

Lessons from the Criminalisation of Opposition to Fracking in the UK

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My talk aims to look very specifically at the practical lessons that activists in Italy and elsewhere can draw from the experiences of anti-fracking campaigners in the UK since 2014.

Netpol believes these protests have changed the notion of what we perceive as a 'typical protest'. Peaceful direct action has taken place largely in rural areas with little prior experience of protests, largely out of the view of media scrutiny.

Unlike previous environmental mobilisations, protests can last weeks or even months and genuinely involve a mix of local campaigners and outside support.

Local protest camps have become an important tactic for monitoring breaches of environmental regulations and to mobilise local support.

As Will Jackson has explained, the police response has invariably been extremely aggressive and campaign groups have also had to deal with the legal manoeuvres of the industry they are confronting.

However, first-time campaigners have also told us repeatedly about suddenly feeling the overwhelming power of state surveillance focusing on them, with the police using sophisticated and advanced intelligence gathering in an attempt to build a complete picture of the size, leadership, structures and allies of different anti-fracking groups and the movement as a whole.

Over the last fifteen years, the government and police in the UK have also been very successful in portraying minority views as intrinsically linked to violence and extremism. For most members of the public, it is almost impossible now not to associate the word "radicalisation" in anything other than an entirely negative way.

A model for categorising a growing range of campaigns as posing an alleged risk of 'domestic extremism' has become central to the policing of political dissent in the UK. Unlike definitions of terrorism, however, successive governments have struggled to find a "legally robust" explanation of what 'extremism' actually means.

This has resulted in the classification by the police of non-violent social movements (including opponents of fracking in the UK) as a supposed "threat" and in turn has justified intensive surveillance or even disruption of their activities. Significantly for the police, the lack of clarity about what constitutes "extremism" has meant that the term can mean whatever the police want it to mean.

In practice this surveillance has meant:

- Everyone at a protest is now routinely filmed. Car number plates are often logged.
- Prominent campaigners have been visited at home by police officers or been followed while driving.
- Young campaigners in particular have been identified as “vulnerable to radicalisation” and their parents have been visited at home by counter-terrorism police.
- We have seen evidence suggesting officers are trying to disrupt protests by targeting protesters seen as more vulnerable to aggressive tactics. This has included, in particular, women, teenagers and people with disabilities.
- Individual campaigners have complained that they are repeatedly singled out, especially if they are active or well-known on the front-line. Any interaction with the police, not just at a protest, is more likely to flag up the label of alleged extremist.
- They say sometimes this feels like deliberate harassment and intimidation, but sometimes it is also to provoke a reaction from other campaigners in order to make more arrests.

This intense focus on surveillance has had a potentially ‘chilling effect’ on the freedom to protest, by actively discouraging many from participation in campaigning activities.

It has also significantly shifted operational priorities, leading police commanders to prioritise intelligence gathering over negotiation or mediation and influenced officers' discretion in favour of making arrests as an opportunity to obtain information on individuals.

SOME LESSONS

Activist trauma

Environmental campaigners have often been unprepared for the emotional trauma this constant surveillance, along with the physical trauma of repeated arrest and violence, has had on their effectiveness, the strength of their solidarity and their ability to avoid people becoming exhausted and dropping out.

The longevity of the protests have also inevitably attracted people already pushed to the margins of society and who bring existing disruptive or self-destructive behaviours into protests, along with alcohol or drug misuse. This has been a well-documented feature of long-term protests since the highpoint of the Occupy movement in 2011-12.

An increasingly important lesson, therefore, is putting “well-being” processes and support in place at an early stage and taking accountability for all participants in a camp or group as a serious issue. It has also meant organising detainee support, so that people who are arrested are met when they are released.

Legal support

Campaigners dealing with daily protests over many months are also often ill-equipped to document and make sense of substantial amounts of evidence of police violence or

wrongful arrests, or to ensure that everyone has a basic understanding of their legal rights.

Another important lesson is the need to have regular monitoring of the way the police behave and what happens when arrests are made. In the UK, "legal observers" are a constant presence at anti-fracking protests. They are unpaid, rarely legal specialists and do not offer legal advice: their role is to document all aspects of the police operation and provide a reassuring presence. This is often taken on by campaigners who feel unable to take part in direct action themselves but who want to offer support.

A national volunteer-led organisation – Green and Black Cross – coordinates the training and works with legal representatives to collate evidence.

Countering the negative portrayal of protests

A further important role is one that campaign groups focusing on their own core messages seldom have the time or resources to take on – using reports of excessive policing, research on police tactics and policies and individual stories to highlight abuses of human rights and counter the overwhelmingly negative narratives about the exercise of the right to protest and the actions and motives of protesters themselves.

This is rarely part of a legal strategy – it is advocacy in support of the need for space for people to challenge governments or industry and to use civil disobedience and, if necessary, peacefully break the law when no other options are available.

This is the role that Netpol takes on. Unlike other human rights groups, we are less concerned with bring test cases in the higher courts and more interested in working with social movements to relieve them of the pressure to recount their experiences of oppressive policing and take up precious time better used to make their cause's case to policy makers and the wider public.