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Ireland – court report from the struggle against Shell

Andrew Flood

March 24, 2010

This week as it was revealed in the Irish Times that 20 months after entering into a legal agreement with local fishermen Shell has still not submitted an application as required to the Environmental Protection Agency to review the emissions licence for the experimental gas pipeline it is imposing on the people of Erris. Yet this week 27 Shell to Sea campaigners are being prosecuted on behalf of Shell in the local courts and today one of them received three five month sentences.

The entire history of the project has been one where laws are introduced for Shell and hundreds of state and private personnel are deployed to enforce this Shell law. Yet those who stand up to Shell find themselves beaten, arrested and jailed. Several campaigners now have permanent injuries arising from such beatings and several more have spent time in jail despite the fact that An Bord Pleanála actually confirmed that Shell's plan for the experimental pipeline did not meet safety requirements. Well paid media hacks have been deployed to slander the campaigners as part of a multi-million PR spend in this battle between the Goliath of one of the

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Retrieved on 12th August 2021 from www.anarkismo.net

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largest multinationals in the world and a David composed of farmers, fishermen, school teachers and their supporters.

Throughout the campaign the Gardaí have arrested campaigners on all sorts of weird pretexts to get them out of the way for Shell. Fisherman Pat O'Donnell was actually arrested under the loitering section of the Public Order Act while fishing his normal route in Broadhaven bay! The reason was not hard to see, the vast bulk of Shell's pipe-laying ship the Solitaire, on the horizon. Many of these farcical arrests collapse as soon as they get to court. There is a week long special sitting of the court in progress to try and clear some of the backlog of arrests that has built up and despite the enormous establishment bias against the campaign the first couple of days have seen most charges being dismissed. One such campaigner (and fellow WSM member) James McBarron has just had all three charges against him thrown out, in one case video evidence directly contradicted the testimony of the Gardaí who charged him with obstruction. Another favourite target of the Gardaí, Maura Harrington, who has already been jailed four times also had a charge of obstructing traffic dismissed.

The sentencing of Niall Harnett is particularly farcical. On a recent court appearance he was trapped between two sets of doors by a group of Gardaí who roughed him up. As with all such cases his attempt to prosecute one Gardaí for assault failed on a technicality but as anyone who has spent a day in the district courts is aware the Gardaí routinely retaliate when accused of assault by pressing assault charges in return. So today the court believed that Niall assaulted three Gardaí at once, including an inspector and a sergeant and in court! And that no less than seven Gardaí managed to cram into the space between the doors with Niall to witness this extraordinary event.

People present in the court reported that the Gardaí testimony was full of contradictions but the story itself is farcical. You'd laugh at it if it was not for the fact that it has been used to give Niall three sentences of five months each. Luckily they are to run concurrently

so he won't be spending over a year in prison on such fantastical grounds. If his appeal fails maybe only 3 or 4 months of his life will be stolen from him. In court Niall stated: "Inspector Doherty, Sgt. Butler and Garda Egan, I am not prepared to apologise for standing up to them, because they are bullies."

Mayo Shell to Sea spokesperson Terence Conway responded to the harsh sentence by pointing out that: "This sentence is further evidence of the selective application of the law in relation to Shell's project in Erris. While campaigners are receiving heavy jail sentences, the pipeline which Shell have illegally brought on land at Glengad, as ruled by An Bord Pleanála, remains in place."

The state is now taking such desperate measures to criminalise protests because despite the enormous resources at their disposal (which have included not only hired mercenaries but Naval gunboats and air force planes) Shell have suffered delay after delay in the face of the local resistance. They aimed to complete their experimental gas pipeline by 2003, now seven years later in 2010 opposition has again forced them back to the drawing board and to admit that at a minimum completion will be a full decade late with a new target date of 2013. Heads are starting to role once more inside Shell, the Irish Times reported that "Linda Cook, the former head of the gas and power division, was given a \$7.6 million severance payment".

Time is not on Shell's side. In particular with the onset of the financial crisis, when workers in Ireland are seeing their pay, conditions and social services slashed to bail out a tiny wealthy elite of property speculators and bankers, the scale of the Great Oil & Gas Giveaway under which Shell were given the Corrib field is being revealed. There is growing anger that billions of Euro worth of gas and oil that could be used to fund health-care and education are being given away for next to nothing under terms negotiated behind closed doors by a politician later jailed for corruption. For years the domestic capitalist class and the multinationals have milked workers in Ireland with a minimum of resistance. The struggle in Erris

carries not only the threat of having to hand back the gas and oil but also the more general threat of demonstrating that resistance can work. That is why no section of the establishment from the Gardaí to the Navy to 900,000 a year media hacks like Pat Kenny have held back when it comes to slandering and smashing those who continue to resist.

Even the Green Party minister Eamon Ryan, now forcing the project through against the very local resistance he once supported, recognised what was going on when in opposition. In a Dáil speech on 24th November 2005 he argued “Anyone who examines from the outside the process that led to a decision being made on the appeal in this instance would agree that it was not conducted in an open and fair manner... I have serious concerns that the Government constantly took Shell’s side, in effect, throughout this process... I contend that he [Taoiseach Bertie Ahern] put remarkable and untold pressure on An Bord Pleanála to accept the Government’s will.”

Niall has lodged an appeal, if it fails he will be jailed alongside local fisherman Pat O’Donnell who is serving seven months in Castlerea for resisting Shell. It’s important that we demonstrate that those whom the state are targeting are not standing alone. For that reason this Saturday Shell to Sea campaigners will be traveling from all over Ireland to show their support to Pat O’Donnell outside the jail.

Caoimhe Kerins from Dublin Shell to Sea said of the planned protest “We are going to be there on the 27th to support Pat because he is an example of man that could not be bullied or bought. His jailing is yet another example of the very harsh punishments being given to prominent campaigners for what are minor public order offences. The community living close to Shell’s proposed refinery are being criminalised, both in sections of the media and through the abuse of the justice system, for their opposition to this disastrous project.”