading proponents' statements on the economic
398 benefits of DAPL. Again, in statements by the company and North Dakota officials, the size of
399 the company's investment, the temporary jobs, and the pipeline itself will self-evidently benefit
400 the social whole. One could, however, reasonably doubt these numbers and ask who stands to
401 profit from this initiative. Such specificity is absent from the pro-DAPL discourse. Nowhere in
402 these statements it is possible to find an estimate of the profit that this investment is predicted to
403 generate for the company, which is, according to Thompson (2016), likely to be approximately
404 \$1.37 billion per year. The above statements by DAPL proponents are similarly selective in their
405 presentation of the particular interests served by tax giveaways and the decision by North Dakota
406 officials to lower taxes on barrels of crude oil in order "to stay competitive." This effort to make
407 the benefits of the project intelligible as self-evidently beneficial to a wider public clearly
408 corresponds with entrepreneurial tendencies in policymaking. Again, the particular interests of

409 the company were made to appear as a representation of universal interests. For state officials, it
410 is therefore obvious that the vision of the company should inform policymaking and the
411 allocation of resources (e.g., uniformed police) to facilitate corporate activities.

412 As for the claims of environmental stewardship, the company presented DAPL as being
413 the safest mode of crude oil transportation system, referring again to their adherence to the
414 standards set by regulators. However, their claim to have satisfied environmental regulations is
415 open to question, given that environmental regulators called in 2016 for investigations that were
416 suspended immediately upon President Trump’s re-approval of the project in January 2017.
417 Beyond this question of the company’s adherence to shifting regulatory standards, the Standing
418 Rock Sioux tribe expressed concerns about the pipeline route that was approved by the Army
419 Corps of Engineers. They argued that the company considered two possible routes: a northern
420 route that would pass near Bismarck, North Dakota, and a southern route located less than a mile
421 upstream from the tribe’s reserved land, under Lake Oahe, a widening of the Missouri River. This
422 contradicted the company’s claim to be working for benefit the social whole, as the tribe argued
423 that officials approved construction of the pipeline on the southern route because the northern one
424 “would be near and could jeopardize the drinking water of the residents in the city of Bismarck”
425 (Stand With Standing Rock 2017). The tribe also claimed that the environmental assessment
426 ignored the fact that reserved land lay less than a mile downstream, and that any spill would
427 directly threaten their drinking water; indeed, it “omitted the very existence of the tribe on all
428 maps and any analysis, in direct violation of the US environmental justice policies” (Stand With
429 Standing Rock 2017). Willful ignorance of the potential effect on drinking water of a spill into
430 the Missouri River, and the absence of any proposed compensation plan in the event of such an
431 accident, is, for the tribe, an issue of environmental injustice. And this injustice is underscored by

432 the company’s lack of engagement with an even more fundamental question. In their claim to
433 perform environmental stewardship by promoting the safest mode of oil transportation, the
434 company assumes that the transport of crude oil must be facilitated—that this function is self-
435 evidently necessary. That is, the company never engages with or even acknowledges the position
436 of their political adversaries that the extraction of raw materials is itself a source of
437 environmental concern for affected communities. Instead, they narrowed the field of possible
438 concern to a question of whether or not interested parties are meeting the safety standards set by
439 regulators.

440 Finally, DAPL supporters have observably claimed to speak for the interests of the nation
441 as a whole. This is evident in the company’s stated commitment to defend the rule of law, to
442 promote energy independence, and to make it a “priority to build with American materials,
443 American workers, and American ingenuity” (Dakota Access Pipeline Facts 2017). Here, the
444 company’s promotion of the “national interest” resonates with its particular interest in profiting
445 from transportation of fossil fuels. Here, in the Gramscian language of hegemonic struggle, we
446 see that the company is a particularity, “which, without ceasing to be [a] particularit[y],
447 assume[s] a function of universal representation” (Laclau 2000, p. 56). In a longer history of
448 settler colonial exploitative relations between the US nation-state and racialized minorities, the
449 reference to “national interest” in the promotion of the particular interests of an elite who benefit
450 from the extraction of raw materials is all too familiar, as was the case, for instance, in the
451 annexation of the Black Hills for gold mining interests (Lazarus 1991).

452

453 *The materialization of settler colonial landscapes*

454 The relationship between settler society and racialized minority groups in the US has
455 historically followed a settler colonial rationale in which white supremacy and capitalism worked
456 together to impose and normalize settler colonial hierarchies across national territory (Bonds and
457 Inwood 2016; Goldstein 2017). The naturalization of claims of universality in practice has
458 resulted in the creation of settler colonial landscapes from which settler society extracts value to
459 meet its needs. Popular and legal discourses that hitch the possibility of progress to the existence
460 of private property relations have historically justified the displacement, assimilation, and
461 extermination of those excluded by the white immigrant nation narrative, and the
462 commodification of land by white settlers (Correia 2013; De Genova 2005). Far from being
463 neutral and objective, or like a blanket evenly laid upon the territory, laws that ensured the
464 construction of the nation-state and of settler colonial landscapes have emerged through struggles
465 over legal interpretation that naturalized and protected white settler property claims
466 (Correia 2013).

467 Assessed against a longer history of exploitative relations between the US nation-state
468 and racialized minorities, the symmetry between statements by the company and public officials
469 in the DAPL conflict is not surprising. By examining this dynamic as a hegemonic struggle, we
470 see that the particular interest of an elite has been naturalized by reference to “consensus,” so that
471 “domination not only seems to be universal (what everybody wants) and legitimate (not won by
472 coercive force),” but also natural, so that “its basis in exploitation actually *disappears from view*”
473 (Hall *et al.* 2013, p. 213, italics in original). In the case examined here, DAPL proponents’
474 adherence to an ideological settlement around the self-evident benefits of such a project in terms
475 articulated through apparently neutral concepts allowed them to conceal the particularity of their

476 position and prevent their opponents from speaking or being heard as more than a particular
477 interest, or indeed as having a legitimate say in the conflict at all.

478 Our analysis of DAPL has suggested that the construction of settler colonial landscapes is
479 contingent upon the practiced naturalization of claims to neutrality and objectivity. Proponents of
480 the project have mobilized a hegemonic body of ideas in order to foreclose possibilities for
481 legitimate contestation, undermine claims of Indigenous sovereignty, and promote an
482 infrastructure project that tangibly reshapes places. However, this hegemony has been secured
483 through a struggle in which the ruling class has never managed to fully eliminate contestation.
484 The widespread opposition to consensus-making in favor of the project—in North Dakota by the
485 Standing Rock Sioux tribe and its allies, in the courts, and at larger scales by other people,
486 including non-Indigenous people, whose lives are entangled with extractive projects—suggests
487 that the possibility of achieving or, with relative success, pursuing universality is contingent upon
488 DAPL proponents’ effective negotiation of an unfinished and contestable politics of landscape.
489 Furthermore, the endurance of DAPL as a symbol with respect to which other Indigenous nations
490 and environmental justice activists pursue campaigns (Deem 2018; Gedicks 2018) suggests that
491 the materialization of settler colonial landscapes might remain open to contestation.

492 Between 2014 and 2017, the Standing Rock Sioux tribe generated opposition to more than
493 just one instance of industry as it might affect ancestral lands. Instead, through their direct
494 resistance to DAPL, and through the convergence of solidarity from across the continent, the
495 Standing Rock Sioux tribe elevated this conflict to the attention of a wider public and effectively
496 promoted an articulation of environmental justice and Indigenous sovereignty as intersecting
497 concerns. The adoption of a discourse that transcends the immediate interests of the Lakotas and
498 Dakotas, as well as their construction of landscapes of protest in the form of protest camps and

499 blockades, could explain why this struggle appealed to environmental justice and Indigenous
500 rights activists. Along with the ongoing challenge to the claims of proponents to value-neutrality
501 and objectivity in their support of extractive projects, these practices of direct opposition can
502 repoliticize discourses that have facilitated the construction of settler colonial landscapes and can
503 thereupon support the formation of trans-local solidarities.

504

505 **Conclusion: Implications for cultural geographies of settler colonialism**

506 This analysis of the discourses involved in the ongoing construction of settler colonial
507 landscapes through the case of DAPL suggests the relevance of a cultural geographical
508 perspective to an understanding of settler colonialism as historically contingent and contestable.
509 In particular, the analysis demonstrates the power of a critical materialist conception of landscape
510 as discourse materialized for understanding settler colonialism and how ways of seeing and
511 representing places reflect and contribute to historically and geographically specific conflicts
512 around control over land and the meaning of place. In this way, the analysis forges a conversation
513 between cultural geography, theorizations of counter-hegemonic politics, and settler colonial
514 studies.

515 In his famous essay on ordinary landscapes, Donald Meinig (1979) describes “landscape
516 as wealth” as a vision of a scene where a monetary value is assigned to everything one sees. This
517 is, in Neil Smith’s Marxian terms, a “transformation of the earth into a universal means of
518 production” wherein “no corner is immune from the search for raw materials; every inch of the
519 land surface, as well as the sea, the air, and the geological substratum is reduced in the eyes of
520 capital to a real or potential means of production, each with a price tag” (1982, p. 143). In the
521 United States and across the Americas, to see the land through this lens continues to legitimize
522 the dispossession of Indigenous people.

523 Our work in this paper has identified a body of ideas that materializes in *settler colonial*
524 *landscapes*, which we have defined as ways of seeing and representing places that facilitate the
525 dispossession of Indigenous people from their territory, as well as the tangible forms given to
526 places by agents of Indigenous displacement and extermination which facilitate construction of a
527 colonial society. Scholarship on settler colonialism has defined it as a structure of dispossession
528 that follows a logic of elimination, and which facilitates the exploitation of racialized minorities
529 and the formation of nation-states on claimed territory (Veracini 2011; Wolfe 2006). Here, we
530 specifically focused on the promotion of a body of ideas that continues to enable the construction
531 of settler colonial landscapes. In legal frameworks that legitimate racialized violence and that
532 insulate hegemonic blocs from critique, our interpretation of DAPL accordingly addresses the
533 naturalization of claims to neutrality as constitutive of settler colonial landscapes (Bonds and
534 Inwood 2016; Correia 2013). By undermining the rationale for these claims, we mean to suggest
535 that such rhetorical strategies are more open to being contested than usually assumed.

536 In order to examine how settler colonialism endures, we have focused on discourses that
537 are naturalized in practice in a specific conflict in the US Great Plains. Deconstructing dominant
538 narratives and hegemonic ideas around the practice of oil transportation reveals the contingency
539 of claims of universality that enable settler colonial landscapes. There are debates within settler
540 colonial studies to which our cultural geographical approach to the ongoing construction of
541 settler colonial landscapes can productively contribute. Snelgrove *et al.* (2014, p. 8) note that
542 analyses of settler colonialism have tended towards “an underlying ‘colonial fatalism’” that, in
543 their terms, “posits a structural inevitability to settler colonial relations.” This assessment is
544 echoed by Jafri (2017), who suggests that the settler colonial studies analytic can be read as a
545 foreclosure of the possibility of contesting settler colonialism. We certainly recognize that settler

546 colonialism is more than “an event” (Wolfe 2006, p. 388) but we add that, from a cultural
547 geographical perspective, the endurance of settler colonialism is contingent on an unfinished and
548 contestable politics of landscape and on the naturalization of settlers’ claims of universality.
549 Unlike “colonial fatalism” (Snelgrove *et al.* 2014, p. 8), this perspective does not demand that we
550 resign ourselves to colonial violence that is “*always already there*” (Jafri 2017, emphasis in
551 original).

552 Our focus on a body of ideas that materializes in settler colonial landscapes has suggested
553 the utility of an approach to settler colonialism that embraces the conception of landscape as
554 “discourse materialized” (Schein 1997). Conceiving of landscape in this way implies that the
555 naturalization of discourses that reflect and reproduce power relations is constitutive of
556 landscapes. Landscapes are neither static objects on which human interactions take place nor
557 imprints of a holistic “culture” that should or could be examined apart from its landscapes
558 (Duncan 1980; Mitchell 1995). Instead, landscapes are produced within existing discursive
559 constraints and simultaneously implicated in naturalizing the rules that guide various discourses.
560 Settler colonial landscapes accordingly are contingent upon settlers successfully presenting a
561 particular way of seeing the ancestral land of Indigenous people as a natural, inevitable
562 representation of the universal aims of people residing in national territory. Complementary
563 cultural geographical work to make settler colonialism more fragile might also systematically
564 describe the tangible forms of settler colonial landscapes, which could extend beyond tendencies
565 in settler colonial studies to focus on imaginative geographies to the neglect of materiality
566 (Jabary Salamanca 2014), and which would complement Larsen and Johnson’s (2017) analysis of
567 the role of specific places and landscapes in convening contestation of settler colonialism.

568 Finally, this paper argues for situating analyses of contemporary cases of settler

569 colonialism in longer historical processes. For example, it is against the backdrop of historical
570 patterns of dispossession that the body of ideas around which the DAPL conflict recently took
571 shape emerged. Beyond this particular case study, our intention in providing this context has been
572 to highlight the resonance of this particular conflict with experiences of dispossession that inspire
573 Indigenous-led counter-hegemonic resistance elsewhere. In this, we hope our work is seen to
574 promote appreciation of the distinctiveness of particular challenges to settler colonialism while at
575 the same time highlighting how Indigenous nations and environmental justice activists and
576 organizers are forging solidarities *between* distinct place-based campaigns. The practice of
577 writing cultural geographies of settler colonialism may in this way carry potential for the
578 construction of wider emancipatory resistance to settler colonialism as it continues to be enacted.

579

580

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591

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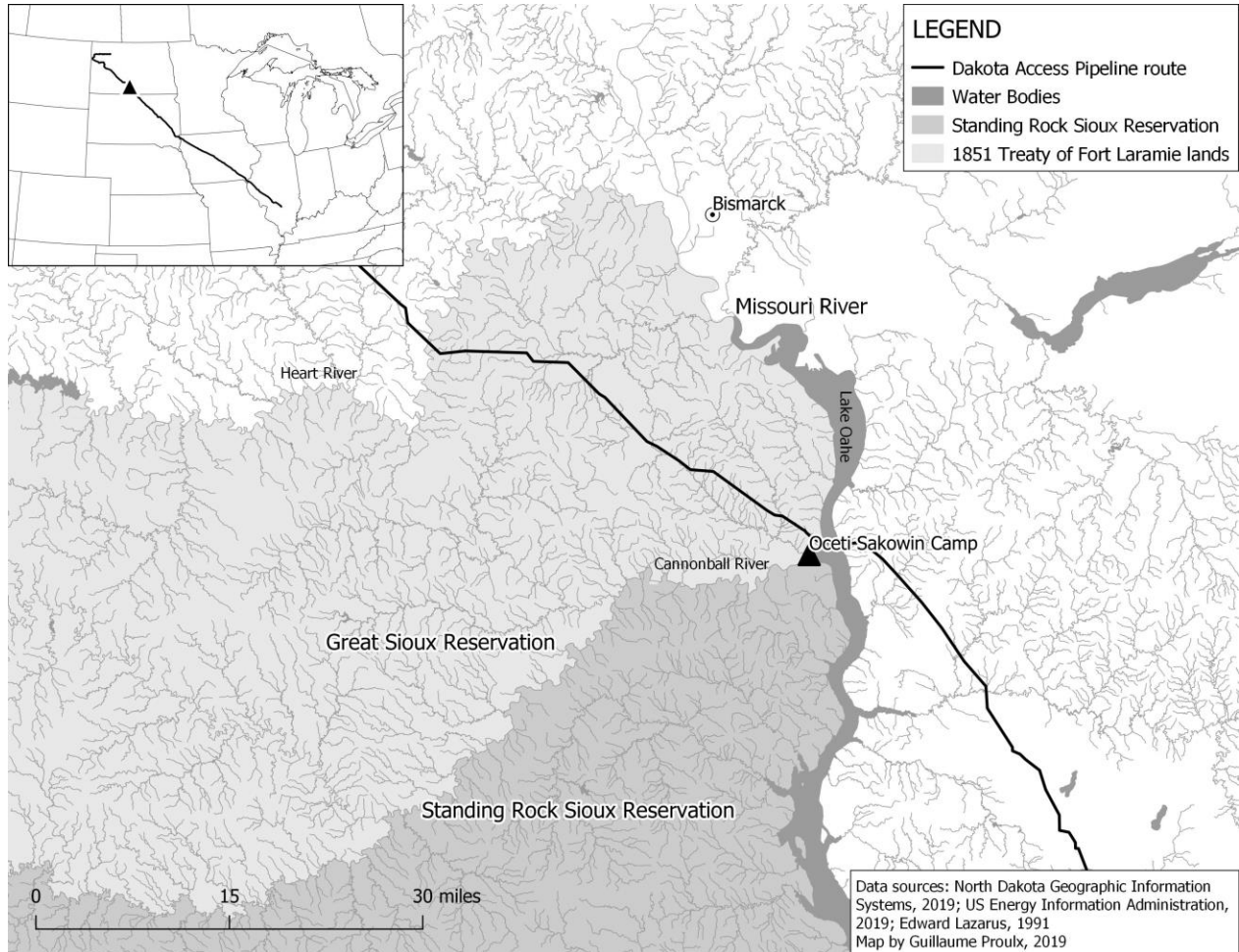
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685

686 **Figures**

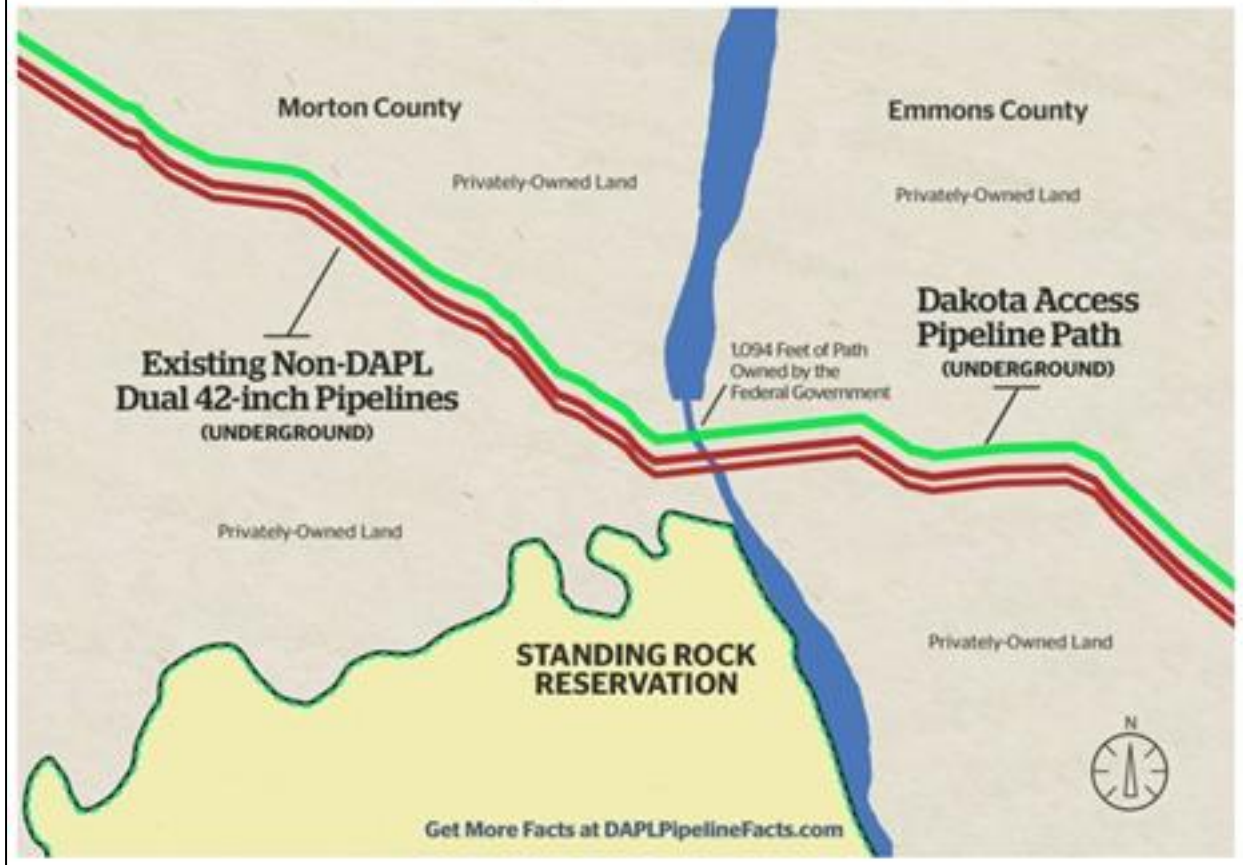
687 Figure 1: Location of the Oceti Sakowin protest camp and the Dakota Access Pipeline in North
688 Dakota, United States



689

690 Figure 2: Energy Transfer Partners demonstrating that its pipeline does not pass through the
691 Standing Rock reservation (Dakota Access Pipeline Facts 2017)

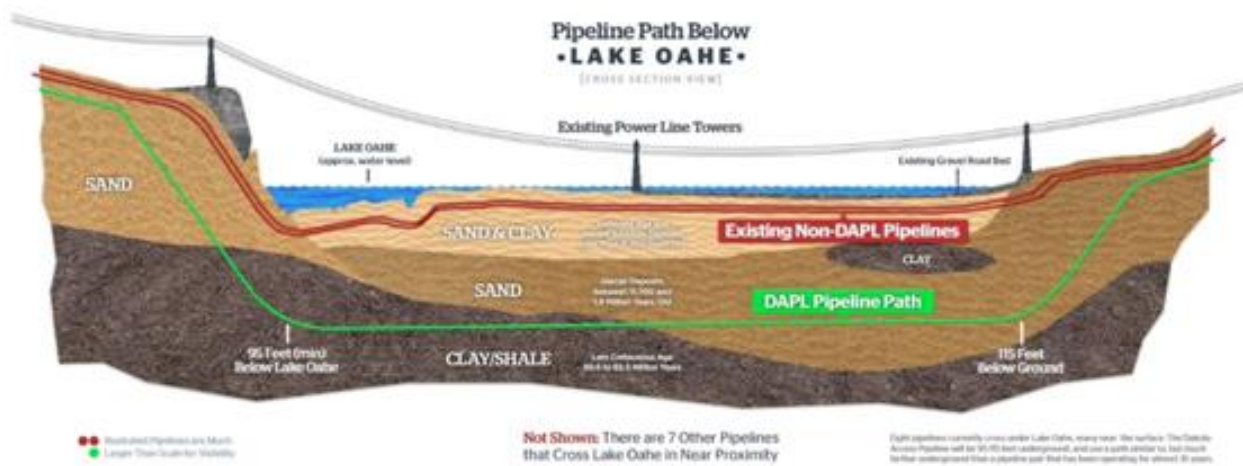
The Dakota Access Pipeline is **Not** on Standing Rock Sioux Land



692

693

694 Figure 3: Horizontal cut of Lake Oahe, North Dakota (Dakota Access Pipeline Facts 2017)



695