

The road from fundamental rights to protest to the corporate takeover of British law in a 21st century struggle for democracy

Just over four years ago, in late 2014 at the anti-fracking protests at Barton Moss in Salford, Greater Manchester, I first realised first-hand that our civil and fundamental rights to protest was under threat in the UK. But what was to happen on the 27th July 2017 in that secret High Court hearing in London was way beyond even that, this I will come to later.

The policing of those protests at Barton Moss between November 2013 and May 2014 was so profoundly troubling, only corruption and collusion through an economic system driven by neoliberal ideology could possibly be the reason and it had to be coming straight from the highest ranks of the state.

When a memorandum of understanding came out shortly before the end of those protests, confirming for the first time links between police, industry and local councils, it was evident that the people's voices would not be allowed to be heard.

This collusion continues across the UK today and it became even more evident at the High Court injunction hearing. The court was told that a secret meeting in London on the 10th May 2017 between the National Police Chiefs Council and Counter Terrorism and Policing National Operations Centre advised INEOS and its security team, Eclipse Strategic Security Services, to apply for an injunction. Eclipse, an oil and gas protection unit, is more used to responding to insurgent threats in the oil fields of Asia. This alarming revelation showed how British campaigners were being treated as insurgents, a truly remarkable situation and one we thought was banished after the inclusion of anti-fracking campaigners in the controversial Prevent strategies in 2015 alongside terrorist organisations.

Social licence

Historically, discussions on the future of a UK shale gas industry focused on the idea of social license, a term used at the EU's Horizon 2020 Shale Gas World Conference, in Brussels in early 2014. This was seen as the basis for any legitimacy of the shale gas industry in Europe including here in the UK. Public acceptance was vital, they said.

But social licence took on a new meaning when the UK Government overturned the decision by Lancashire County Council to refuse Cuadrilla Resources' plans. The voices of the people, through a democratic system, became irrelevant and social licence became a discourse of neo-liberalism, giving people an illusion of democracy.

It turns out that people in UK towns and villages have to stand up for themselves and protect their communities from an ideology, driven by neoliberalism, which considers people worthless in favour of multinational corporations, foreign private companies and lobbyists with close links to government. Action would have to be any peaceful means possible, including non-violent direct action in true British spirit. This was the only option if people were to establish the true principle of no social license.

Corporate takeover and the illusion of democracy went one step further on the 24th November 2017, one day after a judge further granted an injunction against 'persons unknown' to the Swiss petrochemicals company INEOS at the Business High Court in London.

In the name of national security, INEOS – the largest of the shale gas companies – said it was asking the planning inspectorate to intervene in planning applications for two drill sites in the East Midlands because there had been no decisions in reasonable time periods (their words, not mine).

With huge opposition to their plans to industrialise the area, some might think INEOS is avoiding local democracy, as it did when it acquired an ex-parte injunction against 'persons unknown'. The clues, to what might soon become a national security issue, lie later in the company's statement: *"These are nationally important issues being made at a local level"*.

If the government fast-tracks these highly controversial plans, we can safely say, we are living in a totalitarian state.

Has the British media been compromised locally as well as nationally?

After almost seven years, 48% of the UK public neither support nor oppose fracking.

The question I often ask myself is *'If it is really safe, for people and planet, why aren't the industry and media overloading the UK population with evidence?'*

The conclusion I come to from my analysis links to the biggest media discourses so far. Firstly, from Conservative MP Kevin Hollinrake, who decided to go to Pennsylvania to see for himself the US industry? He gives a very different account to that of local people in Pennsylvania, and the many countries and states who have put a halt to the process globally.

In recent months we have also seen how media in the East Midlands is also using framing in their articles, with the approach used by Hollinrake too. Much bigger discourse from local media than ever before is about to begin in an attempt to silence the population and brainwash local communities with 'dangling carrots'. A few months back INEOS paid for an all expenses trip for local journalists throughout Northern England to Pennsylvania. Here we start to get a better picture of the infiltration by a large Swiss petrochemical into the very fabric of our local societies and media, in what is inevitably 'the next oncoming wave of media discourse heading our way: be warned.

The discourse became much more apparent in June 2016, when approximately 52% of the UK population chose to leave the EU and take back control of the future of the UK, a perfect division for those driving the system, the neoliberals in government and media, to utilise and give these companies the opportunity to use the discourse and framing of our time, *energy independence*. The most notable discourse is that of *using the energy below our feet to heat our homes*.

It is the job of campaigners to get this evidence out behind a veil of discourse in the media. But if you look closely at this *'Gas for feedstock'* versus *'Gas for homes'* argument, you will see a very different picture and realise that shale gas is certainly not for UK citizens homes, how the industry, media and

those driving the corporate neoliberal cogs, like to portray it. For example, back in October when the Scottish parliament decided to end the hopes of the shale gas industry north of the border, three quotes from the Industry were given.

Firstly, Backing Fracking said: “Putting the future of the Grangemouth petrochemicals plant in doubt by denying it access to more affordable local feedstocks”. Secondly, Ken Cronin of UKOOG, said “it’s better for the planet to be producing our gas here rather than shipping it in across oceans from elsewhere, especially when Scotland has a petrochemicals industry so ‘reliant’ on natural gas”

<https://drillordrop.com/2017/10/03/scottish-fracking-ban-beggars-belief-ineos/> Thirdly, INEOS said it saw “shale gas as a potential solution to the decline of North Sea resources needed to provide the base ingredients to make its products”.

The second comment from Ken Cronin when balanced with INEOS’s latest announcement of INEOS shipping Natural Gas to China from the US, seems very hypocritical indeed, some might prefer ‘scaremongering PR’. Do we really need to put further pressures on our communities in the name of shale gas to supply feedstock for a petrochemicals plant, to make more plastics when the oceans are already a wash with plastics? This is certainly a ‘tragedy of the commons’ that is generally hidden by the industry, but it is of equal importance to any debates. This is where the true environmental discussions are taking place right now, not in those Natural Gas filled dragon ships heading to China in the near future.

Personally, one of the most worrying thoughts of the fracking industry getting a foothold in the UK, is something which needs speaking about more. How many people actually look forward and see the future in a societal sense and the possible causal factors related to in-country migration that this industry can cause, that’s if people are able to sell and get out, which is very doubtful.

During the early years of an attempt to establish a UK fracking industry the company with the biggest threat to our communities and environment, INEOS was back in Switzerland, staying out of any limelight amid growing opposition to this old technology. INEOS a leading petrochemicals company had in fact moved back to Switzerland in the 2010 from the UK to save 350 million in Taxes.

Six years later and they were back after huge Corporation Tax breaks. Northern England, if INEOS and Jim Ratcliffe get their way, will see the industrialisation of this land like never seen in recent times. With it will come the breakdown of towns and cities. INEOS has licenses to drill in over 1.2 million acres of land, which could rise to 2 million, if they acquire further purchases from other prospector companies like Third Energy which is 97% owned by Barclays Bank, which looks the most likely of these in the near future.

Migration to cities

Overcrowded urbanized areas of northern cities including Liverpool, Manchester, Sheffield and Leeds etc could, very possibly in the near future, see an influx of even more people, as people migrate from the deep countryside in attempt to protect their families from the pollution and change in their peaceful way of life.

When seen through this lens, the industry has the potential to cause a 'Public Health Emergency'. In a conveyor belt-like migration of people to the city, those at the very bottom already struggling to cope will disconnect from society further. Those hanging on to their sanity from many years of ideological austerity will inevitably join them and not only will we have a deepening mental health crisis but we will also have a deepening housing crisis.

The outcome of this migration of people within the UK will cause deepening health inequalities within our society, a truly worrying perspective. One thing we should all be concerned of is these further 'health inequalities' which could materialise, regardless of our political allegiances and views. From the Black Report (1980), Acheson Report (1998) through to the Marmot Review (2010) health inequalities is already a crisis, a pressing issue of our time, one that needs no extra burdens. The 'social determinants of health' are at the heart of 21st century health ambitions and the shale industry if given a foothold renders the real possibility of diminishing all possibilities of narrowing inequalities in health and in fact widening them.

Draconian injunction

So now, just over 17 months after the June 2016 EU referendum we have a Swiss company INEOS receiving an extension of its already-draconian injunction with just a few minor alterations from its earlier 27th July 2017 ex-parte decision. At the time this was the widest of its kind in a British court, stifling our attempts as citizens to establish the true meaning of *No social licence* and protect this land in both Intergenerational and Intragenerational equitable terms.

On the 23rd November we failed to overturn this injunction in the High Court, but we mustn't stop there. Too much is at stake. Isn't this the type of attempt which those voting to leave the EU were hoping to avoid? British laws by foreign companies to block our future could turn out to be profoundly one of the most troubling decisions of our time. The renewed injunction allows for an unprecedented restriction on our fundamental rights, which has forever played an important part in political struggles.

Social and environmentally-minded figures at the top of the Green Party have collectively led the way politically, and must be commended for their determined work in opposing the injunction.

We are also seeing the Labour Party and Liberal Democrats realising this is a huge social and environmental issue. As the Labour Party moves away from the neoliberal direction of the past few decades, we can hope to see more of its members involved with these political and corporate struggles. Yet, citizens, campaigners, activists and guardians of this land need more support from them. We are certainly not seeing enough as we attempt to overturn this injunction or put a halt to these companies' oppressive invasion. Even some Conservatives are now raising questions but until the right wing of the party shows its concerns at this Swiss takeover of our law the troubles will continue.

All this attention and exposure of collusion was made possible by determined campaigners for over six years now.

The campaign must be allowed to continue in the same vein, which is why I call on them all to question this attempt by INEOS to shut down functioning society's aspirations. How many more injunctions will we see before a change of economic ideology which favours big business, by then it could be all too late? These injunctions could be the start of slippery slope that will be remembered in decades ahead, as a dark time in our country. Will INEOS move back to Switzerland when a Labour Government takes control and Tory tax breaks for business are a thing of the past?

Dangerously their legacy could linger on long after the shale industry, by setting UK law a precedent for other companies to ride roughshod over our way of life and fundamental rights to challenge injustices in a fallacy of a democratic society in an increasing corporate takeover. Who will clear up the mess these tax evading companies leave, whom are now trying to deny the citizens from opposing? These questions are real and go to the heart of some of the biggest troubles of our times.

The injunction itself cannot and will not be left unchallenged; I and Joe Corre will be filing an application for permission to appeal. Like many before us who have endured many struggles to earn these rights, including two world wars, we must do the same. The support of everyone concerned with the future and direction of our country can support the case at: <https://www.crowdjustice.com/case/fracking/>