



# Case Studies

## GOVERNMENTS RESPOND: LOCAL AND REGIONAL FRACKING BANS AND MORATORIUMS

The list of towns, cities, regions and states halting fracking continues to grow as the global anti-fracking movement gets stronger. In May 2013, Vermont became the first American state to ban fracking. Hundreds of U.S. cities and towns have responded to the groundswell of well-organized opposition by enacting moratoriums and bans, including in California, New York, Illinois, Colorado and Ohio. Notably, a New Mexico county ban also establishes a “bill of rights” for residents and for nature. This bill of rights prohibits activities – like fracking – that undermine the county’s rights to fresh water, public health, safety and environmental protection. The bill of rights directly challenges corporate rights.

In Canada, Quebec has a moratorium on fracking in the St. Lawrence Valley that was spurred by a massive groundswell of grassroots opposition led by local landowners. Nova Scotia, also home to a strong grassroots movement that includes the NOFRAC coalition, effectively has a moratorium. In August 2013, the Nova Scotia government announced it would scrap its internal review and instead conduct an independent review through 2014, during which time no new approvals would be issued. There are a number of ongoing campaigns targeting fracking locally and provincially – including the Council of Canadians Inverness Chapter’s campaign that resulted in the first Canadian municipal bylaw banning fracking.



Quebec organizations organize a rally in Drummondville for the 2012 Global Frackdown. Photo by Didier PH Martin

## Quebec’s successful resistance to shale gas development

The list of achievements of the Quebec movement against fracking is long and impressive: more than 130,000 people signed an online petition, over 100 citizens groups formed over the span of three years, 50 people walked 700 kilometres along the St. Lawrence River from Rimouski to Montreal, 60 municipalities passed bylaws that protected drinking water from fracking, and more than 300 hundred people have been trained for non-violent direct action.

In a two-part series, “Civil resistance as deterrent to fracking,” Philippe Duhamel, Quebec civil resistance organizer, sheds light on the successes and challenges of Quebec’s anti-fracking movement. Duhamel explains what happened when communities found out that industry was planning to start fracking in the St. Lawrence Valley: “Citizens from rural areas soon found each other and started organizing. Artists and celebrities, some of whom owned properties in targeted areas, got involved. They helped further alert and mobilize public opinion through a viral video. An online petition gathered 130,000 names. Experienced activists informed by civil resistance theory and practice (including this author) felt compelled to join, moved by the outrage they felt, and what they feared might happen.”



La Campagne Moratoire d'une Generation (One-Generation Moratorium Campaign), for which Duhamel is the volunteer coordinator, insisted on going beyond "a generic moratorium" and aimed "to build a capacity for mass civil disobedience." They gave the Quebec government an ultimatum: a 20-year moratorium on fracking by May 1, 2011 or a mass nonviolent action would take place.

Duhamel explains, "One of the highlights of the One-Generation Moratorium Campaign, and one for which it is most remembered, is the month-long walk it organized in the spring of 2011 along an itinerary closely following the areas claimed for fracking by the industry. The press followed us closely, with national media at the start, middle and end points. The walk was the event of the day in rural towns. It would usually open the news, with the weather forecast sometimes closing with what the day would be like for the walkers. In cities like Trois-Rivières and Quebec City, the march through downtown would bring out hundreds, marching with the fanfare and swaying with the samba band. When we finally reached Montreal, a crowd of some 10,000 to 15,000 people awaited – the largest environmental demonstration in Quebec history at the time – our allies having finally come together to celebrate."

He adds, "Using traditional community organizing methods, the Regroupement [Interegional Gaz de Schiste Vallee du St-Laurent] canvassed rural communities, asking residents to sign a letter refusing access to the industry, and selling the highly visible red and yellow 'Non au gas de schiste' signs that now dot villages and rural roads across Quebec. Over 30,000 property owners have signed the letter. With signature rates sometimes reaching as high as 90%, the organizers brought to city hall maps showing the supportive properties painstakingly coloured one by one. Many municipal governments were swayed. Bylaws specifically designed to protect drinking water sources from the industry drilling were adopted in over 60 towns."

Groups established an early warning system, which could be reached at SCHISTE911.org or 1-888-SCHISTE to warn communities about further threats of fracking.

Duchamel explained, "Eyes and ears in the community, watching remotes sites, important intersections and back roads, paying attention to rumours and talking with strangers can provide important, timely information. It is the first and vital step in the system. This kind of surveillance network doesn't always have to be built from scratch. In New Brunswick, Neighbourhood Watch and Block Parent homes were enlisted to signal to protesters the presence of thumper trucks, used for seismic testing."

He also stresses "the concept of preventative action rests on one paramount priority: to train communities in nonviolent direct action and civil disobedience. To reinforce their intended effect as a deterrent for the industry, the trainings themselves are publicized."

While there is a defacto moratorium in the St. Lawrence Valley, shale oil exploration is planned for Anticosti Island and the Gaspé Peninsula for 2014. However, if industry and government learned anything from past resistance in Quebec, they have quite a fight on their hands.

### LEARN MORE

Civil resistance as deterrent to fracking: Part One, They shale not pass  
[www.opendemocracy.net/civilresistance/philippe-duhamel/civil-resistance-as-deterrent-to-fracking-part-one-they-shale-not-o](http://www.opendemocracy.net/civilresistance/philippe-duhamel/civil-resistance-as-deterrent-to-fracking-part-one-they-shale-not-o)

Civil resistance as deterrent to fracking: Part Two, Shale 911  
[www.opendemocracy.net/civilresistance/philippe-duhamel/civil-resistance-as-deterrent-to-fracking-part-two-shale-911](http://www.opendemocracy.net/civilresistance/philippe-duhamel/civil-resistance-as-deterrent-to-fracking-part-two-shale-911)



## FRANCE BANS FRACKING

In 2011, France was the first country to ban fracking for shale gas. French President François Hollande promised in July 2013 to uphold France's ban during his presidency despite ongoing legal challenges from Schuepbach Energy and Total, a company that previously had exploration permits. The ban came in response to growing public opposition and anti-fracking events including screenings of the documentary *Gasland*, townhall meetings, massive demonstrations and the posting of anti-fracking billboards across the country.

### Behind the French ban – Successes and challenges

*An interview with French fractivist Maximes Combes*

A strong citizens' campaign in France helped stop fracking. The French campaign, which resulted in Europe's first ban, started in late 2010.

In March 2010, residents of France found out that the government had given – without any public consultation – permits for fracking on three sites. When they learned that 64 other licences were pending, local citizens formed groups in affected areas. This quickly led to the organization of town-hall meetings in villages that attracted unprecedented numbers of people. In early 2011, a massive citizens' movement began to form, with a landmark public demonstration in February that brought together strong local networks that quickly succeeded in compelling local authorities to take an anti-fracking stance. The national government, unprepared for such an uproar, was caught by surprise. France's government initially issued a moratorium, but after further

public pressure, Parliament enacted a law banning fracking in July 2011.

Two factors helped ensure this success. First, politically, the anti-fracking movement effectively combined spontaneous and passionate local protests with challenges at a national level on legal grounds pinpointing irregularities based on French land and water legislation. Second, the movement benefited from a strong sense of community and attachment to the land, which framed the campaign in terms of democracy and sovereignty over land.

Industry has not surrendered. After the ban was enacted fracking companies started to use the law's loopholes, asking, for example, for permits for "stimulating bedrock," exploiting the fact that the law does not properly define fracking. Companies have also invested in a far-reaching public relations campaign that promotes fracking and uses the terms "energy independence" and "job opportunities" as selling points.

In this new phase of struggle, facing a long-term information war with the unconventional gas industry, the anti-fracking campaign faces several challenges besides being short of funding, political power and spokespeople. First, the new proposed sites for fracking are in more urban, northern regions of France where people are less locally rooted and attached to their land. There are also divisions emerging as the movement has broadened around issues such as alternative energy models, with differing positions on nuclear power, for example.

**ADAPTED FROM:** Transnational Institute's *Old Story, New Threat: Fracking and the global land grab*  
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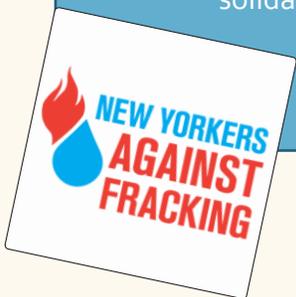


## GRASSROOTS RISING

The global anti-fracking movement is continuing to expand and grow. Screenings of documentaries such as *Gasland*, rallies, coalitions, and campaigns to ban fracking are all underway. The movement is also engaging in more direct actions – people are literally putting their bodies in the way of fracking projects.

In September 2011, a group of Indigenous women, members of the Blood (or Kainai) Nation in Alberta, blocked a road leading to a Murphy Oil fracking site located on their reserve. Lois Frank, Elle-Maija Apiniskim Tailfeathers and Jill Crop Eared were arrested for their actions to protect their land and water against fracking. More than one year later, charges against the women were stayed in court. Their brave efforts brought international attention and support to their fight.

In the summer of 2013, the Elsipogtog First Nation of New Brunswick and its supporters established a camp and have peacefully stopped and confiscated drilling equipment contracted by Southwestern Energy for seismic testing for fracking. In October 2013, the RCMP – who had been present at the camp throughout the summer – moved in on the protesters with riot gear, snipers and pepper spray. Media accounts focused on the burning RCMP cars and the Molotov cocktails that were thrown, but it is important to focus on why the protesters are there: to protect the water, land and people. There was an outpouring of support with more than 45 solidarity actions organized in the two days following the RCMP actions. Many Global Frackdown events, which were scheduled two days after the RCMP moved in, were focused on expressing solidarity with the Elsipogtog in their fight against fracking.



## Lessons learned from New York State's anti-fracking movement

The movement to ban fracking in New York State has been one of the strongest and most vocal across the U.S. In addition to the state-wide moratorium, New York municipalities have passed more than 200 local measures against fracking, by far the most passed in any one state in the U.S. The Haudenosaunee Environmental Task Force, which includes the Mohawk, Oneida, Onondaga, Cayuga and Seneca Nations, passed a ban against fracking on, or near, their aboriginal territory. The N.Y. Department of Environmental Conservation received close to 200,000 public comments on its draft regulations for fracking, the bulk of which called for an outright ban on fracking. The movement has gained a near unparalleled momentum with the creation of New Yorkers Against Fracking, a coalition with 230 member organizations, frequent rallies and well attended marches, and celebrity endorsements from musician Sean Lennon and actor Mark Ruffalo.

The success of the anti-fracking movement in New York can be attributed to many factors. However, for Alex Beauchamp, Northeast Regional Organizer for Food and Water Watch, a member organization of New Yorkers Against Fracking, there are key factors that have led to the movement's success so far. The movement was largely driven by the grassroots – with a local group in almost every town from the get-go. The unwavering political target of New York Governor Andrew Cuomo also contributed to the coalition's success. Governments will often pass off responsibility to departments or ministers, and the New York Governor is no different. However, the coalition's persistent and consistent demand of Governor Cuomo to ban fracking has so far succeeded in stopping fracking. What's often missing in the black-and-white "jobs versus environment" debate is the impact fracking has on human health. Testimonies and health studies resonated with New Yorkers as a central reason to ban fracking.