SEEKING CLIMATE JUSTICE
Findings Report on Oil Free Activism and Oil and Gas Developments 2013-2016
This research was conducted by Dr Sophie Bond (University of Otago), Dr Gradon Diprose (Open Polytechnic) and Dr Amanda Thomas (Victoria University of Wellington), with research assistance from Jule Barth and Sonja Bohn, funded by the University of Otago, Open Polytechnic and Victoria University of Wellington.

While nationally and globally there continues to be demand for genuine responses to climate change, some states and industry groups are attempting to actively limit public debate about these issues (see for example, Swyngedouw, 2013). This is often done by pitting economic growth against environmental protection (Diprose, Thomas, & Bond, 2016), and criminalising protest against profitable extractive industries. These international trends have been noted in Aotearoa New Zealand (see Bond, Diprose, & McGregor, 2015), but the extent has yet to be investigated. We therefore explore the extent to which democratic debates around oil and gas developments are constrained in Aotearoa New Zealand, what processes are used to close down public engagement, and how these processes are experienced and contested by activist groups concerned about climate change.

We used a mixed method approach, including literature reviews, a media analysis of reporting on oil and gas developments in major New Zealand newspapers and news websites, and approximately 50 interviews with members of ‘oil-free’ activist groups, non-government organisations, local government decision makers, and oil and gas industry representatives.

This report is divided into four sections. Section One outlines three significant events that have drawn public attention to the risks of oil and gas developments, promoting debate about whether these developments should be enabled. We argue that these three events, coupled with an increased governmental interest in the oil and gas industry, gave new impetus to climate activism and the rise of oil-free groups around Aotearoa New Zealand. Section Two describes how oil and gas developments are currently regulated, with a specific focus on deep sea oil exploration and drilling. This section describes how recent legislation has reduced opportunities for public participation in decision making and consenting processes, and criminalised protest and opposition at sea. It also outlines how government representatives, the oil and gas industry, and others, attempt to delegitimise opposition in mainstream media. Section Three reports on industry perspectives on the regulatory environment. Industry representatives tended to support reduced public consultation in consenting processes, but also stressed the importance of having a ‘social license to operate’ to ensure community support. Section Four provides an overview of oil free and climate justice community and activist responses to the reduced opportunities for public involvement in decision making and consent processes. This section also examines the psycho-emotional costs and effects of delegitimising discourses on individuals who oppose oil and gas extraction, and outlines four specific approaches to cultivating debate and dissent, and self and community care, within these debates. The report concludes by briefly discussing the current climate of oil and gas politics, as activists face prosecution, and the new government commits to climate action but remains vague about their response to oil and gas exploration and extraction in Aotearoa New Zealand. Given our finding that there have been constraints placed on debate and dissent in relation to environmental issues, we recommend further research and monitoring.
In 2008 the incoming National-led government emphasised resource extraction in its economic development agenda (see Diprose et al., 2016; Bond et al., 2015). As government and commercial interests accelerated, three significant events raised general public awareness of the environmental concerns surrounding oil and gas developments at sea.

Significant oil and gas events

The oil and gas industry has until recently, had an almost invisible and unquestioned presence in Aotearoa New Zealand, mostly in the Taranaki region. However, between 2010 and 2012 three events highlighted the political, environmental and economic effects of these activities to many New Zealanders. The first occurred in April 2010 when the BP Deepwater Horizon oil spill in the Gulf of Mexico drew international media attention to the environmental risks of deep sea drilling activities.

The second event was the Rena container ship disaster that occurred off the coast of Tauranga in October 2011. Heavy oil and fuel debris was spilled from shipping containers along popular beaches in the North Island, and alongside the Gulf of Mexico spill, served to highlight the environmental risks of certain marine activities, and the difficulties of effectively responding to disasters when they occurred.

The third and perhaps most significant event, which occurred in early 2011 (after the BP Oil Spill, but before the Rena disaster) was Te Whānau-ā-Apanui’s challenge to an offshore oil and gas exploration permit issued to Petrobras, a Brazilian owned company. The permit, issued without consultation with the iwi or their consent (Te Whānau-ā-Apanui, 2012), was for an area in the Raukumara Basin off the east coast of the North Island, exploring depths similar to that of the BP Deepwater Horizon rig (Peace Movement Aotearoa, 2011). As an expression of their opposition, Te Whānau-ā-Apanui, aided by Greenpeace, used the fishing vessel San Pietro to disrupt the path of Petrobras’ seismic surveying vessel. Following complaints from Petrobras, the New Zealand Police enlisted the Navy to arrest the skipper of the San Pietro, Elvis Teddy. The heavy handed response to the protest signified the Government’s commitment to facilitating oil and gas exploration with large international corporates.

The Crown justified Teddy’s arrest on the basis that he had committed ‘a blatant breach of safety’ (Hill, 2011). However, the charges laid against him were initially thrown out because the District Court found that the law he was charged under – the Maritime Transport Act 1994 – did not apply in the Exclusive Economic Zone. After a drawn out appeals process, Teddy was convicted of breaching the Maritime Transport Act 1994 in 2015, and sentenced to community service. This example highlighted “the absence of legislation that could be used to deter protestors at sea from interfering with petroleum industry activities” (Diprose et al., 2016, p. 164).

Petrobras withdrew from the region in December 2012, stating there was not enough oil and gas to justify further exploration (Bradley, 2012). However, media had earlier reported that the company had warned that community action could prompt them to withdraw (Hill, 2011). Possibly then, Te Whānau-ā-Apanui were successful in shifting the equation for the company by making its local presence uncertain, and highlighting regulatory gaps (Takitimu, 2016). The iwi continued to assert their “inherent right to self-determination, and their right to freely determine their economic, social, cultural and spiritual wellbeing and development” (Te Whānau-ō-Apanui, 2012).

These three events contributed to the public debate in Aotearoa New Zealand about deep sea oil exploration and extraction as the oil industry faced increasing challenges from activist groups seeking to question and oppose new developments.

The oil free campaign

‘Oil-free’ activist groups emerged around the country between 2011 and 2012, coinciding with the three events described above. While the groups operate independently, they sometimes share resources, support each other’s campaigns and have engaged in co-ordinated national actions with other environmental non-government organisations, held symposiums, lobbied government, and shared information through public meetings and presentations. The largest and most coordinated national action was the Banners on the Beach action on 23 November 2013, with estimates of between 5,000–10,000 people taking part on west coast beaches across the North Island (see Greenpeace New Zealand, 2013). Given the autonomous nature of the oil free groups, they vary in size and structure, and have different motivations and strategies. Some have stated that they are trying to ‘change the equation’, and that their actions are designed to make it economically less viable
for oil companies to set up here by creating resistance in local communities. In seeking to shift attitudes around oil and gas developments, the groups share a struggle to balance focusing on opposing the immediate threat of deep sea oil exploration and extraction, and needing to stand for something. What groups are standing for tends to reflect ideas around a just transition away from fossil fuels/oil and more broadly, climate justice, that is, a concern for the gap between those most responsible for climate change and those who will experience its effects most.
THE CURRENT REGULATORY ENVIRONMENT AND THE LIMITING OF PUBLIC DEBATE

In this section we outline the tightening of legislation that came, in part, as a response to Te Whānau-ā-Apanui’s activism. We then discuss how these changes reduced public consultation and protest in relation to oil and gas developments, and describe how popular media reporting has often served to delegitimise protestors and their concerns.

How the consent process works

Over the last decade in Aotearoa New Zealand there has been a notable increase in investment in the oil and gas industry, particularly at sea, as the government’s 2012 ‘Business Growth Agenda’ actively encouraged natural resource extraction (Ministry of Business Innovation and Employment, 2012; for further discussion see Diprose et al., 2016; Loomis, 2017; Ruckstuhl et al., 2013). Figure 1 illustrates the current permitting regime for Crown owned minerals and oil and gas activities in Aotearoa New Zealand.

The various pieces of legislation outlined in Figure 1 enable different levels of public participation in decision making. For example, at sea, under the EEZ Act 2012 (see below for more detail on this Act), the nature of the activity determines whether there is an opportunity for public involvement through formal consenting channels. Prospecting and seismic surveying are ‘permitted activities’ and do not require marine consent. However, exploratory drilling and production drilling do require consents from the EPA. For exploratory drilling, a consent is ‘non-notified discretionary’ so the

Figure 1: Permitting regime for Crown owned minerals in Aotearoa New Zealand  
(image adapted from GNS Science map)

Land, Foreshore and Territorial Sea


Activities on the land, foreshore and seabed

- Under the RMA 1991, activities are classified into six types: Permitted, Controlled, Restricted, Discretionary, Non-complying and Prohibited.
- The RMA 1991 applies to activities on land and in the coastal marine area (up to 12 nautical miles from shore).

Continental Shelf and Exclusive Economic Zone

All prospecting, exploration and mining for Crown owned minerals requires a permit under the CMA 1991, administered by NZPAM.

Activities in the Continental Shelf and Exclusive Economic Zone

- Regulated by the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act 2012). Consents for specific activities are issued by the Environmental Protection Agency (EPA).
- Applications for marine consents must also provide an Oil Spill Contingency Plan to Marine New Zealand for approval and are responsible for the full costs of any clean up required. Approval is also required from the High Hazards Unit at WorkSafe New Zealand.
- NZPAM also play a role in managing certain activities, such as the ‘block offer’ process where oil exploration companies bid to explore certain areas (NZPAM, 2017).
- Under the EEZ Act 2012, activities are classified into three types: Permitted, Discretionary and Prohibited.
- The EEZ Act 2012 applies to all activities at sea - 12 nautical miles from the shore to the extent of the Exclusive Economic Zone.

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3 Such Crown ‘ownership’ of minerals is contested as it has implications for Māori rights under the Treaty of Waitangi. See Māori and Mining by Ruckstahl et al. (2013) for a useful discussion.
The legislative changes described above have narrowed opportunities for public consultation and criminalisation of protest. Section 12 of the Act requires iwi authorities to be notified (though not necessarily given the opportunity to comment – see below) on applications that might affect them. It also requires decision-makers to take account of the effect of the proposed activity on existing interests, to consult with iwi on the development of regulations, and provides a specific role for the EPA's Māori Advisory Committee. These requirements are considerably weaker than the requirements to ‘give effect to’ or even to ‘take into account’ the principles of the Treaty of Waitangi. Section 12 also allows for the criminalisation of protest, making it an offence to enter a designated exclusion zone around a drill ship (up to $10,000 fine).

Te Tiriti o Waitangi obligations

Both the CMA 1991 and the EEZ Act 2012 refer to the Treaty of Waitangi. The CMA 1991 requires all decision-makers operating under the legislation to ‘have regard to the principles of the Treaty of Waitangi’ (1991, s.4). Since the 1980s, it has been common for new statutes to adopt the same or stronger wording. However, the more recent EEZ Act 2012 narrows the reference to the Treaty. Section 12 of the Act requires iwi authorities to be notified (though not necessarily given the opportunity to comment – see below) on applications that might affect them. It also requires decision-makers to take account of the effect of the proposed activity on existing interests, to consult with iwi on the development of regulations, and provides a specific role for the EPA's Māori Advisory Committee. These requirements are considerably weaker than the requirements to ‘give effect to’ or even to ‘take into account’ the principles of the Treaty of Waitangi. Section 12 also allows for the criminalisation of protest, making it an offence to enter a designated exclusion zone around a drill ship (up to $10,000 fine).

Narrowing of public consultation and criminalisation of protest

The legislative changes described above have narrowed opportunities for public participation in the oil and gas consent process, Treaty of Waitangi considerations, and in legislating against protest at sea. The Te Whānau-ā-Apanui protests against Petrobas, and the following court case against Elvis Teddy (which occurred prior to the enactment of the EEZ Act 2012), highlighted the lack of jurisdiction and clarity around protests outside the territorial sea in the Exclusive Economic Zone. Media reported on a series of meetings held in late 2012, between oil and gas industry leaders and the Ministers for Economic Development, and Energy and Resources following industry requests for “a more robust Government response to threats of, and actual, direct protest action” (MBIE, cited in NZ Herald, 2013). It is difficult to establish the degree to which these meetings influenced subsequent legislative changes. However, they directly preceded the introduction of the EEZ Act 2012. The Act’s official purpose is to “promote the sustainable management of the natural resources of the exclusive economic zone and the continental shelf” (2012, s.10) and it was designed to increase certainty for investors around the management of the area beyond 12 nautical miles offshore, where land based laws do not apply (Ministry for the Environment, n.d.).

One effect of the EEZ Act 2012 is to limit public engagement in oil and gas exploration through formal channels. Information is not shared with the public, and there are limited opportunities for the public and independent experts to challenge applicants’ impact assessments. We suggest these provisions are an effort by the Ministry for the Environment to address industry concerns about the perceived costliness of drawn out public processes, and have subsequently been justified in economic terms. For example, during the legislative process of the EEZ Act 2012, the Ministry for the Environment claimed, “the value of effective public participation in decision-making cannot be ‘quantified’, while the savings to industry can” (Ministry for the Environment n.d.). This demonstrates how public engagement in decision making is framed only in economic terms, and meaningful consultation is deemed inefficient.

Another key piece of legislation that overtly limits public opposition to oil and gas development is the CMA 1991. In particular, a 2013 amendment to this Act enacted after the Te Whānau-ā-Apanui protests and popularly called the ‘Anadarko Amendment’, added a clause that would limit protest at sea in the Exclusive Economic Zone. The clause:

- made it an offence to interfere with ships, structures and activities relating to offshore mining in territorial waters and the EEZ (punishable by a fine of up to $50,000 or up to 12 months imprisonment)
- made it an offence to enter a designated exclusion zone around a drill ship (up to $10,000 fine)
- allowed the Police and Defence Force the power to ‘detain and arrest, board

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4 There are questions about the appropriateness of these classifications given that the Deepwater Horizon blow-out in the Gulf of Mexico in 2010 was an exploratory well.

5 The Māori Advisory Committee (Ngā Kaihuatū Tikanga Taiao) is a statutory board appointed by the EPA Board, who in turn is appointed by the Minister for the Environment.

ships or otherwise prevent people and ships from entering the non-interference zone, without warrant’ (Pender and McMillan, 2013)

The Defence Force in Aotearoa New Zealand usually has extremely limited powers to arrest civilians (for instance, to suppress a riot), so these amendments are an extension of military power. The bill was, according to former Prime Minister and constitutional lawyer Sir Geoffrey Palmer, in breach of the New Zealand Bill of Rights Act (BORA, 1990) as well as international human rights conventions that protect the right to peaceful protest. The Government declined to consider the human rights implications of the new legislation and passed it into law in 2013, framing it as a technical matter of protecting activists’ safety and the rights of businesses (see Television New Zealand, 2013).

In summary, the recent EEZ Act 2012 has narrowed channels for public consultation in the EPA consent process, and the ‘Anadarko Amendment’ (CMA amendment 2013) has criminalised protest at sea. In both cases, the legislation provides industry with increased certainty in an area where jurisdiction, consenting processes, and consultation requirements were previously ambiguous.

Shaping debate in the public domain

Alongside these legislative shifts our media analysis indicates that public debate is also stifled in more subtle ways. The framing of oil and gas development in public discourse (from newspapers and TV to dinner-table conversations) means that certain points of view are considered more ‘normal’ or ‘common sense’ while contrasting positions are delegitimised. Our media analysis suggests that debates about the role of oil and gas in Aotearoa tend to revolve around four binary constructions (shown in Table 1) that show pro oil and gas development views as ‘normal’ and those opposing the industry as inferior or deficient.

Overall, these four binary constructions serve to discredit protesters and their position, and establish them in opposition to ‘ordinary’ New Zealanders. This is done by representing activists as irrational, extreme, uninformed and ideologically driven, in contrast to the common sense, rational and pragmatic views of government and oil and gas industry representatives. One industry participant illustrated this by saying: “if you have an ideology of anti-development, you just don’t think development’s a good thing and in that case, the fact and logic and science and reasoning isn’t going to work and in fact, even the emotion argument’s not going to work because it’s a belief” (interview with Adrian).

What this framing misses is that ideologies underpin all belief structures - there are ideologies behind the support for economic growth just as there are ideologies behind the protection of the environment. Our research demonstrates that those who oppose oil and gas developments are also drawing on science and reason to inform their position. Usually, activists’ arguments are not about how extraction is undertaken, but about whether or not it should be. The polemic arguments we identified in our media analysis often ignore this fundamental issue and focus on processes, scientific risk assessment, spill modelling, and regulatory compliance. These foci avoid larger questions about the effects of continued fossil fuel extraction and attempts to delegitimise opposition in the process. The role and power of language was noted by one activist who stated:

‘It’s this huge issue of language isn’t it? Who is extremist, who is radical, who is moderate. And I think it’s quite a powerful push isn’t it, when they manage to portray what seemed to me the overwhelmingly rational arguments put by the [name of an academic who publishes on climate science]s of this world as, oh that these are greenie arguments or these are the arguments of marginal people (interview with Hamish).

Our research illustrates that it is both the legislative and wider public media environment that shape how debate about fossil fuel extraction plays out, and significantly, which viewpoints and people are seen to be legitimate in this debate.
### Table 1: Framing of public debate in mainstream Media

#### Pro Oil and Gas Development

**Majority, ordinary New Zealanders**
- ‘Leaders from New Zealand’s $2.8 billion oil and gas sector say the country needs better education about the value of the sector as a ‘vocal minority’ continue to oppose the industry’ (McNicol, 2013)

**Progress, development, economic growth**
- ‘oil and gas exploration could contribute significantly to our economy’ (Donnell & Cheng, 2011)
- ‘New Zealanders, mostly, understand that while we owe it to future generations to do everything we can to protect our environment, we must also do all we can to leave them with a robust and sustainable economy where they can expect a good job and standard of living’ (NZ Herald, 2012)

**Sensible, gradual transition from fossil fuels**
- ‘gas, which was more likely to be struck than oil, was a force for good in the “climate change fight”… because it was cleaner burning than coal’ (Elder, 2013)
- ‘New Zealand should consider gas a transition fuel … while on the road to developing renewable energy sources’ (Hartley, 2013a)

**High environmental, risk standards**
- ‘The [new EEZ] regulatory regime would be “world class” where business would be able to operate efficiently. “This Government is very clear, we won’t let cowboys operate here in New Zealand” [former Prime Minister, John Key said]’ (Bradley 2013)

#### Anti Oil and Gas Development

**Extremist, hippy, greenie minority**
- ‘a few people wandering around’…‘Greenpeace rent-a-crowd’ (TV3 News, 2013)

**Anti-growth, backward, ideological**
- ‘there is nothing that would convince Jeanette [former co-leader of the Green Party] that discovering and exploiting fossil fuels is a good idea. The problem she has with fossil fuels is not one of economics or science. It's philosophical’ (Hide, 2013)
- ‘[T]his is an industry where for some people outright opposition to development is an attractive substitute for informed risk assessment and management’ (Simmers & Christensen, 2012)

**Irrational, unrealistic, hypocrites**
- ‘the ignorance of these oil protesters never ceases to amaze me … This is just another case “not in my backyard” … It's a safe bet these protesters also used a car to transport themselves and their equipment to the waterfront’ (Godfrey, 2014)

**Uninformed, scaremongerers**
- ‘Key denied there was a large number of people in New Zealand worried about the safety of deep-sea drilling. “there are people who are genuinely confused by the data and what they’re told” he said’ (Gardner, 2013)
- ‘The oil industry has launched a scathing counterattack on a Greenpeace spill-modelling scenario, labelling it scare mongering and “science fiction”’ (Hartley, 2013b)
INDUSTRY PERCEPTIONS OF THE CURRENT REGULATORY ENVIRONMENT

In this section we outline the perspectives of oil and gas industry representatives. All active offshore oil extraction and exploration permit holders, and an industry lobby group, were invited to be interviewed as part of this research. Of 11, three agreed to participate. Through interviews, industry actors echoed the pro oil and gas discourses evident in the media. Industry participants noted that the regulatory and local community environments were both essential for successful oil and gas development. Industry participants described the current legislation and regulation as “robust” and “world class” in terms of providing stability for their industry. They commended the increased certainty in government regulation, the appropriate tax and royalty schemes, and the security that exploration and extraction activities would not be nationalised. Even with the reduced opportunities for consultation and public involvement (described above), one industry participant noted that the amount of time and resources consultation requires was still onerous. However, other participants emphasised that ensuring positive local community relations went beyond complying with government regulations. For example, Adrian, an industry representative, suggested “legally, I can just go and do whatever I want because I’ve met all the regulatory requirements but it’s not really the answer”. He said the industry needs the “social license to operate”, and emphasised openness and honesty in building relationships with affected “stakeholders”. Practices seen as building a social licence to operate included corporate sponsorship, partnerships with conservation groups, social benefit programmes, building relationships with individuals and business owners, and directly managing adverse effects (such as noise concerns or traffic management plans). These kinds of actions were seen as targeting the “big group in the middle” of a community, rather than the smaller group who oppose oil and gas. For example, Adrian saw it as a waste to:

invest a lot of resource talking to the strongly opposed minority or the strongly in favour minority, … you’re unlikely to influence them one way or the other (interview with Adrian; see also Loomis, 2017).

Industry participants were also very aware of climate change as an international issue, which was shaping regulation and community perceptions of the industry. In relation to climate change they tended to describe the role of their industry as vital in providing “energy security” and “an energy service” in the long transition away from fossil fuel energy (interview with Kelly). Participants noted the global trend toward tighter regulation and an increasing awareness of climate change and environmental effects of the industry more generally through requirements for “sustainability reporting” (interview with Kelly).
**ACTIVIST EXPERIENCES AND STRATEGIES**

In section one, we outlined how ‘oil free’ activist groups have emerged around the country since 2011. In this section we describe the experiences of and various approaches adopted by approximately 44 activists from these oil free groups. The section begins by outlining activists’ experiences and responses to surveillance from the oil and gas industry, before moving on to outline the effects of the regulatory environment and mainstream media censure. We then note four approaches to navigating these experiences: mainstreaming debates, mainstreaming activists, direct action and community and self-care.

**Responding to surveillance**

International literature indicates that fossil fuel corporations (and others) are increasingly using surveillance of environmental activists to understand their arguments and actions, and, formulate responses (for instance, Hansen and Uldam, 2015). Many of the activists we spoke to were aware of this practice and some recounted examples of corporate surveillance in Aotearoa New Zealand; indeed, in 2017 Greenpeace lodged a civil suit against Thompson and Clark for alleged spying on oil free activists over a period of years (Taylor, 2017). Activists felt the threat of surveillance influenced their behaviours in different ways and to different degrees. For example, Ella said “I just operate under the assumption that I’m being watched because of the connections that I have and my history as an activist.” She felt the following tension: “I do self-censor and I do worry about it sometimes, but I’m also aware of not wanting it to stop me.” Frankie also wouldn’t let surveillance influence the actions they engaged in, but did adjust their communications to some degree. This was the most significant and common way in which surveillance, or the potential for surveillance, influenced activists. For example, John said that he’d “just learnt to keep [his] mouth shut” and that while he was open about what he did online, he made sure that sensitive information was shared through alternative channels. Several other experienced activists talked about the balance of being careful without becoming overly paranoid (interviews with Annie, Vicki, Jacko, Flo, and Dougie). Vicki described how surveillance by an oil and gas company influenced a major campaign they were involved in:

> It wasn’t that they took any information that was valuable, but they made us stop trusting each other and they made us look sideways at new people and become a really untrusting group of people (interview with Vicki).

Our interviews suggest that most activists were aware of surveillance and had communication and relationship protocols in place to counter this. As noted by Vicki, there appeared to be a certain balance between welcoming new members and allies to their groups, while maintaining a healthy suspicion of new people to ensure they are trustworthy.

**Responding to the regulatory changes**

Many activists noted that the enabling oil and gas legislation passed by the previous National-led government from 2008 had motivated their political engagement. For example, when one participant was asked why she engaged in activism, she described a “loss of our democracy”, noting that there was “a feeling around that they [Government and decision-makers on oil and gas] are not listening. They’re really not going to give a shit or do anything about it.” But, she explained the “upsie of that is that people who aren’t necessarily environmentally minded are really fucked off” (interview with Phoebe). Activists talked about how the legal measures that limited direct action and protest, such as the Anadarko Amendment, were spoken of as a “rallying cry” (interview with Dougie), a “red rag to a bull” (interview with Ross), and “radicalising” (interview with Flo). Daisy and Prue remarked that:

> Prue: … we don’t even have the option of going through like... official channels.
> 
> Daisy: Yeah and it makes people angry and they suddenly realise that those processes are being taken away from us and yeah, then they look for alternatives, and we’re [an oil free group] one of them I guess.
> 
> Prue: And perhaps it stirs more people to action. Like someone who might just be quite content to write petitions or, they might be made more angry and willing to do stuff with us (interview with Daisy and Prue).

However, participants also recognised that the legislation and risk of arrest could have the intended demotivating effect on activists by:
making your government look a bit scarier and your authorities look a bit scarier [which] does shut down [motivation to engage in action] at some level, because at some point you go, I don’t really want to go to jail, so I’m not going to do anything that’s going to make me go to jail (interview with Jacko).

Alternatively, though, some activists viewed illegality as a strategic step they were willing to take, as part of the symbolism of the action. As one participant said:

I think that climate change is such an issue that I think the laws aren’t really that important because they’re defending the wrong people. They’re defending the people doing harm. So I think it’s sort of a no brainer to put yourself in an arrestable position (interview with Moana).

While it was often the long term implications of having an arrest or a criminal record that were cited as potential de-motivators, uncertainty around jobs and the more everyday censure from families, friends, and co-workers were also noted as a hindrance to action. Activists mentioned many ways in which political action is delegitimised in their everyday lives – not just in mainstream media as outlined in section two – and how this affected their behaviour in spaces such as homes and workplaces. As one young activist described:

it’s different, because these formal, bigger systems are really, really clear cut ways of shutting people down … but there’s more social undertones and sly comments. That’s a really interesting way. I don’t think you could ever measure how it shuts you down (interview with Kiri).

Some activists spoke of censoring themselves or their behaviour at work and not wanting to be seen as too outspoken. For example, Delia felt that her casual work position would be at risk if she was open about the extent of her involvement in oil free groups. Kiri spoke at length of the ways in which she experienced (often) self imposed censure in her workplace:

I sort of operate as two people, because I don’t want the people in my department, who may disagree with me, to treat me differently within the work space … Because, you know, I’m still a young buck within the discipline and I never want it to stop me from doing well (interview with Kiri).

It was “funny looks and side comments” that gave Kiri the sense that her involvement in oil and gas issues could affect her future employment opportunities and her day to day well-being through a sense of belonging (or lack of) in the work space. Kiri also drew attention to the way this sort of censure could factor into individuals decisions about how to engage politically:

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This isn’t an example of a corporate or a larger business stopping me from having a political voice, but collectively you only need a few workmates before you start questioning yourself, or you don’t want to talk about it - it creates a sort of tone where you do depoliticise yourself or avoid those topics because, you know, you don’t want to be the talk of the tea room (interview with Kiri).

Kiri was not sure whether these comments and perceptions would be “enough to shut down a group, but it only needs, you know, a small percentage of that group to have a few work mates to make you want to withdraw”. Other participants had chosen not to censor themselves, but had already felt the effects of those decisions. For example, in an academic context, two participants felt that their political action would mean they would never get a professorship, with Kate referring to her recent involvement in direct action as “another nail in the coffin of my academic career”.

Several participants felt a general concern with responses from their wider community - neighbours, families and church groups – that held them back from action. For example, Vicki met some people who were interested in being more involved in an oil free group, but were “nervous” about putting up signs in their community, as they weren’t sure how their neighbours were going to react. Bill said he felt like “the freak at the Christmas table” while Dale said she “can’t really talk about this thing.” It was not necessarily outright hostility, but more often a sense of dismissal that activists felt from their communities. Dale felt that her beliefs and actions were dismissed by her church community: "I think they just go ‘oh [Dale], climate change’, you know”.

There was a clear sense that many activists monitored their behaviour and language around non-activists. Many felt a sense of isolation and at times loneliness as they were perceived and treated as irrational, radical, and ‘other’ by not only the law and mainstream media, but also sometimes by their co-workers, friends and families. Several participants struggled to deal with their wider community’s lack of engagement in the issue: Hamish noted that “people realise we’re living in a total fool’s paradise … So they’re scared. I mean I think it’s not so much apathy - I think it’s fear”. In addition, activists shared the emotions they faced as they dealt with the enormity of what they were fighting (climate change caused by systemic failures); coping with feeling overwhelmed and fearful, as well as avoiding burn-out or activist’s fatigue. For example, one activist suggested:

If you dig into any of these environmental issues, they’re absolutely appalling - the state of decay. I just can’t ignore it, you know. I’m just at my wit’s end at times, and I really struggle to keep it in balance, so I don’t go mad … it’s paralysing (interview with Bill).
In light of the legal and societal opposition activists face, and the significant emotional effects of everyday reactions to their stance, we identified four approaches that oil free and climate justice groups developed to carve out space for broad public discussion and to care for themselves. These approaches were based on specific tools and themes picked up by and used by different groups and individuals at different times, according to the particular context, and specific group's principles. The complex negotiations among individuals and groups regarding which approaches to use at which points in campaigns were subject to much debate amongst activists.

**MAINSTREAMING THE ISSUE**

Early in the campaign, some activists responded to the government and mainstream media marginalisation of their viewpoints by creating strategic narratives that seek to universalise their concerns. For example, one strategy has been to focus on the environmental risk to beaches and wildlife posed by potential oil spills. Activists stated that they hoped this would appeal to a wider range of people than a focus on the bigger, but less immediate, issue of climate change. For example, Vicki noted:

> it’s something you feel, that it appeals to people’s values, and to talk to people in the way that they can feel it. Whereas you talk about climate change, it’s quite theoretical.

In a culture that values the environment, wildlife and access to clean beaches, this strategy was described as appealing to New Zealanders’ sense of national identity. Jacko described such values-campaigning as attaching the issue "to who we are as New Zealanders". For many, though, campaigning in this way meant negotiating a disconnect between their own motivation for action and the stories they were using to garner support. One activist explained this:

> Everyone is essentially a climate campaigner who is working on this. But we’ve been too scared to say that to people. Like, ‘oh people won’t get climate change’ so we have to talk about oil spills. Because people are really scared about oil washing up on their beach (interview with Olivia).

Phoebe negotiated this tension pragmatically, noting that getting people behind climate change was difficult, but engaging people:

> because there’s oily penguins on their back doorstep, which is a valid thing to really care about if you’re a fisherman or if you just like wildlife, then that’s fine. I want to stop climate change … if we need a lot of people on board to do that, which we do, then let’s get them however we can.

Activists used this approach of ‘mainstreaming’ to secure a critical mass of public support, hoping the connections with climate change could then be gradually introduced. Some activists noted risks to this approach though, as a narrow focus on oily, polluted beaches limited the debate to management arguments, which are more easily addressed by industry than climate justice centred ones. For example:

> …In some ways that value based campaign has played a little bit into the [oil industry’s] hands… where they can start to argue about whether they can get a relief well here on time or what are the chances of something going wrong, which misses the point. So yes, I think there’s trade-offs with that values based campaigning (interview with Ross).

To counter this, one particular group was actively striving to tell a different story, with a focus on global climate inequality, rather than protecting local beaches from oil spills:

> We’ve tried to draw upon issues of inequality. So really strongly that kind of climate justice message about those who are the least responsible for climate change are the ones who are most penalised by climate change (interview with Flo).

Reframing the issue in a way that seeks to ‘mainstream’ it involved negotiating tensions between messaging that would widen public support, while not compromising the ultimate goals of the activists.
Every activist we interviewed spoke of being called ‘hippies’, ‘greenies’, or ‘radicals’, and being told to ‘go get a job’ or similar dismissive sentiments. This occurred through the mainstream media, social media, in interactions with government and local authorities, and from the general public during direct actions. To counteract this marginalisation, and as part of efforts to connect with ‘mainstream New Zealanders’, several groups sought to present their members as ‘ordinary, everyday New Zealanders’. This involved making sure that spokespeople had certain mana or were well known, and that the people involved and photographed in direct actions were diverse and represented the wider community. For example, Kiri recalled her experience as part of a flotilla protesting an exploratory drill ship. During the protest several people on board radioed the drill ship to voice their opposition. This was filmed and disseminated on the internet:

And we were really using it as a platform to be recorded, to be put on the internet …and those small speeches can sort of allow people to see that you don’t have to be a crazy leftie or have a pile of dreadlocks or anything to oppose deep sea drilling. You’ve got reverends and professors and ministers and old women (interview with Kiri).

However, the goal of ‘capturing middle New Zealand’ was in itself a contested notion amongst some. As Dan said, “I don’t think we should be compromising anything to get the support of the middle class because I don’t think those people are ever going to actually do anything”. There was also a danger, acknowledged by some activists, that in seeking to ‘mainstream’ the debate, those constructed binaries between ‘protestors’, ‘hippies’ and the rest of New Zealand, were in fact being reinforced and limited the ability for oil free groups to connect with other communities (such as local iwi and hapū) who were also concerned about climate change.

When activists explained what led them to actively oppose oil and gas developments they described a common theme: most saw the oil and gas industry as part of a structurally unjust system that directly contributed to climate change. This concern was often referred to as ‘climate justice’ and direct action was seen as one important way to “address the root causes of climate change” (interview with Delia), including a capitalist system “driven by profit over people, and profit over the environment” (interview with Stacey). Oil exploration and extraction was therefore seen as a target in the gradual dismantling of this broader system. For several activists, this system needed to be dismantled because “we have a big responsibility” to future generations (interview with Sal). Although this sense of responsibility to future generations indicates a ‘big picture’ perspective, activists also expressed a strong sense of urgency and frustration. And for some, this urgency had pushed them toward non-violent direct action in the face of inaction by governments:

I guess, [I’m] sick of all the research and answers being there and feeling like I’m not doing anything but I’m so informed. And I think with the direct action, it was actually [a] real opportunity … that I’d be able to do something and be a part of something (interview with Mae).

Similarly, Moana noted that “I just felt like a much stronger sense of urgency and importance for what we were doing. … I feel like I care less about educating people now and more about actually acting” (interview with Moana). Underpinning these ways of seeing the world was a common and deep-seated ‘ethic of care’, manifesting in direct actions as a response to the injustice and impending violence of climate change (interviews with Dan, Riley, Moana, and Phoebe). It is this very sense of urgency and injustice that motivates many activists to engage and act, despite the demotivating censure and isolation many feel that was outlined earlier.
COMMUNITY, CARE AND WELLBEING

The collective experiences of censure, isolation, and delegitimisation has led to an awareness of, and need for, support networks amongst those activists who have been most engaged. Activists experienced and facilitated this support and care in several contexts as well as actively seeking to create it as a part of the alternative future they envision. Many activists noted how they had made new friends, developed new networks, and gained knowledge and experience through their activism. Many of the groups also used de-briefing sessions following direct actions to reflect on, and process their experiences.

This was spoken of in depth by many of the activists interviewed in Dunedin following the 2016 350.org divestment campaign (which was part of the global ‘Break Free’ campaign). In May 2016, small groups of activists sat in front of three different ANZ banks for eight hours in Dunedin. Their purpose was to use non-violent direct action to highlight and inform customers of the NZ$13 billion that the bank invested in the fossil fuel industry, encourage ethical choices, and ultimately divestment from fossil fuels. While the activists adopted an explicitly non-violent kaupapa, they were subject to violence from members of the public who were encouraged by police to push through the blockade to carry out their banking. Some activists were physically hurt, and verbally abused (both in person and through social media), and many reported feeling dehumanised (see Diprose et al., 2017, for further discussion).

The period after the action was, for many of those involved, extremely challenging and emotionally raw. Several ‘debriefs’ were held, all of which were recognised as empowering and essential. Activists felt that this was due to the care and support that took place, and there was a sense that this care was also gendered, whereby it was primarily women who seemed better able to acknowledge and talk honestly about the trauma of the action. Ella for example, noted that:

women generally tend to consider and be more readily equipped to discuss emotions and acknowledge hurt or emotional difficulty and that definitely plays out in the away that activists are expected to bounce back with or cope with the...the trauma of action.

It was this kind of care and the associated collective processing of emotions that allowed feelings of disempowerment, fear, and isolation to be transformed into validation, empowerment and determination. This suggests that placing care for one another at the centre of their actions, in both overarching motivations and in their daily practices, is one helpful way for activists to maintain energy in the face of censure and delegitimisation.
This research highlights how many of the tensions that exist in international debates, are also playing out in Aotearoa New Zealand around energy, climate change and government in-action, democracy, and the nature of autonomous community-led activism. Since this research was conducted we have seen even further international negligence on climate change, with President Trump withdrawing the United States from the Paris Climate Agreement in early 2017. Locally we have seen three Greenpeace activists charged under the ‘Anadarko Amendment’ for obstructing the path of the Amazon Warrior in April 2017 (Greenpeace New Zealand, 2017). While the New Zealand government has delayed progressing the prosecution, it sends a chilling signal to the activist community and indicates the previous Government’s commitment to facilitating and protecting the oil and gas sector (see also MacFie, 2016). The new Labour-led coalition government has committed to working towards net zero emissions by 2050, but to date hasn’t ruled out new oil and gas exploration permits. At the time of writing this report, it remains unclear whether downward pressure on dissent and democratic debate will continue under the new government. This research therefore highlights the need for further monitoring and work on oil and gas developments in Aotearoa New Zealand. In our view the following areas are particularly important and worthy of further work to understand how collective action can be channelled to respond to climate change and threats to democratic freedoms:

- The watering down of references to the Treaty of Waitangi in national legislation that relates to oil and gas exploration and development, and the ability for Māori to assert rangatiratanga.
- The ways oil and gas companies attempt to obtain a ‘licence to operate’ within communities, and the often uneven socio-economic effects and benefits of these practices within communities.
- Further evidence around the role, and effects of, transition energies in meeting emissions reduction targets.
- Future monitoring of the narrowing of public participation processes – in formal decision making processes (e.g., through district and regional councils and the EPA), in relation to surveillance of environmental activists, and societal norms around democratic action.

**Nga Mihi - Acknowledgements**

We would like to thank all of the research participants who volunteered their time and energy to take part in this research, and their ongoing work to demand and imagine a more just society. We are particularly grateful to a number of activist participants who provided feedback on earlier drafts of this report.

We would also like to thank:

The University of Otago, the Open Polytechnic and Victoria University of Wellington for funding this research

Phillipa Clark for creating the illustrations throughout this publication

Seán Dunne for layout and design

Oil Free Otago for granting us the use of the photograph on page four

To cite this report: Bond, S., Diprose, G., Thomas, AC., (2018) *Seeking Climate Justice. Findings report on Oil Free Activism and Oil and Gas Developments 2013-2016*. Published by the Climate Justice Research Collective, Dunedin and Wellington, Aotearoa New Zealand.

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