

Securing Extraction: Policing resistance to onshore oil and gas extraction in England

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Abstract

This paper will consider the policing of resistance to unconventional fossil fuel extraction in England. Focusing in particular on the response to protests against 'fracking', the paper aims to understand the ways in which the state and the nascent onshore oil and gas industry have sought to counter opposition to the extraction of shale gas and tight oil. By considering both the legal strategies employed by the state and corporations to curtail protest, and the exercise of police violence, the paper reflects on the ways in which communities are responding to the exploitation of natural resources and the security measures employed to counter opposition. In doing so, the paper explores the historical continuities in strategies used to pacify those populations who seek to challenge state power and the violence of capital.

Introduction

The rapid rise of fracking in the UK in the last 10 years has been facilitated by the state in an attempt to replicate the fracking boom in the US. In the UK, significant shale deposits and reserves of onshore oil have been identified and exploratory drilling to explore these 'new frontiers' has been actively encouraged by governments since 2007.

The potential revenue from fracking and the extraction of other unconventional fossil fuels are significant. They have been sufficient to encourage the development of an onshore oil and gas industry backed by the state through a range of tax breaks and incentives to encourage investment.

However, it is at these frontiers that the industry has met resistance in the UK, as it has elsewhere. In the UK, new coalitions of local opponents and more established climate and social justice groups have focussed on the risks of environmental degradation seemingly inherent in fracking, with campaigners pointing to the real environmental impacts already documented in the US. The concerns of opponents have focussed on the potential for land, air and water pollution, seismic instability, and the broader issue of maintaining a reliance on carbon intensive fossil fuels in the face of climate change.

What the opposition has made most obvious is that fracking stands as a contemporary process of enclosure; to use David Harvey's term, 'accumulation by dispossession'. Fracking is first and foremost bound up in 'the contemporary global land grab' reliant as it is on the capture of land, the large scale use of land, water and capital, and the deepening of an extractive model of development.

In the UK, campaigns have started from a focus on the local impacts of fracking but they are linked through their struggles against the further privatisation and depletion of the environmental commons.

Opposition to fracking is seemingly ubiquitous but the form it takes and its capacity for effective disruption is dependent on the political and legal context in which fracking develops. This paper considers the political and legal context in which the onshore oil and gas industry is developing in England through the lens of *pacification*.

The history of pacification demonstrates that it is a productive process, never solely involved in simply suppressing resistance in both imperial and domestic settings, but instead consciously employed in the construction of a new social order.

Pacification does not simply prohibit what is undesirable but also creates the desired end. In employing the concept of pacification to analyses of policing we are able to consider more clearly its productive dimension and understand that the production of liberal order has been, and continues to be, facilitated through the creation of the conditions for capitalist accumulation.

Producing the pacified political subject

In this sense, pacification involves the production of 'docile bodies' ripe for economic exploitation (Rigakos, 2011: 79), and the policing of both colony and metropolis have always involved this 'creative' application of power. Pacification is thus best understood as a 'political technology for organizing everyday life through the production and re-organization of the ideal citizen-subjects of capitalism' (Neocleous, 2011: 198).

The response to struggle, defined inevitably as disorder, is central to policing and in turn effects the form that policing takes; pacification is never a finished project, it is confronted by, shaped by and ultimately limited by, struggle.

From this perspective policing must be understood as a project involving the confrontation with 'disorderly' and 'disruptive' subjects and the creation of orderly, disciplined subjects conducive to the maintenance of a capitalist social order. The ideal citizen-subject is orderly in the sense that they comply with, and do not question, the current state of things; to be orderly in this sense is to be sufficiently docile to accept the world as it is and one's place within it.

In this sense the exercise of police power in response to protest, and its seemingly inherent violence, must be understood as having both destructive and productive dimensions. The suppression of a protest march for example is not incidental but in the policing of protest – against fracking, war, austerity, educational policies, etc – the drive is to produce the 'responsible', 'peaceful', and ultimately disciplined political subject whose approach to political activism is non-disruptive.

This has been reflected in the UK in specific reference to anti-fracking protests where police have sought to define 'legitimate protester' in contrast to the 'violent' 'criminal' activist whose 'violence' lies in their commitment to *disruption*.

The legitimate protester defined by police is the one that goes not further than registering a symbolic opposition. Direct action in all forms is rendered unacceptable and this has informed the police approach to anti-fracking protests since 2013.

In these terms, the use of violent policing has been justified as a proportionate response to 'violent protests'. The anti-fracking movement in the UK has a universal commitment to peaceful, non-violent protest, but also a clear aim to disrupt, delay, and ultimately defeat, the industry. The emphasis on the violent and criminal protests also involve the attempted (re)production of a suitable docile acceptable protester.

This process is attempted within and beyond the specific protest and the policing of protest, characterised by physical violence and intensive surveillance of protesters

well documented in recent years, seeks to *enforce compliance* within protest movements.

The policing techniques that define protest policing an anti-fracking site also instil in the public a fear of protesters, especially for those whose only experience of protest comes through the police PR machine and the media outlets that repeat the official line largely verbatim.

Ultimately, the effect is to further narrow the confines of acceptable political activism. Direct action of any form is considered beyond the pale and the ideal protester produced, or at least envisaged through this process, is one that quietly raises a concern about a given issue but is unable and unwilling to substantively challenge the situation.

Those on the peripheries, physically or ideologically, of a protest or movement are arguably as much a target as those already involved. Spectacular displays of police brutality, kettling protesters, arresting children, women and the elderly all seek to demonstrate to those on the peripheries (or their parents) that protest is inherently illegitimate and dangerous. The acceptable response to injustice is reduced to signing an online petition and staying at home and putting one's faith squarely and solely in the parliamentary process.

Injunctions: pacification and the law

The construction of 'acceptable protests' has informed the use of legal injunctions at protest sites around England in recent years. Police have been actively involved in encouraging fracking companies to take out civil injunctions that prohibit otherwise legal forms of protest from a specific geographical area. These have been used increasingly at sites around the country and are now one of the key tools utilised by the industry to tackle protests.

For example, the injunction imposed at Preston New Road, in Lancashire, northern England, prohibits trespass on the site and neighbouring farmland as well as unlawful obstruction of the entrance to the drill site. It also includes prohibition of the unlawful disruption of suppliers to the drill site which along with obstruction of the site entrance has been a favoured tactic of protesters.

The emphasis of the injunction has however been to prohibit forms of non-violent direct action which have been central to anti-fracking protests since 2013 (and to other environmental protests before then). These include slow walks which have been a key tactic to slow access to drill sites and create both a symbolic act of opposition and a real impact on the speed at which new sites can be established. 'Lock-ons' – the tactic of locking protesters to each other or to equipment – have been prohibited as well as 'truck surfing'.

Essentially, the direct action tactics used by the fracking movement as part of a campaign of non-violent direct action have been prohibited. Those who breach the injunction can be found in contempt of court and this could lead to imprisonment, fines or the seizure of assets.

The turn to the use of injunctions is, in reality, a reflection of the tenacity of anti-fracking protests that have endured for 5 years in the face of police violence and media condemnation. The slow pace of the development of the onshore oil and gas industry is a sign of the effectiveness of protest and the mobilisation of the law in these terms is a reflection of the failure of naked police power to keep drilling to schedule.

The industry have stated that 'injunctions do not prevent the rights to freedom of assembly and expression. In the words of one industry spokesperson: "those who wish to express their views peacefully and lawfully outside our sites will be free to do so" – this is the limit of what is deemed acceptable.

From the perspective of fracking companies, injunctions are legitimate as they only prohibit "unlawful" protests. However, in many incidents protesters arrested for

engaging in the prohibited tactics in protests prior to the injunctions have been found not guilty in court.

In reality, what is prohibited is *disruption*. The “peaceful” protest ‘protected’ (sanctioned) by the injunctions are those which are limited to the symbolic register of opposition. The injunction reinforces the police construction of what should be possible for protesters. Through the law the legitimate protester is (re)imagined.

These injunctions have also been used against opponents to major infrastructure projects like the new high speed rail link (HS2). They have also been used around the country against protests that have focussed on the construction of a rail line in ancient woodland, the removal of trees from residential areas, and onshore oil drilling.

The law here is mobilised by state and capital to tackle environmental activism. In doing so the law has a productive power that seeks to produce the ideal protester.

UK Oil and Gas, one of the companies seeking to use injunctions to defeat protest have tried to include the following in the injunctions:

- Those who ‘encourage’ protest against fossil fuels
- Those who are ‘behaving in a threatening or intimidating or abusive manner and making threatening or abusive electronic communications.
- Those ‘watching’ and ‘besetting’ a fracking site.

These were rejected by the High Court but give us a sense of where the industry, with police and government backing, are trying to go. They also cut to the heart of pacification and the exercise of police power in the interests of capital.

In particular, the emphasis on preventing the obstruction of supply chains and the threat of besetting expose historical continuities in the function of police and the law in the interests of accumulation. Besetting is an offence that involves successfully preventing someone going about their legal work – which, of course, in the anti-fracking context (and tree-felling), is exactly what protesters are attempting to do.

The law is in Section 241 of the Trade Union and Labour Relations (Consolidation) Act 1992 but its origin is in the liberalisation of trades union law in the 19th century. The prevention of work is the ultimate form of disorder and must be tackled by police power and the law.

The concerns of the industry mirror those already expressed by police. UKOG are a useful reference point for their less guarded comments on the problems posed by protests:

Stephen Sanderson, UKOG's Chief Executive, has stated:

"UKOG is pleased that this judgement firmly upholds the Company's collective human, legal and democratic right to conduct its lawful business without hindrance from the unlawful actions of activists whose intent is to cause physical, psychological and financial harm to our company, staff, contractors, supply chain and local residents.

The aim of applying for an injunction is to “gain a judicial determination” on whether certain forms of direct action “constitute peaceful, lawful protest” or whether they are unlawful. The aim here is to have the law rethink the legal status of non-violent direct action protest – essentially to criminalise all forms of disruptive protest.

The concern is *collective action* - A spokesperson for UKOG said that through the injunction “acts which may be lawful are converted to unlawful behaviour if people act together with the predominant intention of injuring the company”.

The industry has described collective action as ‘mob rule’. As Neocleous has explained, ‘Mob’ was an abbreviation of the Latin *mobile vulgus*, a term developed by the ruling class in the eighteenth century as a coda for the poor and thus the emergent working class as the lower order. It is no surprise that the industry draw upon the same language to describe the same process of criminalising all threats to capital.

Pacification

The emphasis on respecting the right to peaceful, lawful protest enables the police to justify the repression of protests that they can designate as outside of the accepted

parameters. Heidi Rimke's (2011) has explained: "the fetish for the 'peaceful protester' should be understood as a technique of pacification that conceals and fortifies the class violence of capitalism" (2011: 206).

In confronting the exploitation of natural resources (and highlighting the dangers involved therein) through direct action, fracking protesters are stepping outside of the incredibly narrow official understanding of legitimate 'peaceful' protest and in doing so seek to disrupt the wider social order, in which capitalism, sustained through a dependence on fossil fuels, is sealed off from any real alternatives.

Anti-fracking protest constitute a clear sign of 'disorder', symbolising an opposition to state-corporate collusion in the economic exploitation of the natural environment. The very nature of activists, experienced and inexperienced, choosing to live in a makeshift camp by the side of a road, disturbs the usual state of things in the local context but also demonstrated the seriousness of the issue at hand.

It is this very disorderly nature of protest- not to be confused with a suggestion that protests are run in a disorderly fashion - that give rise to the policing response. The very public nature of protest and the immediate effects of direct action explicitly challenge the monopoly of legitimacy afforded to the parliamentary process and both demand and enact a form of politics that refuses the compromise inherent in parliamentary democracy.

Anti-fracking protests are an attempt to confront what Rob Nixon (2011) calls the slow violence of environmental damage; this attempt is in turn being countered by the violence of the state.

The boundaries between acceptable and unacceptable protest set by police are not based on the use of violence but on the target or goal of a protest and a desire to be disruptive; anti-fracking protest thus transcends the police definition of acceptable protest as 'peaceful assembly' not because of a recourse of violence but because of what it is focussed on, what it demands and the form it takes.

We must not however be lured into thinking this project is new, that the use of police violence in response to dissent is evidence of a radical shift in the role of police. The policing of protest, of disruptive subjects, is vital to the pacification process that has always defined the role of police in the interests of capital and state. Instead we need to confront police violence with a broader critical approach to understanding both the destructive and productive effects of the structural and systematic violence through which the current social order is reproduced.

Protests that challenge the current social order and try to disrupt it will arguably always be dealt with in this violent way. Calls for police restraint, or for accountability through official channels, will continue to fall on deaf ears. As David Cameron once said, in the UK "We're going all out for shale."