The Politics of Shale Gas and Anti-fracking Movements in France and the United Kingdom

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France and the United Kingdom are similar in having substantial reserves of shale gas (Shale Gas Europe 2013) and in possessing legal regimes in which—unlike the United States—mineral rights are owned and controlled by the state. Companies and government officials in both cases have understandably expressed interest in exploiting those reserves as a means of stimulating economic growth and lessening dependence on external providers. However, the debates over the development of shale gas through hydraulic fracturing (“fracking” – for an excellent primer on the technique, see Rao V 2012) and horizontal drilling have unfolded in very different trajectories on the two sides of the English Channel.

In the French case, President Nicholas Sarkozy’s Center-Right government moved before the U.K. to authorize exploration for shale gas—but did so through an apparent administrative blunder that would trigger a massive wave of resistance that led in 2011 not to a mere moratorium but to the first ban in the world on utilization of the fracking technique. Political remorse over this hasty move provoked reconsideration by the Socialist government, elected in 2012, until President François Holland firmly stated in July 2013 that the issue would remain off the agenda for the remainder of his presidency. Ironically, that same summer the Conservative-led coalition government of David Cameron reaffirmed with flourish that it intended to move fast to put the U.K. “at the heart of the shale gas revolution.” Given the degree of centralization of control over such issues in Britain, and the high priority attached to shale gas by the Cameron government, there was every reason to expect that fracking would begin in Britain in relatively short order. As of August 2015, however, not a single drilling site was in operation. As will be discussed below, this has resulted from the development of a British anti-fracking movement raising the same objections that had halted development in France, fractures within the governing
coalition and the Conservative Party, and surprisingly successful mobilization of opposition to shale gas development within the planning process controlled by county councils.

This paper will address the cases of France and the United Kingdom in detail and then, in the conclusion, discuss in comparative perspective seven key variables that play a major role in determining the propensity of governments to pursue—and succeed in—developing shale gas.

I. France: Governmental Blunders, the Explosion of Protest and the 2011 Fracking Ban

It was what appeared to be routine administrative decisions of the Ministry of Ecology, Energy and Sustainable Development on 1 March 2010 that, quite remarkably, set in motion the chain of events that would lead to the world’s first ban on fracking only fifteen months later. In line with the standard operating procedures of the ministry, MEESD officials approved the requests of corporations for three “exploration authorizations” (or exclusive research permits) related to shale gas in southeastern France—the region affected by these permits is shown in figure 1, “les 3 permis abrogés”). Under the Mining Code in force at that time, “no public consultation was required prior to the issuance” of such an authorization. Only at a later stage, if and when exploration indicated that drilling could be profitable and a company applied for an “exploitation authorization” (or concession), were broad public consultation and environmental impact assessments required (Tomasi and Nicolet 2013). As Jean-Louis Borloo (the minister who formally approved the authorizations recommended by his staff) lamented months later during parliamentary debates, the requirement for public consultation related to applications for research permits had been eliminated in 1994 so as to facilitate efforts to “know and understand” the potential value of natural resources. Borloo noted that over the past seventeen years hundreds of research permits had been authorized in this fashion, but in retrospect the 1994 code
Figure 1: Shale Gas Regions in France – Nodé-Langlois F (2011)
revisions had been an “enormous error” since it was now evident that some exploratory research—such as that for shale gas—could entail “extremely grave risks for the environment and health” (Journal Official—or JO—10 mai 2011).

Two other flaws of the traditional Mining Code were also made apparent in the wake of the notorious decisions of March 2010. First, the applications for research permits were not required to declare what exact technique they intended to employ in their exploration; applications were assessed only on the basis of the general financial and technical capacity of the applicants. Thus the companies requesting permission for exploratory research on shale gas were not required to declare that they planned to employ hydraulic fracturing (N Kosciusco-Morizet JO 10 mai 2011). One could well assume that the technocrats of the ministry should have recognized the potential problem, since fracking as developed with horizontal drilling in the United States was the only available technique for extracting shale gas; some critics would later charge that they must have known this and looked the other way due to their sympathy for industrialists (M Bono JO 29 mars 2011), but a report commissioned by the parliament in 2011 stressed that there had been only minimal understanding of what fracking entailed even in technical entities in France in 2010 (P Morel-A-L’Huissier JO 10 mai 2011) Second, the code did not require that information regarding authorizations for exploratory research be quickly and widely disseminated even to elected officials in the regions concerned; the authorizations were simply listed on a website of the MEESD and later published in the parliament’s Journal Officiel (N Kosciusco-Morizet JO 10 mail 2011).

It thus took months for the French public, even in the prospective exploration region of the southeast, to learn about the March 2010 authorizations. The only newspaper article that mentioned the authorizations before the fall of 2010 was a brief one in Le Monde by Hervé
Kempf noting that the parliament’s *Journal Officiel* would soon formally announce that permits had been issued and that France would thus soon join many other countries in pursuing shale gas (Kempf 2010). The first highly provocative article appeared only in October 2010 in *Charlie-Hebdo*, where Fabrice Nicolino criticized Borloo for approving the permits “without the least publicity,” alluded to the newly released anti-fracking American documentary *Gasland*, mentioned with foreboding that the hydraulic fracturing technique had been perfected by Dick Cheney’s Halliburton, and cited environmental activist and European parliament member José Bové on the potential negative impact on the environment (Nicolino 2010). In December both Kempf and Nicolino appeared at a large public meeting in Aveyron, one of the departments targeted for fracking, and that same month journalist Sylvain Lapoix created the first in-depth French analysis of the issue on the internet (the website Owni.fr, a sort of “Wikileaks for shale gas”), including animation to demonstrate “the process of hydraulic fracturing and why it is dangerous” (Raoul 2011).

It was in late December 2010 and January 2011 that the word began to spread, through both social media and networks of local activists, and that “the revolt against the extraction of shale gas” began to capture the attention of elected officials in the countryside and then in Paris. As figure 2 illustrates with data from Goggle Trends, the term gaz de schiste (shale gas) registered no activity in France until late December, but spiked dramatically over the next two months. New websites and blogs produced by activists proliferated with names such as [www.stopaugazdeschiste07.org](http://www.stopaugazdeschiste07.org) and [www.nongazdeschisteinfos.com](http://www.nongazdeschisteinfos.com) (Groef et al 2012). The websites provided scores of links to everything from the exploration permits received by companies to the websites produced by other anti-fracking activists around the country and the world. Anti-fracking songs appeared on Youtube ([www.chansongazdeschiste.com](http://www.chansongazdeschiste.com)) with folk
singers relating this current struggle to earlier challenges in French or local history, often against a backdrop of the picturesque landscapes now threatened by environmental ruin. For the anti-fracking movement, the “internet was a powerful tool, a sort of permanent à la carte general assembly in which each could participate when and how he wanted” (Raoul 2011).

A case study of the movement in Ardèche notes that in early 2011—soon after people began to realize that Schuepbach Energy LCC headquartered in Texas had obtained a permit for exploration in the department and that the government had imposed this decision on them with no consultation—“many people rose as one bloc to express their radical refusal of such projects. Very quickly, information meetings were being held in packed rooms and collectives arose in each village.” The authors observed that the movement unified local residents normally divided by “traditional political cleavages.” The revolt began to be organized with “bumper stickers, t-shirts, posters, but also exchanges of reflections.” A twenty-minute edited version of highlights from the documentary Gasland was prepared and shown, with subtitles, at meetings attended by more and more people. As mobilization became “explosive” it rekindled memories of historic struggles such as the resistance in World War II. Activists wanted to avoid creating a formal leadership structure for the movement, but they did agree to organize a department-wide
Collectif 07 (Ardèche is listed #7 among French departments) to centralize information, manage a principal website and coordinate activities. By February 26, 2011 Collectif 07 and its allies beyond Ardèche succeeded in organizing the largest anti-fracking protest in France as an estimated 20,000 people attended a demonstration in Villeneuve-de-Berg (Groef et al 2012).

Even by the standards of France, where anti-government protests are common and may in fact be viewed as a revered tradition (Keeler J and Hall P 2001), the anti-fracking protest movement of 2011 was extraordinary in its intensity, scope and ultimate impact. Anger and indignation arose initially, of course, in the southeastern departments such as Ardèche where—as in virtually every country where shale gas drilling has been proposed or undertaken—the NIMBY (Not in My Backyard) effect drove many people to oppose what they perceived to be a threat to their regional environment (Grouef 2012). However, those local movements became a nation-wide firestorm of protest as more and more citizens—and elected officials—learned of the process that produced the MEESD’s March 2010 authorizations of exploratory research permits. They indignantly demanded to know how such decisions with important implications for the environment could have been made in an opaque manner “en catimini” (on the sly or in secret) when governments of the Center-Right—under both President Jacques Chirac and his successor in 2007, President Nicolas Sarkozy—had recently made apparently solemn, highly publicized commitments never to allow such a thing to happen (see comments by Frédérique Massat, Socialist from Ardèche, in JO 10 mai 2011).

Chirac had placed a high priority on mobilizing support, deflecting predictable opposition from organized business within his coalition, for a Charter for the Environment that was enshrined as an amendment to the constitution in 2005 by a 531-23 vote in a joint session of parliament (French Constitution 2015). France had long been perceived as “a relative laggard in
environmental affairs” within Europe, but this charter represented “a qualitative leap in the level of France’s publicly avowed commitment to environmental protection” and provided French citizens with “new political and judicial tools to promote transparency and accountability in policies affecting the environment” (Bourg and Whiteside p. 118). Article 7 of the charter states: “Each person has the right, in the conditions and to the extent provided for by law, to have access to any information pertaining to the environment in the possession of public bodies and to participate in the public decision-making process likely to affect the environment” (Charter for the Environment). And article 5, in language that the main French business organization had warned could "sideline research and harm the French economy," constitutionalized the principle of precaution: "When the occurrence of any damage, albeit unpredictable in the current state of scientific knowledge, may seriously and irreversibly harm the environment, public authorities shall, with due respect for the principle of precaution and the areas within their jurisdiction, ensure the implementation of risk assessment procedures and the adoption of temporary measures commensurate with the risk involved in order to preclude the occurrence of such damage" (Bourg and Whiteside p. 125-126). In short, the charter clearly called for a degree of public access to the decision-making process and a degree of precaution by the state that were not respected in the process leading to the authorizations of March 2010.

As if this were not enough to make the Center-Right government seem hypocritical, negligent and/or underhanded to the protesters of 2011, the problem was exacerbated by the fact that President Sarkozy had championed a lengthy process from 2007 to 2010 known as the Grenelle for the Environment designed to build an “ecological democracy” in France by enhancing public participation and transparency in the making of decisions affecting the environment; the term “Grenelle” (coined originally as a nickname for the process of state-
industry-labor negotiations to end labor unrest in May 1968—the Ministry of Labor was situated on the Rue de Grenelle) in France “connotes a set of broad institutional reforms, not simply imposed from above, but agreed to by major actors in civil society after an extensive process of consultation and negotiation with State representatives” (Whiteside, Boy and Bourg 2010 p. 450, 465). What gave this process an ironic and even farcical appearance in retrospect for the protesters of 2011 was that the Minister of Ecology who managed it was none other than Jean-Louis Borloo, the man who approved the permits of March 2010 (truth is indeed sometimes stranger than fiction!); parliament approved the second package of Grenelle reforms in July 2010, months after the permits were granted, and Borloo stepped down as minister in November 2010 (for reasons unrelated to the permits—which were not yet a focus of controversy).

It was Borloo’s successor at the MEESD, Nathalie Kosciusco-Morizet, who was left to deal with the mounting wave of protest in early 2011. Unlike in most such crises in highly partisan France, due to the points noted above, the minister was faced with angry citizens and elected officials from all across the political spectrum. She was inundated with letters and petitions reinforcing the impact of demonstrations across the country. More than fifty municipalities voted to reject fracking in their jurisdictions and the media produced a cascade of coverage of the many facets of the issue (JO 29 mars 2011). The Center-Right politicians in both Paris and the countryside were clearly embarrassed (no one, even Borloo, attempted to defend the research authorizations) and eager to reestablish their credibility in regard to environmental policy. Politicians on the left rode the wave of anti-government protest and, with national elections due in 2012, seized the opportunity to try to prove that they were the true champions of the environment and the most vigilant guardians of democratic procedures.
The government’s first step toward stemming the tide of unrest was to announce, in February 2011, the temporary suspension of the three exploration permits for shale gas. Soon thereafter it requested that two consultative entities, one focused on industry and energy and the other on the environment and sustainable development, prepare reports investigating and documenting the environmental consequences of extracting shale gas. However, these steps did not serve to mollify the protesters and many elected officials. They expressed distrust of the technocrats charged with preparing the reports and dismissed the government’s response as a “snow job” designed simply to dampen their anger (Grouef 2012). Weeks before the commissioned reports were to be completed, five different bills (one sponsored by Borloo!) calling for a ban on hydraulic fracturing or a ban on shale gas extraction under any conditions were submitted to parliament. Originally it appeared—remarkably enough—that there was enough consensus on the issue that the Center-Right government and the Left opposition might be able to agree on a bill to be managed by co-rapporteurs of the two sides, but ultimately they disagreed on whether it was adequate to ban only the fracking technique or rather shale gas extraction altogether. The government decided to support a bill submitted by Christian Jacob, a Center-Right deputy and former Minister of the Civil Service under President Chirac, that called for a ban on fracking on the grounds that it violated the principle of precaution in the Environmental Charter—but that left the door open for the possibility of shale gas extraction in the future if and when a “clean and safe” alternative technique to fracking were developed. Another feature of the bill opposed by the Left was that it did not immediately abrogate the controversial research permits granted in March 2010 (the government was advised that this would pose legal problems and could lead to litigation by the companies concerned); instead it stipulated the permit holders would be required to submit reports within two months after the
promulgation of the act and that the permits would be formally abrogated if no report were submitted or if a report indicated that the fracking technique was to be employed (Tomasi and Nicolet p. 454-459; N Kosciusso-Morizet JO, 29 mars 2011).

The stage was now set for debates in parliament over the Jacob Bill in which the Center-Right’s proposal to ban fracking was framed as a reasoned and moderate alternative to the more radical effort to foreclose any possibility of shale gas extraction in the future, regardless of what technical innovations might be developed. In the National Assembly debates of 29 March and 10 May, the deputies of the Left argued that the authorization of the research permits in March 2010 constituted a “crime of lèse-democratie” that represented a “violation of the Charter for the Environment” and a “total contradiction of the philosophy of Grenelle” (Geneviève Gaillard, Vice-President of the Socialist group, JO 29 mars 2011); that in the Marcellus shale area “the landscape has been destroyed in an irreversible manner” by the hydraulic fracturing technique “invented in the United States by Halliburton—which became famous for other reasons in the Iraq War,” and that investment in shale gas would also represent a “bad energy model for the future” undermining the development of renewable energy (Yves Cochet, The Greens, JO 10 mai 2011); that the citizens of France could not be expected to trust the government that now presents itself “as the firefighter after having been the pyromanic,” and they could not trust industrialists promising safe technologies when the Fukushima catastrophe in Japan “just demonstrated that fears expressed were justified” (Germinal Peiro, Socialist, JO 10 mai 2011). With many opposition deputies citing the cinematic evidence in Gasland to clinch their case, they argued that now was the time to forswear the perilous U.S. frenzy for shale gas and ban its development in France forever.
The Minister of Ecology, Nathalie Kosciusco-Morizet, stressed in the March debates that on many issues virtually all of the deputies were in accord. It was “incontestable” that the public was upset and that the deputies reflected their passion to assure that the shale gas issue was addressed. “The documentary Gasland,” she asserted, “has made an impression on all of us, especially the scene where one sees a ball of fire coming out of the faucet in an American home.” Then she added that “I’m surprised that even more of you haven’t cited it, but I am sure that you all have it in mind” and pledged that “it is out of the question to undertake shale gas extraction in France using a process that can have such a disastrous ecological impact.” To do so “would be a step backward in regard to all that we have done and desired together” (JO 29 mars 2011). The minister returned to this theme in the debates in May, noting that deputies of all parties had been understandably disturbed by “the American experience with powerful images of devastated countryside” and exclaiming: “We do not want to experience that in France” (JO 10 mai 2011).

For an American citizen, especially one living in the shale gas producing state of Pennsylvania where most of Josh Fox’s documentary was filmed, this “Gasland consensus” is perhaps the most striking feature of the parliamentary debates on the Jacob Bill. Not a single deputy, even within the business-oriented Center Right, raised a question about the extent to which the portrayal of fracking as the cause of all of the negative environmental impacts depicted in the film could be deemed legitimate, i.e., supported by available scientific research. Not one even raised the question of whether some of the scenes might be atypical in cases in which the drilling companies followed industrial “best practices.” This is curious in light of the fact that a number of critiques of allegations in the film had been published before the French parliamentary debates began in March 2011 and even those sympathetic to Fox’s message had to
acknowledge that some legitimate questions could be raised—perhaps especially about the flaming faucet scene cited by Kosciusco-Morizet (Walsh B 2011 and Soraghan 2011).

The uncritical reception of Gasland in the French parliament underscores a major political factor that explains how France, despite possessing the second largest shale gas reserves in Europe and suffering from economic stagnation that could have been at least partly mitigated by exploiting that resource, could become the first country in the world to ban fracking: the relatively small size of its domestic oil and gas industry, which results in an oil and gas industry with far less lobbying clout—and a far weaker voice in the legislature—than in the United Kingdom or, to cite the starkest contrast, the United States. As figure 3 below shows, according to the most current statistics, France ranks only number 73 in the world in natural gas production, while the United States ranks number 1 and the United Kingdom number 24; the U.S. produces more than 2000 times as much natural gas as France, and the U.K. produces more than 100 times as much. France ranks only number 67 in the world in crude oil production, while the United States ranks number 2 and the U.K. number 24; the U.S. produces more than 440 times as much oil as France, and the U.K. produces more than 30 times as much (Central Intelligence Agency 2015). Left opposition deputies on the floor of parliament expressed concern during the Jacob Bill debates about the influence of the oil and gas industry lobby on the Center-Right

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<th>Energy Type</th>
<th>Natural Gas Production in cubic meters 2013</th>
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<td>France</td>
<td>339,000,000 #73 in world</td>
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<td>United Kingdom</td>
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government (Pascal Terasse, JO 11 mai 2011), but the unanimity of opinion on Gasland reflected how different their political context was from that of the United States: nowhere in the room were the equivalent of congressmen from Texas, Oklahoma or Pennsylvania (on the power of the oil and gas lobby in the U.S., see Browning and Kaplan 2011).

Ultimately the only thing to which the French opposition could point as evidence of effective lobbying by the oil and gas industry was the insistence by Minister Kosciusco-Morizet that the door should be left open for the future extraction of shale gas—if and only if the industry could demonstrate that it could be done with a “clean and safe” procedure, something “different than in the film Gasland” (JO 29 mars 2011). After all, she asserted, “there are arguments in favor of the exploitation of shale gas, notably energy independence” (JO 10 mai 2011). It is noteworthy that, in this sensitive political context, the minister did not explicitly mention the potential economic gains that were to be eschewed—France ranks second in Europe in technically recoverable shale gas reserves with an estimated 5.1 trillion cubic meters (Shale Gas Europe 2013). Kosciusco-Morizet assured parliament that the principle of precaution from the Environmental Charter would be respected in future decisions regarding procedures to tap that potential, and that the Mining Code—flaws in which had triggered the unrest of 2011—would be reformed to be consistent with both the Charter and the Grenelle for the Environment. The government pledged to prepare a reform of the mining code separate from the Jacob Bill and present it for debate at a later date (JO 10 mai 2011).

When the National Assembly moved to vote on May 11, the Jacob Bill was passed with a majority of 287-186 (JO 11 mai 2011; Badkar M 2011). On June 30, it received a majority of 176-151 in the Senate and the law was promulgated on 13 July 2011. In both houses of parliament the “no” votes virtually all came from those on the Left who believed that the bill did
not go far enough—that shale gas development should have been banned “pure and simple” (Gaz de schiste 2011). “For once, political activists, elected officials and industrialists are in agreement,” wrote a Le Monde journalist after the Senate vote. “We have never seen such a thing before. It is difficult to believe what’s happened”—“in a fever pitch the executive had banned that which it had authorized only a year before” (Raoul 2011).

In the aftermath, the three research exploration permits that had triggered the chain of political events were—despite the skepticism of deputies on the Left expressed repeatedly in the parliamentary debates—abrogated by the government on 3 October 2011. The two permits for Schuepbach Energy LLC were abrogated on the grounds that the company explicitly declared that it intended to use hydraulic fracturing. Interestingly enough, the permit held by Total E&P France and Devon Energie Montélimar SAS was abrogated even though the companies stated that they did not plan to use the banned technique; the government argued that the report was “not credible” and failed to adequately explain the alternative method it envisioned using (Tomasi and Nicolet 2013 p. 459). In December 2012 the reform of the Mining Code was finally promulgated and, as promised in the parliamentary debates of 2011, public consultation was now to be required “prior to the issuance of any hydrocarbons exploration authorizations” (Tomasi and Nicolet 2013 p. 462).

The final stage of the Jacob Law process was reached on 11 October 2013 when the French Constitutional Council, ruling on an appeal filed by Schuepbach charging that the adoption of this law constituted an “excessively rigorous” application of the principle of precaution, upheld the ban on hydraulic fracturing (Schaub 2013). The Council argued that the legislature’s “restriction imposed on both research and extraction of hydrocarbons”—that is, the ban on hydraulic fracturing—“was not, given the current state of scientific knowledge, a
disproportionate means of pursuing a goal of the general interest for the protection of the environment.” It also argued, contrary to the allegation by the company’s attorney, that it was not unjustly discriminatory to ban fracking for shale oil and gas but not for geothermal energy given that the latter entailed less drilling, a different kind of rock and less objectionable products added to the water (Baudet M-B 2013; Conseil Constitutionnel 2013).

While the Jacob Law case has thus been closed, events that have occurred during the Hollande presidency indicate that the temptation to seek the economic benefits from exploiting France’s extensive shale gas reserves are likely to be difficult to keep off the agenda. Not long after coming to office in 2012, Hollande commissioned Louis Gallois, the former chief at aerospace company EADS and state-owned railway company SNCF, to “prepare a report with the intention of reversing the languishing competitiveness of French companies.” When Gallois presented the report—“The Pact for the Competitiveness of French Industry”—in November 2012, it listed 22 proposals to boost French competitiveness. (Micaleff V 2012). The fifth proposal was “to support research on techniques of extracting shale gas,” perhaps in conjunction with European partners; this was presented as especially compelling since shale gas had led to reindustrialization in the United States and France’s need for natural gas was expected to increase in the medium term (Gallois 2012 p. 25).

In short order the Prime Minister’s office released a statement that this proposal would not be pursued (Bertrand M 2012). However, signs of division within the government—whose sensitivities were heightened by the fact that its majority had been elected through an alliance between the Socialists and the Greens, and two Greens were in the cabinet (Hayes 2013)—on this issue have continued to emerge periodically from 2012 onward. In November 2012 Arnaud Montebourg, the Minister for Economic Recovery, stated: “We don’t accept hydraulic fracturing
but we are working to imagine a new generation of clean technologies that would permit extraction without damage” (Gradt JM 2012). At a press conference that same month, President Hollande stated that he would “discharge his responsibility if a technique” proven safe were developed by industry. In January 2013, Socialist deputy Christian Bataille supported a study of alternatives to fracking and stated that “Hollande has left the door open” on the question. On 2 July 2013 Delphine Batho was dismissed as Minister of Ecology and soon thereafter told the press that she had heard rumors that it was in part because she was staunchly opposed to reopening the issue of shale gas development (Dupin L 2013). On 9 July 2013 Montebourg testified to the Commission on Economic Affairs of the National Assembly that, in his personal opinion, it would be a good idea to create a national public entity to pursue the extraction of shale gas if and when an acceptable technique became available; he added that he thought it was possible to convince “reasonable ecologists” to go along with the idea (Baudet M B 2013); based on a report commissioned by Montebourg in 2012 that was in preparation at that time but not finalized until 2014, it appears that the minister may have been enthused by the fact that a new alternative to fracking—“stimulation with pure propane”—was being acclaimed by some as an acceptable alternative because it required neither water nor chemical additives (Le Hir P 2015).

However the debate may have been evolving behind closed doors, Prime Minister Jean-Marc Ayrault publicly responded to questions about Montebourg’s proposal in a dismissive fashion: “there is only one government policy” and it is to “exclude the exploitation of shale gas in France.” And when asked to comment on the seeming imbroglio within the government in his 14 July press conference, Hollande attempted to put the issue to rest by affirming that “as long as I am president, there will be no exploration for shale gas in France” (Hollande 14 juillet 2013).
However, French politicians of both Left and Right have remained divided on the issue. In September 2014 the Socialist Minister of Ecology (also ex-partner of Hollande and mother of his four children), Ségolène Royal, asserted “I am not dogmatic and if new technologies that are not dangerous appear, why not” reconsider developing shale gas? That same month former president Nicolas Sarkozy, who had presided over the banning of fracking, went even further. He asserted that “I cannot accept that France should not profit from this new energy while unemployment ravages so much of our territory and so many of our families” and added that he preferred a “principle of responsibility” to the “principle of precaution” (Vaillant G 2014). What does the future hold in store? One intriguing possibility—that provides a perfect segue to the next section of this paper—was raised in 2014 by a senior European gas analyst for a bank in Paris, Thierry Bros: “My guess is that we are going to wait for the U.K. to see how they’re doing it. If the U.K. can do this in a profitable and environmentally efficient way, then France will have few options. If you have companies leaving your country because of energy prices, you have to look at a Plan B” (Chu H 2014).

II. UK: Cameron’s “Drive or Gas,” Protest Mobilization and the Planning Roadblock

Shale gas development was not on the agenda for the first two years of the Conservative-Liberal Democrat coalition government headed by Prime Minister David Cameron. The issue did not appear in the coalition parties’ 2010 election manifestos, and in June 2011—the year that the French government banned fracking—the UK government imposed a moratorium on fracking after the country’s first drilling trials near Blackpool, Lancashire were viewed as the likely cause of a 2.3 magnitude earthquake. However, a hint that policy change might be coming emerged in June 2012 when a joint report published by the Royal Society of Engineering and the Royal Society on Fracking argued that “the risks associated with fracking can be effectively
managed in the UK, provided operational best practices are implemented and enforced through effective regulation.” A conservative journalist noted that this could be a “heaven-sent opportunity” for Cameron to boost the fortunes of his troubled government and the stagnating economy by tilting away from the green lobby (including many Liberal Democrats) and taking advantage of “the best thing that has happened to Britain since the discovery of North Sea oil: shale gas” (Delingpole J 2012). Another signal of a change in course came in September 2012 when, in a reshuffle of his cabinet, Cameron named an advocate of shale gas fracking, Owen Paterson, as the new Environment Secretary (Schaps K 2012).

It was thus not a great surprise when Energy Secretary Ed Davey announced the end of the fracking moratorium in December 2012, stating that it “could resume in Britain subject to new controls which aim to reduce the risk of seismic activity.” That same month, the two top officials in the government indicated that shale gas development was now, for the first time, to be made a priority. On December 5 Chancellor of the Exchequer George Osborne unveiled the creation of a new Office for Unconventional Shale Gas and Oil “to simplify regulation of the sector and speed up production” (UK government lifts ban 2012; see also Harvey F and Vaughan A 2012). A few days later Prime Minister Cameron proclaimed: “Britain must be at the heart of the shale gas revolution,” as it could help re-industrialize the economy and might bring energy prices down (Wright et al 2012). A new era for shale gas policy had begun. As the Google Trends data in figure 4 demonstrate, references to “shale gas” spiked upward at this time and would remain at a higher level than ever before for most of the next two years.

From 2013 through 2015, David Cameron would become arguably the greatest champion of shale gas fracking among heads of government world-wide. To those familiar with the politics of Marcellus shale he almost seemed to be reading the script originally prepared by
Republican Governor Thomas Corbett, who in his March 2011 budget address exclaimed: “Let’s make Pennsylvania the hub of this [drilling] boom. Just as the oil companies decided to headquarter in one of a dozen states with oil, let’s make Pennsylvania the Texas of the natural gas boom. I’m determined that Pennsylvania not lose this moment. We have the chance to get it” (Meet Tom Corbett undated). Corbett would achieve his goal of making Pennsylvania a major center of the shale gas boom (Cusick M 2014), only to be defeated for reelection in 2014 with strong opposition from those who felt his gung-ho-for-fracking policy had been insensitive to environmental concerns, overly generous in the terms offered to the gas industry, and dismissive of the traditional rights of municipalities to control drilling in their jurisdictions—a state supreme court ruling overturned Corbett-sponsored legislation depriving local governments of the power to ban fracking (Buford T 2013). Only time will tell if David Cameron’s shale gas policy will flourish or suffer a similar fate. As the discussion below will make clear, he could well prove vulnerable on precisely the same dimensions of his policy that undermined support for Corbett.
Figure 5: Shale Gas Regions in the United Kingdom - West M (2013).
In May of 2013 Energy Minister Michael Fallon informed the House of Commons that the government had been avidly promoting shale development and had approved more than 300 licenses for onshore oil and natural gas exploration since the lifting of the fracking moratorium. He also explained that the government was committed to “robust regulation” that would assure safe fracking and to managing development “in partnership with communities,” so his ministry was “working hard with industry on a package of community benefits” to be offered to affected localities (Britain 2013). The next month a report issued by the British Geological survey reinforced the government’s eagerness to finalize its new policies as it doubled the estimate of British shale gas resources to approximately 37 trillion cubic meters; only a small fraction (less than 10%) of this would actually be recoverable, but it was noted that the U.S. Energy Information Administration had also recently increased its estimates for “technically recoverable” UK shale gas to 0.7 trillion cubic meters (UK Shale Gas 2013).

In late June the Department of Energy and Climate Change announced details of the “community benefits package” to be offered to localities hosting shale gas drilling. Through negotiations with the oil and gas industry, it was agreed that communities would receive “£100,000 [roughly $150,000] and 1% of revenues from every production site.” Companies would also be bound by a community engagement charter entailing a commitment to “consult openly and honestly with communities at all stages, including in advance of planning permission applications” and operators would be “required to publish annual evidence of how community commitments had been met.” At the same time, the Environment Agency produced guidelines to make the process for approving developments more “streamlined” so that it would “not impose unnecessary costs or delays on industry” (Reece A 2013). Whereas news of the community benefits was welcomed by many in the regions potentially to be affected, parliamentary debates
in July underscored that the amount offered did not seem generous to all (one Conservative MP suggested that 5% would be much better) and a Labour MP from Blackpool, which had suffered the 2011 earthquake, stressed a theme that would be raised repeatedly by other critics over the next two years: the focus of regulation needs to be on “robust,” not on “streamlining” (Hansard 16 July 2013). For obvious reasons the government stressed the former when dealing with the public and the latter when addressing industry. MP Caroline Lucas (Green) caustically asserted that “it is clear that Ministers and fracking firms, which are, sadly, increasingly indistinguishable, are keen to press on rapidly, but it is “pretty appalling” that the government did not consult localities in writing “new planning guidance aimed at making it easier for developers to cast aside community concerns” (Hansard Debates—House of Commons 18 July 2013).

Chancellor of the Exchequer Osborne followed up in July with the dramatic announcement that the government’s new tax regime would be “the most generous for shale in the world.” The shale gas revolution in Britain was to be kickstarted with a 30% tax rate for onshore shale gas production, less than half the rate (62%) paid by new North Sea oil operations. “I want Britain to be a leader of the shale gas revolution,” said Osborne, “because it has the potential to create thousands of jobs and keep energy bills low for millions of people.” While the industry and many government supporters applauded the move, Osborne’s tax breaks were condemned by environmental groups concerned about the effects of fracking and “fearful that burning more gas will make it impossible to hit carbon reduction targets designed to mitigate climate change” (Macalister T and Harvey F 2013).

A week after Osborne’s tax breaks were announced, the government discovered that its shale gas plans would not be immune from the sort of NIMBY-triggered anti-fracking
disruptions that had emerged in France in 2011. On July 25 dozens of protesters blockaded a site in the West Sussex village of Balcombe, less than an hour’s train ride from London, where Caudrilla had just been granted a permit for exploratory drilling. In this case the exploration was not for shale gas but oil, and at least initially the company was engaging in conventional drilling, but it had not ruled out the potential use of fracking if that proved necessary. In a “seven-hour standoff between Caudrilla and a group of environmentalists and local opponents” the protesters blocked a truck from hauling equipment to the drilling site, despite repeated warnings from police. The protesters charged that the government was moving too fast to approve drilling licenses and ignoring local opposition (more than 80% of Balcombe residents surveyed opposed the drilling), so much so that they had “lost faith in the agencies that are meant to protect us” (Booth R 2013). Protests continued on July 26 and 27 with the locals reinforced by activists in organizations such as Friends of the Earth bused in for the occasion and, amidst a heavy police presence, dozens of protesters were arrested. The “battle of Balcombe,” as it came to be called, attracted national and even international attention (Henley J 2013). What made the protests especially unsettling for the government was that Balcombe was “no hotbed of radicalism”—it was “in the Conservative Party’s heartland” and was represented in parliament by a Conservative cabinet minister (Reed S 2013). Doubly unsettling was the fact that the protesters triumphed: Caudrilla announced in mid-August that it had decided to suspend drilling in Balcombe on the advice of the local police in Sussex following “threats of direct action against the exploration site” (Reed S 16 August 2013).

More broadly, the battle of Balcombe signalled “a major shift in the public consciousness” of the fracking issue and created “a major headache for the government.” The anti-fracking movement was now more vocal and visible and had managed to mobilize a cross-
party coalition—as in France earlier—including both “Daily Mail [pro-Tory] readers” and Left-oriented “Guardianistas.” An opinion poll in August showed that, despite the government’s well-publicized community benefits proposal, the public was now evenly divided (40% to 40% with 20% undecided) on the issue of whether they would support shale gas fracking in their area (Harvey F August 2013). Another survey by a University of Nottingham team that had been polling attitudes on shale gas since 2012 showed that, in the wake of the Balcombe protests, “the previously reported steady increase in support for shale gas in the UK had reversed somewhat.”

From July 2013 to September 2013 the number of people associating shale gas with water contamination increased by more than 6%, the number who did not view shale gas as clean energy increased more than 5%, and the number who favored allowing extraction of shale gas in the UK decreased by more than 4%—though a majority of 54.1% still supported it (O’Hara S and Humphrey M 2013).

Against the backdrop of the increasingly intense national debate over fracking, verbal gaffes by two prominent Conservatives in the summer of 2013 did anything but help the government’s position. On July 30 Lord Howell, former Energy Secretary under Margaret Thatcher and father-in-law of Chancellor Osborne, “provoked a storm of criticism” when he commented in the House of Lords that perhaps it was unwise to engage in fracking in the south of England but that “there are large, uninhabited and desolate areas…in parts of the north-east, where there is plenty of room for fracking, well away from anybody’s residence.” Not only was the comment taken as a slur on the north (even the Archbishop of Canterbury tweeted his disagreement), but it was also viewed as politically charged since the north was the region of the country least inclined to support the Conservative Party (Martin D 2013; Reed S 7 August 2013). Even more embarrassing was a comment made in a private meeting by Energy Secretary Michael
Fallon on August 3 as protesters were still carrying placards in Balcombe: “All these people writing leaders saying ‘why don’t they get on with shale?’—we are going to see how thick their rectory walls are, whether they like the flaring at the end of the drive!” “Doomsday alert over fracking as minister warns of rectory walls quaking across Middle England if drilling continues” blared the headline in the *Daily Mail* (Carlin B 2013). The next day Fallon told the BBC that his comments had been intended as “light hearted” (BBC 2013).

On the defensive and urged to speak out, Prime Minister Cameron himself attempted to quell the multi-layered controversy and rally support with an article in the *Telegraph* entitled “We cannot afford to miss out on shale.” Fracking has become “a national debate in Britain,” he acknowledged, “and it’s one that I’m determined to win.” He summarized the economic rationale for fracking, pledged that it would be done safely and through a “transparent planning process,” and then attempted to counter “the worst of the myths” about it—“that fracking damages our countryside.” The “huge benefits” of shale, he insisted, would “outweigh any very minor change to the landscape.” In an obvious allusion to the Lord Howell affair, he also stressed that it was a myth that “we want fracking to be confined to certain parts of the country.” What the government wanted, he said, was for “all parts of our nation to share in the benefits: north or south, Conservative or Labour” (Cameron D August 2013).

Some months later it became clear that Cameron did not expect to “win” through rhetoric alone. In what one journalist deemed “a new pitch to shore up support for fracking,” the prime minister announced that the government was “going all out for shale” and would enhance the community benefits package unveiled earlier by doubling from 50% to 100% the amount that local councils could keep from the business rates (taxes to help pay for local services) raised from shale gas sites. This new plan, which had been proposed in 2013 by the Institute of
Directors, a business lobby, was projected to be worth up to £1.7 million (roughly $2.6 million) for a typical site (Watt N 2014). Cameron also asserted, for the first time, that the government was considering whether “because of the disturbance in the early part of a well being dug, there should be cash payments to householders and I’m quite in favor of that” (Dominiczak P 2014). Environmental groups predictably responded negatively to the proposal. A spokesperson for Friends of the Earth equated the new offer to a “bribe” and said that it marked “a new low in the government’s attempts to curry fracking favor with local people” (Watt N 2013). A Labour MP whose constituency included a potential drilling site in which anti-fracking protests were taking place complained that the business rates proposal would undermine trust in local councils by giving them a financial incentive to slacken in their “protective role” via-a-vis energy companies (Vaughan A 2014).

However critical the opponents were, Cameron could be encouraged by new evidence that his accelerated drive for shale gas was catching the attention of industry. On the same day as his speech, the French energy group Total—spurned in its efforts to develop shale gas in France, as discussed earlier—became “the first global oil company to invest in a shale gas exploration project in Britain” (Watt N 2014). This was very important for Cameron because his speeches made clear that he envisioned a virtuous circle in which the government’s business-friendly policy would hasten the commencement of drilling projects, those projects would prove that fracking was safer and less repugnant than critics charged, and mitigation of the NIMBY problem would then facilitate more drilling elsewhere. “I think one of the best ways of addressing” people’s worries, he asserted, was “to get some shale gas wells up and running so people can go and see them and you can hear more directly from local people about what it has meant for their communities” and then “the enthusiasm for it will grow” (Fracking “good for the
UK” 2014). He expected that some unconventional gas wells would be in operation by the end of 2014 and that soon everyone but the “irrational” people who were “religiously opposed” to fracking would be won over (Dominiczak P 2014).

When the Queen’s speech (laying out the principal objectives of the government for the coming year) was delivered in June 2014 the issue of shale was included for the first time: the government was to “introduce a bill to bolster investment in infrastructure and reform planning law to improve economic competitiveness” and it would “enhance the United Kingdom’s energy independence and security by opening up access to shale…sites” (Queen’s Speech 2014). Official government briefing notes accompanying the speech explained that this brief and vague passage would actually entail legislation destined to become quite controversial: a change in the “trespass laws” allowing “fracking companies to drill under people’s homes without their permission.” After weeks of public consultation which yielded 40,647 responses, 99% of which opposed the change, the government announced that “we believe that the proposed policy remains the right approach to underground access”; fracking companies had argued that the change was necessary to avoid blockage or delays of plans due to resistance by even a single homeowner. The argument of both the government and industry was that a law granting “automatic access for gas and oil development” would not inconvenience homeowners since the horizontal drilling proposed would need to take place at least 300 meters beneath the surface. A Greenpeace spokesman proclaimed that “the roar of opposition to this arrogant policy is deafening” and warned that “there will be a hefty political price to pay for this massive sell-out to the narrow interests of the shale lobby” (Carrington D 2014).

In January 2015 the massive infrastructure bill, including a host of measures for the governance of shale gas development, reached the crucial stage for voting in the House of
Commons after an eight month legislative process. At this point the government was forced to reckon with growing concerns about fracking not only on the part of the opposition but also within its own majority. The House of Commons Environmental Audit Committee—9 of whose 16 members belonged to the governing coalition—published a report on the morning of the debate arguing that shale gas development would be “inconsistent with the UK’s climate change emissions reduction targets” and calling for a 30-month moratorium on fracking for shale gas to allow “uncertainty surrounding environmental risks to be resolved” (Brown A 2015). Former Tory environment secretary Caroline Spelman supported this proposal and Conservative MP Anne McIntosh, whose constituency included a proposed drilling site, proposed a variety of amendments, including one “to retain the right of people to block fracking under their homes.” Labour Party leaders generally opposed the moratorium but strongly criticized many elements of the bill and argued that fracking should not be allowed to go forward unless 13 regulatory “loopholes” were closed (Carrington D 22 january 2015).

In the voting on January 26 the amendment to impose a moratorium on fracking received the support of only 52 MPs, including 6 Conservatives and 14 Liberal Democrats. The UK was not France—but it was not Texas, either. With protesters outside of Westminster and around every potential drilling site, even many Conservative MPs were hearing from angry constituents that the government seemed less devoted to the “robust regulation” they promised than to “streamlining” fracking approvals for industry. The anxieties of MPs were exacerbated by the embarrassing leak, on the day of the vote, of a September 2014 letter from Chancellor Osborne urging ministers to make “rapid progress” on “reducing risks and delays to drilling” by, for example, responding to certain “asks from Cuadrilla” (Carrington D 26 january 2015). Under considerable pressure, Prime Minster Cameron grudgingly agreed to incorporate into the bill an
amendment proposed by Labour that required thirteen conditions to be met before “any hydraulic fracturing activity” could proceed in Britain (Brown A 2015; Crichton T 2015). The most important of the conditions extended the depth at which fracking could take place without the consent of homeowners from 300 meters to 1000 meters, prohibited except in “exceptional circumstances” drilling in “protected areas” such as national parks and areas of outstanding natural beauty, prohibited drilling in “protected groundwater source areas,” required methane levels in groundwater to be monitored for 12 months before fracking could begin, and required “well integrity inspections” by the Health and Safety Executive (Infrastructure bill 2015). All in all, the amendments represented a setback for Cameron’s “drive for gas”; an oil and gas industry spokesman stated that the amended bill meant “the outlook for the sector is uncertain as we go into the general election [due in May]” and “investors loathe this sort of uncertainty” (edie newsroom 2015).

The concerns of investors and the government became even greater with two political blows delivered only days after the Infrastructure Bill vote. On January 28 the Scottish government—which was set to acquire full power over energy development decisions after the May elections—announced a moratorium on all planning assents for oil and gas extraction until the government had completed a full public consultation (Brooks L 2015). A week later the Welsh Assembly voted 37-16 to impose a moratorium on fracking until it was proven safe for health and the environment (Fulton D 2015). “The drive by UK Prime Mister David Cameron … to spur a shale-gas revolution,” wrote a Bloomberg Business reporter, “is foundering before it’s even started.” A year and a half after Energy Minister Michael Fallon said he “expected as many as 40 new wells over two years, none has been drilled amid opposition from campaigners and resident near planned sites” (Morales A 2015). With the two moratoriums and the
presumptive ban on drilling in protected areas of England, commented another journalist, the prospects for fracking in Britain had “lost an awful lot of ground—literally as well as figuratively” (Lean G 2015).

It appeared throughout the spring of 2015 that the May elections were unlikely to improve the prospects for shale gas development, since most projections envisioned a decline in support for Cameron’s Conservative Party and a possible victory by a Labour-led coalition government. However, confounding the pollsters, the Conservatives won a “resounding victory” by gaining 24 seats in the House of Commons and securing a single-party majority (Erlanger S and Castle S 2015). Just a few days later Cameron delighted oil and gas industry lobbyists by appointing Amber Rudd, a shale gas enthusiast, as Secretary of State for the Department of Energy and Climate Change. “Fracking wells will be popping like champagne corks across Britain during the next five years” predicted one analyst (Mandel K 2015). In one of her first interviews after assuming her new office Rudd pledged that she would “deliver shale” now that the impediment of the Liberal Democrat coalition partner has been removed (Mathiesen K 2015). She said she would work to “kick-start a shale gas revolution” and, manifesting the power of the new Conservative majority, made clear that the government would now interpret one of the key elements of the Infrastructure Act in the sort of elastic manner that the anti-fracking movement had feared: while fracking wells would not be allowed inside national parks, they were to be allowed to drill horizontally under them (Mandel K 2015). Critics now conjured up images of fracking rigs surrounding national parks and as a coalition of environmental groups argued: “While the wells may be just outside protected areas, pollution—and visual, noise and light disturbance—won’t respect those boundaries” (Gosden E 11 July 2015).
However empowered the new government may have been in institutional terms, evidence emerged at this time that the public—already a source of concern at the time of the vote on the Infrastructure Bill—was not responding well to the persistent drive for gas. A poll taken by YouGov in mid-May 2015 revealed that support for the extraction of shale gas had fallen from 44% to 32% over the past eighteen months; meanwhile, the number opposing shale gas had risen during that time from 29% to 43%. Moreover, the poll showed that 49% said they would oppose—and only 27% would support—“fracking in a town or village near you.” When asked if they would support fracking near them with community benefits 100 times higher than the government promised, opponents still outnumbered supporters among the respondents by 40% to 36%. The pro-government Sunday Times, which had commissioned the poll, chose not to report the findings (Evans S 2015).

A concrete illustration of such local opposition was delivered to the government in late June when, after months of delay, the Lancashire County Council rejected two applications from Caudrilla for what many had expected to be Britain’s first experiences with fracking for shale gas. The application for drilling at Roseacre was unanimously rejected, in line with the recommendation of the county planning officer, on the basis that it would cause excessive traffic congestion (Gosden E 25 June 2015). That was bad enough from the government’s perspective, but even worse was the announcement a few days later that, by a vote of 9-3 with 2 abstentions, the Lancashire councillors had rejected a separate Caudrilla application to drill at Preston New Road, near Blackpool, on grounds of visual impact and unacceptable noise—despite the fact that the planning officer had recommended support and legal counsel said refusal would be “unreasonable,” was likely to be appealed by Caudrilla, and could lead to heavy legal costs for the council if the ruling on appeal went in favor of the company (Vaughan A 2015).
Since the Lancashire decisions had long been seen as a “make-or-break test case for fracking in Britain,” the result was “major blow” for the government (Lean G 30 June 2015). “Hundreds of anti-fracking campaigners outside the county hall in Preston…reacted with delights and cheers, and people in the council chamber applauded” when the verdict was announced. A leader of Friends of the Earth said the atmosphere was “absolutely electric” and a Greenpeace spokeswoman deemed the decision “a Waterloo for the fracking industry and a triumph for local democracy.” Green Party MP Caroline Lucas asserted that this “fantastic victory” proved that, in spite of all the government’s efforts to “force through fracking, local communities can prevent it from going ahead” (Vaughan A 2015). As one journalist speculated: “The consequences are likely to be profound. Other councils are now likely to be emboldened to reject fracking in their areas, thus adding to a growing feeling among potential investors that exploiting British shale gas and oil is just too risky a project” (Lean 30 June 2015).

Business lobbyists responded defensively, with a British Chambers of Commerce spokesman branding the councillors’ decision as “perverse, short-sighted and timid” (Bawden T 2015). A shale industry executive lamented: “This after 15 months of a long, drawn-out process cannot be right, and I urge the government to urgently review the process of decision-making” (Vaughan A 2015). The UK Onshore Oil and Gas (UKOOG) lobby urged the government to take a “strategic review” of how the planning system deals with these applications. Prime Minister Cameron’s initial response, in parliament on July 1, was rather timid and did not send a signal that the system would soon be changed: “those decisions must be made by local authorities in the proper way, under the planning regime we have” (Bowes A 2015). Soon thereafter, however, a journal for planning professionals noted that “calls are growing to consider whether applications could progress via a national process rather than being decided locally”
(Sell S July 2015). And Reuters reported that “pressure is mounting on Britain’s pro-shale government” to change the planning system—“discussions have already taken place between the government and shale gas developers in which industry representatives have urged politicians to adjust policies, industry sources said.” The shale gas industry was “desperate for a change” to the planning rules. “Government just needs to step up,” said the managing director of Hutton Energy. “They can’t sit back and say ‘we support this industry’ but have a process in place which is clearly not working” (Schaps K and Twidale S 2015).

The next month, the government did step up, doubtless reflecting the pressure of the industry lobby as well as its own frustrations. On 9 August Energy Secretary Amber Rudd published an article in The Sunday Times entitled “Our country needs shale gas, so let’s go get it.” She noted that the Conservative Party election manifesto had promised to “support the safe development of shale gas—and that is what we will do.” At present proposed projects were tied up in the planning system for too long, so the government would in the coming week unveil plans to “fast-track” planning applications for shale gas development (Peiser B 2015). On 13 August Rudd and Greg Clark, the Secretary of State for the Department for Communities and Local Government, jointly announced details of the new fast-track process: 1) the Communities Secretary would begin “actively considering calling in” [that is, intervening to make a decision at the central government level],” on a case by case basis, shale planning applications and considering recovering appeals; 2) county councils that “repeatedly fail to determine oil and gas applications within the 16 week statutory timeframe requirement” would be identified and the “underperforming” councils’ oil and gas applications could be determined by the Communities Secretary; 3) an application’s focus on shale gas would be added “as a specific criterion for recovery of appeals,” to ensure no application can “fall through the cracks”; and 4) planning
“call ins and appeals involving shale gas applications” would be “prioritized by the Planning Inspectorate” [the central government officials who process planning appeals]. Along with the many sticks to be deployed to accelerate planning decisions and assure a higher rate of approvals for shale gas applications, the government offered a carrot as well—yet another “sweetener” to the evolving package of community benefits: a new “sovereign wealth fund” would be developed later in the year so that communities could share more fully “in the financial returns they generate” (Faster decision making on shale gas 2015).

The government had “fired a warning shot across the bow of local authorities,” one analyst commented. Ministers already had the power to take over the decision on controversial planning issues, but they had loudly proclaimed that they would “now consider applying this power routinely to every bid to drill for shale gas” (Harrabin R 2015). The initial reaction from anti-fracking forces has been as harsh as the government must have expected. A Friends of the Earth spokesman condemned the fast-tracking plans as “signs of utter desperation” and predicted that they “would fail in the face of overwhelming public opposition” (Vowles N August 2015).

“With public support for shale at an all-time low,” asserted Daisy Sands of Greenpeace, “ministers are now having to bulldoze their unpopular fracking plans through. There will be a high political price to pay for putting the interest of the fossil fuel lobby before those of local residents, the environment and the climate.” She added that the government’s claim to care for the environment now appeared more dubious than ever since county councils were to be stripped of “their right to say no to risky and polluting fracking” only a short time after they had been “given more powers…to oppose wind farms, the cheapest source of clean energy” (Beattie J 2015).
The Cameron government clearly calculated it held a strong enough political hand, with a renewed and reinforced mandate and nearly five years to kick-start the “drive for gas” before facing the next election, to cope with the inevitable barrage of criticism. And as noted earlier, Cameron had repeatedly expressed his conviction that if only shale gas drilling could begin, the public would discover that the effects of fracking were less problematic in reality than they seemed in the abstract. That remains to be seen. Unlike Governor Tom Corbett’s effort to accelerate fracking in Pennsylvania by stripping municipalities of their power to ban fracking, the Cameron government in Britain need not fear that its initiative might be overturned in the courts. For the next several years it will only have to fear the court of public opinion, the anti-fracking movement, and the prospect that angry citizens will recreate the trepidation felt by Conservative MPs at the time of the vote on the Infrastructure Bill.

Conclusion

What are the “take-away” generalizations that this paper can offer comparative analysts of the politics of shale gas and anti-fracking movements? The reflections here will focus on the key variables of the mineral rights legal regime, the size of known shale gas resources, the status of the economy (which will tend to make political officials more or less eager to pursue shale gas), the power of the shale gas lobby, the power of the green lobby (which will in part determine the efficacy of the anti-fracking movement), the degree of commitment by elected officials to “deliver” shale gas, and the relevant governmental institutions (which may or may not provide “veto points” for those seeking to block fracking).

It has often been argued that the mineral rights legal regime in the United States, where landowners generally own the rights to minerals beneath their soil, has been a huge factor in
making the development of shale gas more politically feasible than in European countries, where (as in virtually all other countries) mineral rights are held by the state. For example, a Shell executive said “don’t hold your breath” when asked a few years ago if the shale gas boom was likely to spread soon to Europe. “In places like North America, the land owners love to see a drilling rig because it means money in the pocket,” whereas in Europe “the only thing as a landowner you have is inconvenience” (Shell Executive 2011). There is something to this contention, as it has been well documented that in U.S. states such as Pennsylvania many landowners have eagerly sold their mineral rights to “landmen” representing energy companies, thus accepting the negative effects of fracking in return for cash (Wilbur 2012, especially ch. 3).

However, as our cases and other comparative research have shown, it is misleading to assume that the mineral rights legal regime alone is a powerful independent variable. One reason is that in Pennsylvania and elsewhere in the U.S., landowners proved less eager over time to sell their mineral rights the more they learned about the potential negative impacts of fracking and the often disappointing financial benefits that early sellers were receiving—even before the recent dramatic decline in the price of natural gas (Wilbur 2012, especially ch. 4). A second reason is that the reputed force of the mineral rights legal regime presumes a permissive regulatory regime. As the case of New York state—contiguous to Pennsylvania—illustrates vividly, landowners eager to sell their mineral rights can be prevented from doing so in the United States by a state government that wishes to impose a moratorium on fracking (Wilbur, esp. ch. 6-7; Murtazashvili 1 2015). A third reason is that, as our two cases demonstrate, a country in which mineral rights are held by the state can choose to offer community benefits in an effort to generate enthusiasm for fracking on the part of residents in a shale gas region. Surveys have shown that, as one would expect, the propensity of people to express willingness to
accept fracking in their locality increases as the community benefits to be offered are enhanced (Evans S 2015). As we have demonstrated, the Cameron government has embraced this logic by offering ever-sweeter community benefits packages over the past few years. It has not yet succeeded in generating local enthusiasm for fracking through this “carrot” technique, and has thus felt compelled to threaten to use the sticks of central control, but this reflects the fact that the carrots offered have widely been viewed as less generous than they should be—and Cameron has to date not delivered on the idea he once floated of providing special benefits to individual property owners as well as the broader community. In the case of France the fate of fracking was determined, due to an inadvertent administrative blunder that triggered a storm of protest, before any government had a chance to affect the outcome of debates by developing and offering a package of community benefits. Given the apparent eagerness of Sarkozy and others on the Center-Right to pursue shale gas if and when they replace the current Socialist government under a deeply unpopular President Hollande, one may well see such community benefits as part of future deliberations on shale gas development in France.

Our two cases illustrate, as one would expect, the importance of the size of known shale gas reserves as an important variable determining in part the chances that shale gas will be developed. In the French case the ban on fracking led quickly to expressions of remorse from both the Left and the Right in large part due to the fact that France is said to rank number two behind only Poland in the extent of shale gas resources. In a widely cited quote, former Socialist prime minister Michel Rocard told an interviewer in 2012 that he was very committed to the environment, but that he did not think France should deprive itself of the opportunity to be “for shale gas what Qatar is for oil”—“France is blessed by the gods” (Guélaud C and Wieter T 2012). In the British case, as we have shown, the Cameron government’s enthusiasm for the
“drive for gas” was bolstered substantially by scientific studies indicating that recoverable shale gas resources in the U.K. were twice what had been estimated earlier. Critics have attempted to counter this by arguing that Cameron has oversold the potential “bonanza” in store, but it is revealing that the Labour opposition has—even if more guardedly—supported shale gas development along with the Conservatives.

As for the status of the economy, our two cases demonstrate clearly that politicians will be more inclined to push for shale gas development in the context of a sluggish economy where fracking may be one of the few available options to stimulate growth. Both France and Britain have been hit hard by the Great Recession, harder than the United States, and this has been evident in the debates in both countries. This fact certainly has contributed to the zeal of the Cameron government, and it has fueled much of the remorse and rethinking in France. In the United States, the Great Recession tilted the Obama Administration away from embracing the arguments of liberal environmentalists against fracking and it facilitated Corbett’s drive to overcome environmental objections in Pennsylvania (Wilbur T 2012).

It was argued earlier that natural gas and oil production could be used as a proxy for the power of the energy lobby, and when our cases are set in a broader comparative context, there appears to be substantial evidence that this variable has a pronounced effect on the chances of shale gas development gaining acceptance. France has the smallest current levels of production, the weakest energy lobby, and to date has maintained a ban on fracking—to the chagrin of French companies which have moved across the channel to invest in shale gas development. Britain has far larger current levels of production, a far stronger energy lobby whose pressure on the Cameron government is documented above, and seems on the verge of launching fracking.
The United States has extraordinarily high current levels of production, the strongest energy lobby in the world, and was the first country to celebrate the “shale gas revolution.”

One would certainly expect the power of the green lobby and the resulting overall national commitment to environmental protection to play an important role in affecting the degree of shale gas development, and our two cases demonstrate this fact when set in a comparative context. In general, since 1990 the European Union has “more stringently regulated a number of health, safety and environmental risks caused by business than the United States” and the EU’s “adoption of the precautionary principle” has led European governments to “impose restrictions on commercial activities whose risks are uncertain, unproven or disputed”—with American firms and officials complaining that European regulations are too often based on “phantom risks” rather than “sound science” (Vogel D 2012 p. 2-9). The variance between the handling of the fracking issue in the U.S. and both France and Britain is a perfect example of this trend. In addition, the European Union has been far more committed than the U.S. to efforts to “tackle climate change” and has “set itself targets for reducing its greenhouse gas emissions progressively up to 2050.” Within the context of the European Climate Change Program (ECCP), France and the U.K have developed national action plans detailing their own commitments (Climate Action 2015). It is important to note that national climate change targets, and the concern that shale gas development would undermine efforts to reach them, have been cited frequently by opponents of fracking in both France and the U.K.

One useful measure of the degree of national commitment to environmental protection that allows us to compare our two European cases with the U.S. is the ranking that countries receive in the Yale Environmental Performance Index or YEPI. (Emerson J et al 2012; Hsu A et al 2014). Taking the averages of the rankings form the 2012 and 2014 YEPI reports, the United
Kingdom ranks number 10 in the world, France number 16, and the United States number 41. It is often argued that concern for the environment is generally higher in more densely populated areas, and these rankings reflect that; the population density of the U.K. is 267 people per square kilometer and that for France is 121—both far higher than the U.S. figure of 35 (Population Density 2015). It is also worth noting how huge the variance in total land area is across these three cases: the U.K. is only 2.6% as large as the U.S. and France 6% (Land Area 2015). These data help to explain why opponents of fracking in both France and the U.K. have gained traction with the argument that shale gas development might be acceptable in the vast open spaces of the U.S., but is simply not suited to densely populated countries with very few unspoiled landscapes that require vigilant protection.

The best available direct measure of the power of the green lobbies in France and the U.K. is electoral statistics. Whereas no green party has achieved a significant national presence in the U.S., such parties have in France and the U.K.—and in both cases they have gained momentum at the most recent elections. From the 2007 to the 2012 elections, the French Greens increased their first-ballot vote from 3.3% to 5.5% (1.4 million) and their seats from 4 to 17 (Hayes G 2013). From the 2010 to the 2015 elections, the U.K. Greens increased their vote from 0.9% to 3.8% (1.2 million) and their candidates from 310 to 575. Though they won only one seat at each election, that was mainly a function of the first-past-the-post electoral system, as Green MP Caroline Lucas lamented in May 2015 (Walker P 2015). She may be the only Green voice in the House of Commons, but Lucas played a substantial role in the “battle of Balcombe” (she made headlines when she was arrested in 2013 for helping to block a road near the Caudrilla drilling site) and has been a forceful participant in parliamentary debates on the fracking issue (Davies C 2014). One assumes that David Cameron is well aware that support for Lucas’ party
has grown impressively as the “drive for gas” has proceeded and opposition to fracking has increased in the opinion polls.

Our two cases and others show clearly that the degree of commitment by elected officials to push for shale gas development can, as one would expect, play a substantial role in determining outcomes. Neither before nor since the 2011 ban has a current French politician, aware of the obstacles to be overcome, championed shale gas development unreservedly—to date Montebourg on the Left and Sarkozy (only recently) on the Center-Right have perhaps come closest. It was easy for Michel Rocard to sound courageous on the issue—he is retired. In the case of Britain, Cameron has pursued his “drive for gas” in a relentless manner. Many more fainthearted leaders would have curtailed the effort when faced with the mobilized opposition and falling public support for fracking he has endured, and a good number of commentators expected this to be his tack after the planning rejections in Lancashire—but instead he doubled down with the controversial resort to regulatory sticks and the new “sovereign wealth fund” carrot. Across the Atlantic, all it takes to appreciate the importance of this variable is to contrast the outcomes in Governor Tom Corbett’s Pennsylvania and Governor Andrew Cuomo’s New York, where a fracking ban is still in place.

Finally, our two cases and others illustrate the crucial way in which governmental institutions can affect shale gas outcomes. It was France’s outdated mining code, not yet reformed to be compatible with the Charter for the Environment, that allowed for the “opaque” MEESD decisions on exploratory research permits in 2010, triggering angry protests and compelling an embarrassed government to make amends through legislation. In Britain the first-past-the-post electoral system enabled Cameron’s Conservative Party to win 51% of the seats in the House of Commons in 2015 with only 37% of the vote and enabled a renewed push for
fracking. Although he controlled a national majority, county councils such as those in Lancashire still had the capacity to stymie the “dash for gas” through the planning process—but they were soon reminded that U.K. governments wield the central power of a unitary state and that this was not truly a “veto point.” Emboldened by his new five-year mandate, Cameron was willing to take the political risk of threatening to have his Communities Secretary overturn such local decisions—despite the Conservatives’ putative commitment to empowering local officials. Unlike Governor Corbett, whose legislation prohibiting municipalities from constraining fracking was overturned by the Pennsylvania Supreme Court, Cameron had no such judicial authority to fear. As noted above, he has only the court of public opinion to fear. But in that regard, he may find it troubling to know that even in Texas fracking has been unpopular enough in some localities to compel the state government to pass a law prohibiting cities and towns from banning fracking—and that similar laws are under consideration in Oklahoma, Colorado and New Mexico (Phillips A 2015).
References


